

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 12, 2020

Benton Paiute Reservation  
Attention: Billie Saulque  
25669 Hwy 6 PMB I  
Benton, CA 93512

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Mr. Saulque,

As lead agency, the Mono County Community Development Department (the County) is currently anticipating a General Plan Amendment to change the land use designation of two properties south of the community of Benton, CA, from Rural Residential to Agriculture. The properties are APN 025-020-013 and 025-040-002, and are owned by one party. The land use designation change will allow the property owner to apply for a Conditional Use Permit to conduct outdoor & mixed-light cannabis cultivation, less 25,000 square feet, on APN 025-020-013.

State planning law and Senate Bill 18 (SB 18) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan or designating land as open space.

Tribal participation is very important in the local planning process. Therefore, the purpose of this letter is to invite your participation and ensure the opportunity to conduct consultations in order to preserve, or mitigate impacts to, cultural places located on land within Mono County's jurisdiction that may be affected by these proposed General Plan amendments.

By law, **tribes have 90 days from the date of receipt of this letter to request consultation.** Recognizing that this letter is being sent on or before June 13, 2020, and allowing time for mailing, **your response must be received no later than September 11, 2020.**

### **Meeting Dates & CEQA**

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We look forward to receiving your reply and any information you are able to share, and would welcome the opportunity to meet with you and other members of the Benton Paiute Reservation. Thank you for taking the time to consider this invitation.

Sincerely,

Michael Draper  
Planning Analyst  
760.924.1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

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June 12, 2020

Big Pine Band of Owens Valley THPO  
Attention: Bill Helmer  
PO Box 700  
Big Pine, CA 93513

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Mr. Helmer,

As lead agency, the Mono County Community Development Department (the County) is currently anticipating a General Plan Amendment to change the land use designation of two properties south of the community of Benton, CA, from Rural Residential to Agriculture. The properties are APN 025-020-013 and 025-040-002, and are owned by one party. The land use designation change will allow the property owner to apply for a Conditional Use Permit to conduct outdoor & mixed-light cannabis cultivation, less 25,000 square feet, on APN 025-020-013.

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June 12, 2020

Big Pine Paiute Tribe of the Owens Valley  
Attention: Jacqueline "Danelle" Gutierrez  
PO Box 700  
Big Pine, CA 93513

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Ms. Gutierrez,

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June 12, 2020

Big Pine Paiute Tribe of the Owens Valley  
Attention: Genevieve Jones  
PO Box 700  
Big Pine, CA 93513

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Ms. Jones,

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June 12, 2020

Bishop Paiute Tribe  
Attention: Raymond Andrews  
50 Tu Su Lane  
Bishop, CA 93514

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Mr. Andrews,

As lead agency, the Mono County Community Development Department (the County) is currently anticipating a General Plan Amendment to change the land use designation of two properties south of the community of Benton, CA, from Rural Residential to Agriculture. The properties are APN 025-020-013 and 025-040-002, and are owned by one party. The land use designation change will allow the property owner to apply for a Conditional Use Permit to conduct outdoor & mixed-light cannabis cultivation, less 25,000 square feet, on APN 025-020-013.

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June 12, 2020

Bishop Paiute Tribe  
Attention: Mervin Hess  
50 North Tu Su Lane  
Bishop, CA 93514

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Mr. Hess,

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June 12, 2020

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Attention: Gerald Howard  
50 North Tu Su Lane  
Bishop, CA 93514

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APOGEE FAMRS**

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June 12, 2020

Bridgeport Indian Colony  
Attention: John L. Glazier  
PO Box 37  
Bridgeport, CA 93517

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Mr. Glazier,

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June 12, 2020

Kern Valley Indian Council  
Attention: Robert Robinson  
PO Box 401  
Weldon, CA 93283

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Mr. Robinson,

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PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 12, 2020

Walker River Paiute Tribe  
Attention: Melanie McFalls  
PO Box 220  
Schurz, NV 89427

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Ms. McFalls,

As lead agency, the Mono County Community Development Department (the County) is currently anticipating a General Plan Amendment to change the land use designation of two properties south of the community of Benton, CA, from Rural Residential to Agriculture. The properties are APN 025-020-013 and 025-040-002, and are owned by one party. The land use designation change will allow the property owner to apply for a Conditional Use Permit to conduct outdoor & mixed-light cannabis cultivation, less 25,000 square feet, on APN 025-020-013.

State planning law and Senate Bill 18 (SB 18) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan or designating land as open space.

Tribal participation is very important in the local planning process. Therefore, the purpose of this letter is to invite your participation and ensure the opportunity to conduct consultations in order to preserve, or mitigate impacts to, cultural places located on land within Mono County's jurisdiction that may be affected by these proposed General Plan amendments.

By law, **tribes have 90 days from the date of receipt of this letter to request consultation.** Recognizing that this letter is being sent on or before June 13, 2020, and allowing time for mailing, **your response must be received no later than September 11, 2020.**

### **Meeting Dates & CEQA**

A public hearing before the Planning Commission on this general plan amendment has not yet been scheduled. Following the Planning Commission meeting the project may then proceed to a public hearing by the Mono County Board of Supervisors in September 2020.

As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meetings will be accessible remotely by livecast with Commissioners/Supervisors attending from separate remote locations. There is no physical meeting location. This altered format is in observance of recent recommendations by local officials that certain precautions be taken, including social distancing, to address the threat of COVID-19. Digital meeting information, including the telephone number and

website where members of the public shall have the right to observe and offer comment, will be provided with the agendas of each meeting.

Planning Commission meetings are anticipated to begin at 10:00 am, and Board of Supervisors meetings are anticipated to begin at 9:00 am on the first three Tuesdays of each month. Meeting agendas are posted online on the Planning Commission and Board of Supervisors webpages and can be received via e-mail by subscribing to the Planning Commission and Board of Supervisors e-mail lists at the following links: <https://monocounty.ca.gov/planning-commission> and <https://monocounty.ca.gov/bos>.

We look forward to receiving your reply and any information you are able to share, and would welcome the opportunity to meet with you and other members of the Walker River Paiute Tribe. Thank you for taking the time to consider this invitation.

Sincerely,

Michael Draper  
Planning Analyst  
760.924.1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 12, 2020

Washoe Tribe of Nevada and California  
Attention: Darrell Kizer  
919 Hwy 395 South  
Gardnerville, NV 89410

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Mr. Kizer,

As lead agency, the Mono County Community Development Department (the County) is currently anticipating a General Plan Amendment to change the land use designation of two properties south of the community of Benton, CA, from Rural Residential to Agriculture. The properties are APN 025-020-013 and 025-040-002, and are owned by one party. The land use designation change will allow the property owner to apply for a Conditional Use Permit to conduct outdoor & mixed-light cannabis cultivation, less 25,000 square feet, on APN 025-020-013.

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We look forward to receiving your reply and any information you are able to share, and would welcome the opportunity to meet with you and other members of the Washoe Tribe of Nevada and California. Thank you for taking the time to consider this invitation.

Sincerely,

Michael Draper  
Planning Analyst  
760.924.1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

# Mono County Community Development Department

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760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 12, 2020

Washoe Tribe of Nevada and California  
Attention: Neil Mortimer  
919 Hwy 395 South  
Gardnerville, NV 89410

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,  
APOGEE FAMRS**

Dear Mr. Mortimer,

As lead agency, the Mono County Community Development Department (the County) is currently anticipating a General Plan Amendment to change the land use designation of two properties south of the community of Benton, CA, from Rural Residential to Agriculture. The properties are APN 025-020-013 and 025-040-002, and are owned by one party. The land use designation change will allow the property owner to apply for a Conditional Use Permit to conduct outdoor & mixed-light cannabis cultivation, less 25,000 square feet, on APN 025-020-013.

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Sincerely,

Michael Draper  
Planning Analyst  
760.924.1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

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| <input type="checkbox"/> Return Receipt (electronic)         | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |
| <input type="checkbox"/> Adult Signature Required            | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postmark  
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|------------------------|----|
| Postage                | \$ |
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Sent To Charlotte Lange

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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1. Article Addressed to:  
  
Charlotte Lange  
PO Box 237  
Lee Vining, CA 93541



9590 9402 5757 0003 9172 86

2. Article Number (Transfer from service label)  
7019 2280 0002 1808 5061

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
x Charlotte Lange  Agent  
 Addressee

B. Received by (Printed Name) Charlotte Lange  
C. Date of Delivery 7-21-21

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

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1. Article Addressed to:

James Rambeau  
 P.O. Box 700  
 Big Pine CA 93513



9590 9402 5757 0003 9173 78

2. Article Number (Transfer from service label)

7019 2280 0002 1808 5153

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Vincent Moore*

- Agent
- Addressee

B. Received by (Printed Name)

*Vincent Moore*

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery



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| <input type="checkbox"/> Return Receipt (electronic)         | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |
| <input type="checkbox"/> Adult Signature Required            | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postage

\$

Total Postage and Fees

\$ *19.31*

Postmark Here

*5-26-21*

Sent To *James Rambeau*

Street and Apt. No., or PO Box No.

City, State ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Domestic Return Receipt

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| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>                           | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>Virgil Moore</i>      <input type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)<br/> <i>Virgil Moore</i></p> <p>C. Date of Delivery<br/> <i>JUN - 9 2014</i></p>   |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <p>1. Article Addressed to:</p> <p><i>Big Pine Paiute Tribe of Owens Valley</i><br/> <i>Sally Manning</i><br/> <i>P.O. Box 700</i><br/> <i>Big Pine, CA 93513</i></p>  <p>9590 9402 5757 0003 9173 92</p> | <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes<br/> If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table> | <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery | <input type="checkbox"/> Insured Mail |  | <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |  |
| <input type="checkbox"/> Adult Signature   | <input type="checkbox"/> Priority Mail Express®  |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Adult Signature Restricted Delivery   | <input type="checkbox"/> Registered Mail™  |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input checked="" type="checkbox"/> Certified Mail®  | <input type="checkbox"/> Registered Mail Restricted Delivery   |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | <input type="checkbox"/> Return Receipt for Merchandise  |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
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| <input type="checkbox"/> Collect on Delivery Restricted Delivery   | <input type="checkbox"/> Signature Confirmation Restricted Delivery  |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
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| <p>2. Article Number (Transfer from service label)</p> <p>7019 2280 0002 1808 5177</p>   | <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>  |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |

7019 2280 0002 1808 5177

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| <p>Sent To <i>Sally Manning</i></p> <p>Street and Apt. No., or PO Box No.<br/><i>PO Box 700</i></p> <p>City, State, ZIP+4®<br/><i>Big Pine</i></p>   |   |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions   |   |

|  |   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
|--|---|---------------------------------------|--|---|--|---|---|--|---|---|--|--|--|---|---------------------------------------|--|--|--|
| <b>SENDER: COMPLETE THIS SECTION</b>   | <b>COMPLETE THIS SECTION ON DELIVERY</b>  |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>J. Williams</i> <input checked="" type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p>   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| 1. Article Addressed to:   | B. Received by (Printed Name)<br><i>J. Williams</i>   | C. Date of Delivery<br><i>5/28/21</i> |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <p><i>Allen Summers</i><br/> <i>50 Tu Su Lane</i><br/> <i>Bishop CA 93514</i></p>  <p>9590 9402 5757 0003 9173 85</p>   | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/>         If YES, enter delivery address below: <input type="checkbox"/> No</p>  |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| 2. Article Number (Transfer from service label)<br>7019 2280 0002 1808 5160  | <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table> |                                       | <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery | <input type="checkbox"/> Insured Mail |  | <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |  |
| <input type="checkbox"/> Adult Signature   | <input type="checkbox"/> Priority Mail Express®   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Adult Signature Restricted Delivery   | <input type="checkbox"/> Registered Mail™   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input checked="" type="checkbox"/> Certified Mail®  | <input type="checkbox"/> Registered Mail Restricted Delivery  |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | <input type="checkbox"/> Return Receipt for Merchandise   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Collect on Delivery   | <input type="checkbox"/> Signature Confirmation™  |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery   | <input type="checkbox"/> Signature Confirmation Restricted Delivery   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Insured Mail  |   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)   |   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |
| PS Form 3811, July 2015 PSN 7530-02-000-9053   | Domestic Return Receipt   |                                       |  |   |  |   |   |  |   |   |  |  |  |   |                                       |  |  |  |

7019 2280 0002 1808 5160

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| <input type="checkbox"/> Return Receipt (hardcopy) \$ _____                                   |                  |
| <input type="checkbox"/> Return Receipt (electronic) \$ _____                                 |                  |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____                          |                  |
| <input type="checkbox"/> Adult Signature Required \$ _____                                    |                  |
| <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____                         |                  |
| Postage<br>\$ _____   |                  |
| <b>Total Postage and Fees</b><br>\$ <i>4.31</i>   | <i>5-26-21</i>   |
| Sent To <i>Allen Summers</i>  |                  |
| Street and Apt. No., or PO Box No. _____  |                  |
| City, State, ZIP+4® _____   |                  |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions                    |                  |

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

May 15, 2021

«Tribe\_Name»  
Attention: «Attn»  
«Email»

**RE: AB 52 NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN  
AMENDMENT AND CONDITIONAL USE PERMIT, APOGEE FAMRS**

Dear «Dear»,

As lead agency, the Mono County Community Development Department (the County) is preparing a Focused EIR to analyze potential impacts associated with approval of a proposed General Plan Amendment and Condition Use Permit. The Project is to change the land use designation of two properties south of Benton, CA, from Rural Residential to Agriculture, and a Conditional Use Permit for a commercial cannabis cultivation and whole-sale distribution. Cannabis cultivation will occur within three mixed-light greenhouses (a combination of artificial and natural light) and not exceed 8,640 square feet. The properties are APN 025-020-013 and 025-040-002 and are owned by one party. Proposed development on APN 025-020-013 includes improving the dirt access road to current driveway standards, development of two standard and one handicap parking spaces, a 320 square-foot storage house for septic system and water tank, a 32-square-foot well pump house, construction of three 2,880-square-foot green-houses, and construction of a 1,800-square-foot processing facility building. No development is proposed on APN 025-040-002 at this time.

Tribal participation is very important in the local planning process, and we are sending this letter to the Washoe Tribe of California and Nevada to comply with AB 52. Under AB 52, tribes have 30 days to request consultation. In keeping with this timeframe, please send us your request by May 28, 2018 for consultation as requested under AB 52.

The project proposal is described more fully in the attached Notice of Preparation, and within the Initial Study that has been posted online (. The Draft Subsequent EIR is currently in preparation and is expected to be ready for public review and comment late in the summer of 2018. No hearings have been scheduled, and no hearings or public meetings are expected until after the public review period ends later this year.

To respond, please contact Michael Draper, Planning Analyst, Mono County Community Development Department, at 760.924.1805 or [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov). We look forward to receiving your reply and any information you are able to share and would welcome the

opportunity to meet with you and other members of the Washoe Tribe of California and Nevada.  
Thank you for taking the time to consider this invitation.

Sincerely,

Michael Draper  
Planning Analyst  
760.924.1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

Attachments:

1. Notice of Preparation
2. Initial Study checklist

**NOTICE OF PREPARATION  
OF A FOCUSED ENVIRONMENTAL IMPACT REPORT  
FOR THE APOGEE FARMS GENERAL PLAN AMENDMENT  
AND CANNABIS FACILITY PROJECT**



**LEAD AGENCY: Mono County Community Development Department  
ADDRESS: P.O. Box 347 Mammoth Lakes, California 93546  
COUNTY CONTACT: Michael Draper 760.924.1805**

**NOP ISSUED: May 15, 2021**

**NOP COMMENTS DUE BY: June 14, 2021**

**SCOPING MEETING: June 1, 2021 ♦ 4:30-6:00 pm ♦ Web-based Meeting**

**A. NOP CONTENTS**

This Notice of Preparation (NOP) contains a section addressing the proposed project and forthcoming Focused Environmental Impact Report (Focused EIR). Table 1 below outlines the NOP contents and sections.

**Table 1 NOTICE OF PREPARATION CONTENTS**

- A. Purpose of Notice
- B. Public Access and Participation
- C. Public Scoping Meeting
- D. Project Information
- E. Project Location
- F. NOP Response Procedure
- G. NOP Contents
- H. Responsible Agencies & Approvals
- I. Alternatives and Cumulative Effects
- J. Environmental Effects

**A. PURPOSE OF NOTICE**

As Lead Agency, the Mono County Community Development Department ("the County") is planning to prepare a Focused EIR to analyze potential environmental

impacts associated with the proposed Apogee Farms General Plan Amendment and Cannabis Facility Project (project). The County has prepared an Initial Study (IS) to 1) review the discussion of environmental effects in the Mono County 2015 General Plan EIR to determine their adequacy for the project (California Environmental Quality Act [CEQA] Guidelines Section 15178(b), (c)); and 2) identify any potential new or additional project-specific significant environmental effects that were not analyzed in the 2015 General Plan EIR and any mitigation measures or alternatives that may avoid or mitigate the identified effects, if any, to a level of insignificance. The IS has identified the potential for significant environmental effects in certain resources areas; therefore, the County determined to prepare a Focused EIR for the project to satisfy the requirements of the CEQA (Public Resources Code §§ 21000 *et seq.*).

Consistent with CEQA Section 15082, the County has prepared this NOP to invite your comments on the scope and content of environmental information to be provided in the forthcoming Focused EIR. CEQA Section 15082 requires that the NOP be sent out as soon as the Lead Agency determines that an EIR is required. The purpose of the NOP is to notify agencies, organizations, and individuals that an EIR will be prepared, and to request input on the scope of the environmental analyses to be provided.

**Specifically, the County is requesting comments from interested agencies, organizations, and individuals on the following aspects of the project:**

- ▶ **Permits and Approvals:** Applicable permits and approvals that may be required from your agency and environmental review requirements associated with those approvals (please see NOP Section H);
- ▶ **Significant Issues and Thresholds of Significance:** Potentially significant effects to be examined and Significance Thresholds that should be used;
- ▶ **Alternatives:** Alternatives to the project that merit evaluation in the forthcoming Focused EIR (please see discussion in NOP Section I);
- ▶ **Related Projects:** Related projects or actions that should be considered in assessing cumulative effects;
- ▶ **Reference Materials:** Reference materials to review

for baseline conditions, evaluating impacts, and mitigation.

## **B. PUBLIC ACCESS & PARTICIPATION**

To optimize public access, the County will post project documents (e.g., the Initial Study Checklist) on the County website for review and download at <https://www.monocounty.ca.gov/planning/page/projects-under-review>. Hard-bound copies of project documents can also be obtained for a nominal charge to cover reproduction costs by contacting the Mono County Community Development Department (760.924.1800 or [commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)). Agency and public comments and questions are welcomed throughout the environmental review process.

## **C. PUBLIC SCOPING MEETING**

The County will hold a scoping meeting for this Focused EIR on June 1, 2021 from 4:30-6:00 pm remotely (web-based) due to COVID-19 (as allowable by Executive Order N-25-20).

### **Link:**

<https://monocounty.zoom.us/j/97708919578?pwd=Y29mNnNoSkNtUWN0RTZwN1hIWWFoZz09>

**Meeting ID:** 977 0891 9578

**Password:** 02889

**Phone Number:** 1-669-900-6833

The scoping meeting will include a brief presentation about the project and CEQA review process, and participants will be encouraged to share suggestions and comments regarding scope and focus of the forthcoming Focused EIR.

#### **D. PROJECT INFORMATION**

The applicant, Apogee Farms, Inc., filed applications for a Mono County General Plan Amendment, Conditional Use Permit, and a Cannabis Operations Permit. The project first requires a General Plan Amendment to change the land use designation of two parcels (totaling 78.45 acres of land) from Rural Residential to Agriculture and then a Conditional Use Permit plus Cannabis Operations Permit to allow for indoor, mixed-light commercial cannabis cultivation of 8,640 square feet, and whole-sale distribution operations.

The project site is located approximately 2.5 miles south of Benton and west of Highway 6. The south property, APN 025-040-002, is undeveloped other than existing dirt roads crossing the property. No development is proposed for this property at this time.

The north property, APN 025-020-013, will contain the cannabis operation. Currently the property contains a well head on a concrete pad, shed, propane tank on a concrete pad, closed mine shaft, a 40-foot-long storage container, a concrete trailer pad, and dirt roads. The applicant has made no improvements since obtaining ownership. Proposed development includes improving the dirt access road to current driveway standards, development of two standard and one handicap parking spaces, a 320 square-foot storage house for septic system and water tank, a 32-square-foot well pump house, construction of three 2,880-square-foot green-houses, and construction of a 1,800-square-foot processing facility building.

The proposed General Plan Amendment would change the designated land use of the project parcels to Agriculture, which would allow new uses and activities on the project site consistent with the permitted uses for Agriculture, as defined in the Mono County 2015 General Plan (2015 General Plan).

Activities related to commercial cannabis cultivation and distribution are not allowed under the existing Rural Residential land use designation but are allowed with a Conditional Use Permit under the Agriculture land use designation.

A General Plan Amendment is required to revise the land use designation of the project site to a use that allows commercial cannabis cultivation and distribution activities. Table 2 outlines the permitted uses allowed under the existing Rural Residential land use and the proposed Agriculture land use. The Focused EIR will include focused evaluation of the effects of the allowed uses under the General Plan Amendment compared to existing conditions and the Rural Residential land use designation (Environmental Planning and Information Council v. County of El Dorado (1982) 131 Cal.App.3d 354; see also CEQA Guidelines Section 15125(e)).

The approval of the General Plan Amendment and proposed cannabis facility constitutes a project that is subject to review under CEQA 1970 (Public Resources Code, §§21000 et seq.), and the State CEQA Guidelines (California Code of Regulations, §§15000 et. seq.).

**Table 2. PERMITTED USES UNDER THE EXISTING AND PROPOSED LAND USES**

| <b>Rural Residential (RR-40) – Existing Land Use</b>  | <b>Agriculture (AG-40) – Proposed Land Use</b>   |
|---|--|
| <ul style="list-style-type: none"> <li>• Single-family dwelling</li> <li>• Small-scale agriculture</li> <li>• Accessory buildings and uses</li> <li>• Animals and pets</li> <li>• Home occupations</li> <li>• Manufactured home used as single-family dwelling</li> <li>• Accessory Dwelling Unit (ADU)</li> <li>• Transitional and Supportive Housing</li> <li>• Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Agricultural uses, provided that such uses are proposed in conjunction with a bona fide agricultural operation, except those requiring a use permit</b></li> <li>• <b>Non-commercial composting facilities where the operation does not create a nuisance problem and has less than 100 cubic yards of material on site at any given time</b></li> <li>• Single-family dwelling</li> <li>• Manufactured home used as a single-family dwelling</li> <li>• Accessory buildings and uses</li> <li>• <b>Farm labor housing</b></li> <li>• <b>Stands for sale of agricultural products grown on the premises</b></li> <li>• Animals and pets</li> <li>• Home occupations</li> <li>• <b>Fisheries and game preserves</b></li> <li>• ADU</li> </ul> |

Note: **Bold** AG-40 uses are those uses that differ from the RR-40.

**E. PROJECT LOCATION**

The project site is located at 23555 Highway 6, approximately 2.5 miles south of the townsite of Benton. Exhibit 1 depicts the regional and local project vicinity, Exhibit 2 shows the existing conditions of the project site, and Exhibit 3 shows the proposed layout of the cannabis facility.

**F. NOP RESPONSE PROCEDURE**

Provide scoping comments by June 9, 2021 at 5:00 pm. Please include the name and telephone number of a contact person if follow up questions arise, and send your response to this NOP by e-mail, fax, or mail to:

**Mono County c/o Michael Draper  
P.O. BOX 347, Mammoth Lakes,  
California 93546  
Tel: 760.924.1805 Fax: 760.924.1801**

e-Mail: [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

**G. RESPONSIBLE AGENCIES & APPROVALS**

**LEAD AGENCY:** Mono County is the designated Lead Agency for the project. In order to implement the project, the County will be required to certify that the Final Focused EIR has been prepared in compliance with CEQA and approve the Mitigation, Monitoring, and Reporting Program.

**RESPONSIBLE AGENCIES:** In addition to the Lead Agency project approvals described above, other public agencies may require separate permits and approvals before the project can be implemented.

Table 3 provides a preliminary outline of discretionary approvals and actions associated with the project.

If any agency has additional jurisdiction or approval authority over lands and/or actions that may be impacted by the

forthcoming Focused EIR, please submit a comment specifying the agency authority.

**Table 3 LEAD, RESPONSIBLE & TRUSTEE AGENCIES**

**LEAD AGENCY:**

Mono County Community Development Department

- Certification of the Focused EIR
- Adoption of the Mitigation Program
- Approval of Conditional Use Permit
- Approval of Operations Permit

**RESPONSIBLE AGENCIES:**

Mono County Department of Environmental Health

- Approval of Septic Permit
- State Water Resources Control Board
- Approval of NPDES General Storm Water Permit
  - Review of Stormwater Pollution Prevention Program
- California Department of Food and Agriculture (CDFA)
- CalCannabis Cultivation division approval of State License

**TRUSTEE AGENCIES:**

California Department of Fish and Wildlife

- Focused EIR review and comment on botanical and wildlife resources in the project area

Office of Historic Preservation

- Focused EIR review and comment on historical resources in the project area

Native American Heritage Commission

- Focused EIR review and comment on tribal cultural resources in the project area

**DISCRETIONARY ACTIONS:** A key step in the initial environmental review is to delineate between activities and land uses that were approved in the Mono County 2015 General Plan EIR and the project elements that are subject to discretionary

approval. Table 4 provides a preliminary outline of the approved land uses and proposed project elements. Only the proposed project elements (shown in the right-most column) are subject to discretionary action as part of the project.

**Table 4. EXISTING, APPROVED & PROPOSED LAND USES AND ACREAGES**

| PARCEL | ACREAGE | EXISTING LAND USES | LAND USES APPROVED in 2015 EIR | LAND USES NOW PROPOSED  | NEW DISCRETIONARY ACTIONS  |
|--------|---------|--------------------|--------------------------------|---|--|
| 1      | 40.20   | Undeveloped        | Rural Residential-40           | <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Commercial Cannabis Operations</li> </ul> | <ul style="list-style-type: none"> <li>• Land Use Designation Change to Agriculture (AG)</li> <li>• Conditional Use Permit for Commercial Cannabis Cultivation &amp; Distribution Operations Permit</li> </ul> |
| 2      | 38.25   | Undeveloped        | Rural Residential-40           | <ul style="list-style-type: none"> <li>• None at this time</li> </ul>                                     | <ul style="list-style-type: none"> <li>• Land Use Designation Change to Agriculture (AG)</li> </ul>  |

## **H. ALTERNATIVES & CUMULATIVE EFFECTS**

The purpose of alternatives is to identify feasible ways to avoid or reduce significant impacts identified in the environmental review while meeting basic project objectives. The range of alternatives will therefore depend on findings in the Focused EIR, but at a minimum the Focused EIR will consider the mandatory 'No Project' alternative. Cumulative effects are defined as impacts that are created as a result of the project evaluated in the EIR together with other projects causing related impacts. The cumulative analysis relies heavily on the identification of other closely related past, present, and reasonably foreseeable probable future projects.

**You are invited to comment on the range of alternatives and on the list of projects to be analyzed in the cumulative analysis.**

### **I. ENVIRONMENTAL EFFECTS**

The County prepared an Initial Study checklist, pursuant to CEQA, to determine whether, based on substantial evidence, the adoption and implementation of the project may have a significant adverse effect on the environment.

Based on the analysis in the Initial Study checklist, the County will prepare a Focused EIR to evaluate potentially significant environmental effects of the project. The environment review in the Focused EIR will focus on the topics for which potentially significant impacts may occur as a

consequence of the project. The topics are listed below:

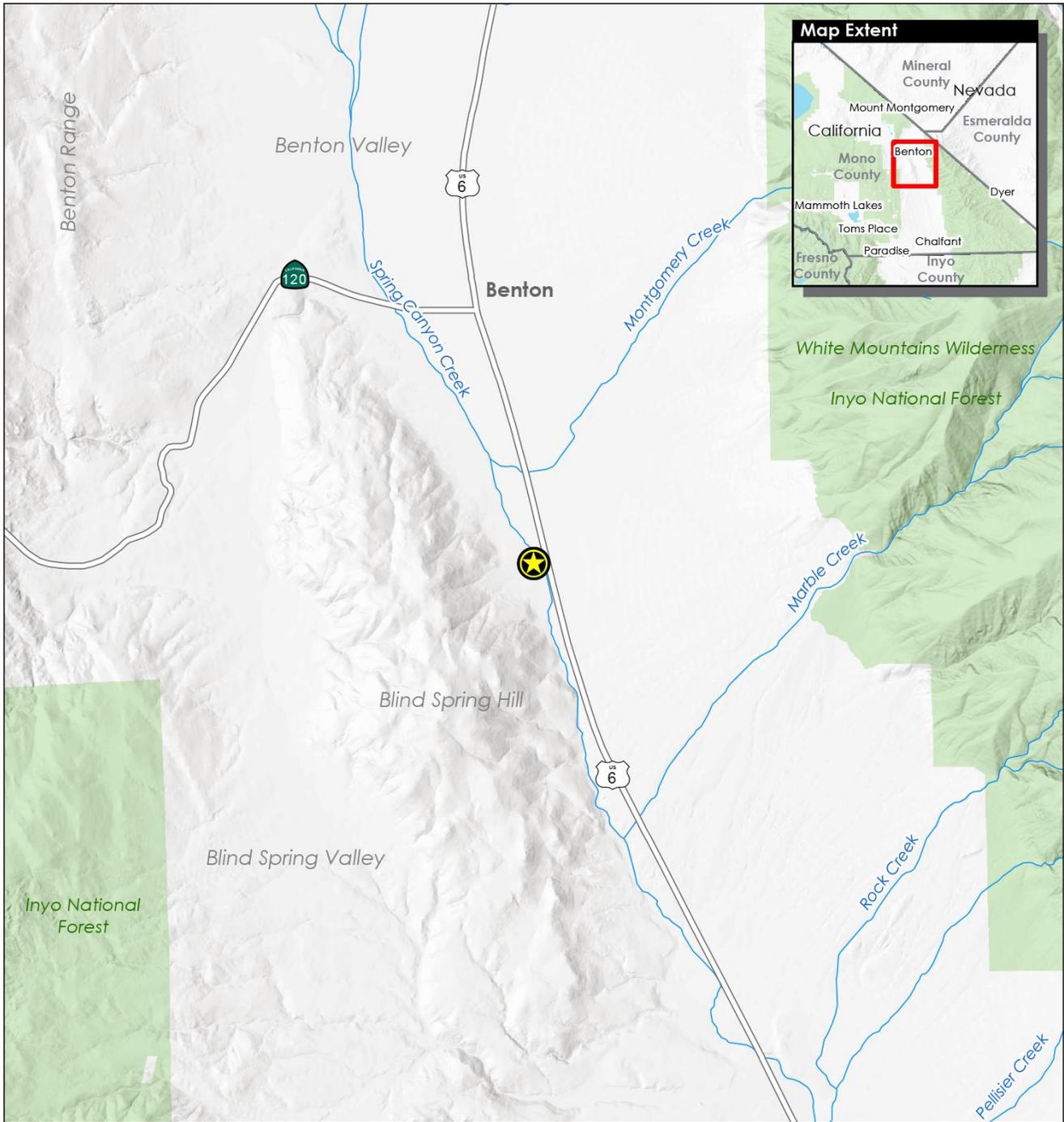
- ❑ **Air Quality and Greenhouse Gas Emissions:** Permitted uses allowable under the Agriculture land use designation could result in generation of significant air quality and greenhouse gas emissions that could impact the environment. The Focused EIR will evaluate the potential significant air quality and greenhouse gas emission impacts that could result from project implementation.
- ❑ **Cultural and Tribal Cultural Resources:** Allowable uses under the Agriculture land use designation could damage or destroy known or previously unknown cultural resources during ground disturbance and excavation. The Focused EIR will assess the potential effects of the project on cultural resources, including archaeological and tribal cultural resources.
- ❑ **Mitigation Measures:** The Focused EIR will identify any feasible mitigation measures that could avoid or reduce potential significant environmental impacts.

The Initial Study did not identify any potentially significant environmental effects of the project on aesthetics, biological resources, geology/soils, hydrology/water quality, noise, recreation, utilities/service systems, agriculture and forestry resources, land use/planning, population/housing, transportation, wildfire, energy, hazards & hazardous materials, or public services.

**The County seeks your comments on the proposed scope and focus of the analysis, as well as applicable thresholds of significance and key issues of particular**

**concern. Please include this information as part of your response to the NOP and/or your comments at the scoping meeting.**

# Exhibit 1 Regional Location



### Legend

Scale = 1:100,000



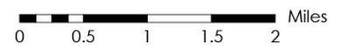
Project Site



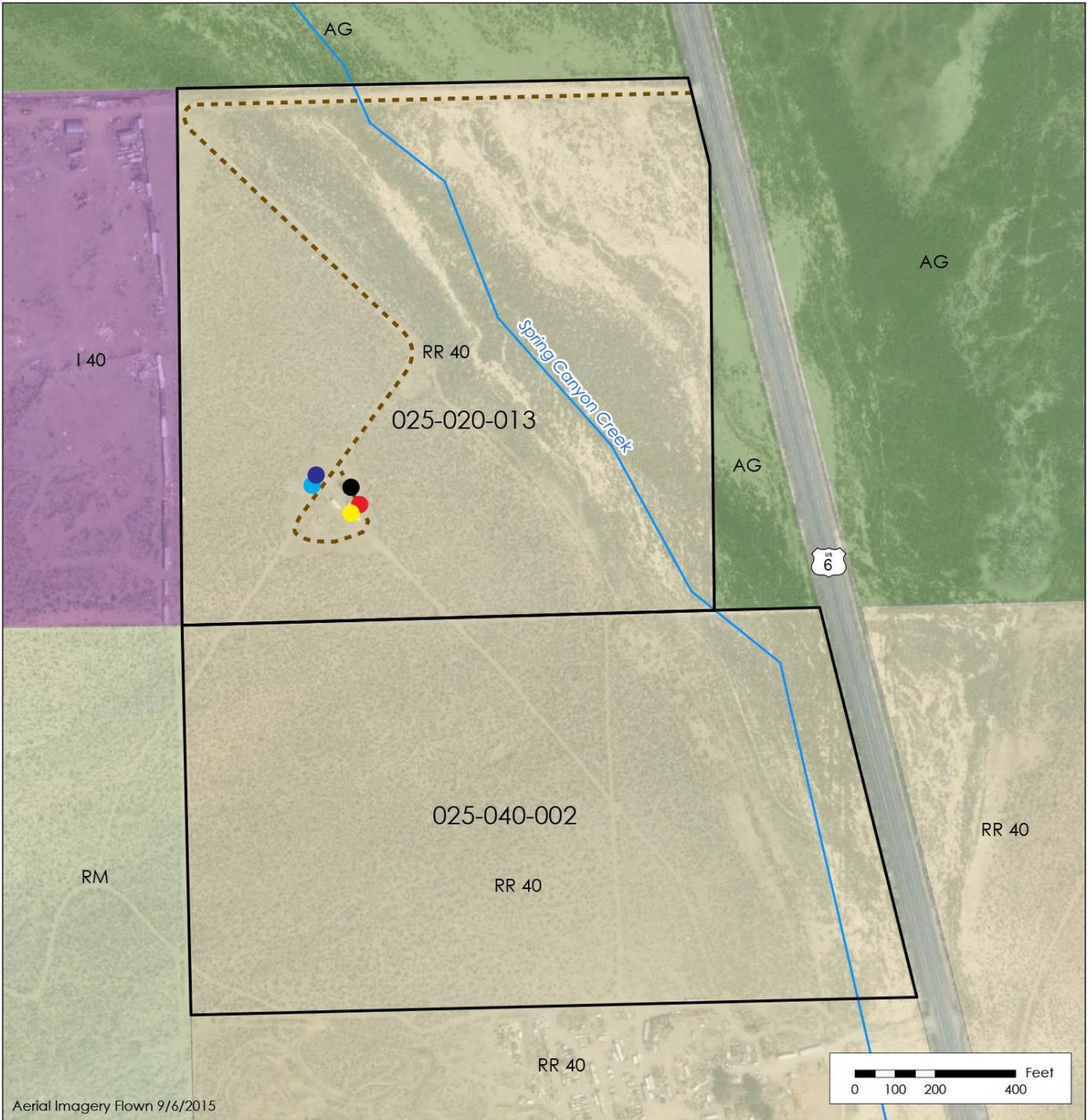
Forest Service Land



Creek



## Exhibit 2 Project Site Existing Conditions



### Legend

Scale: 1:5,000

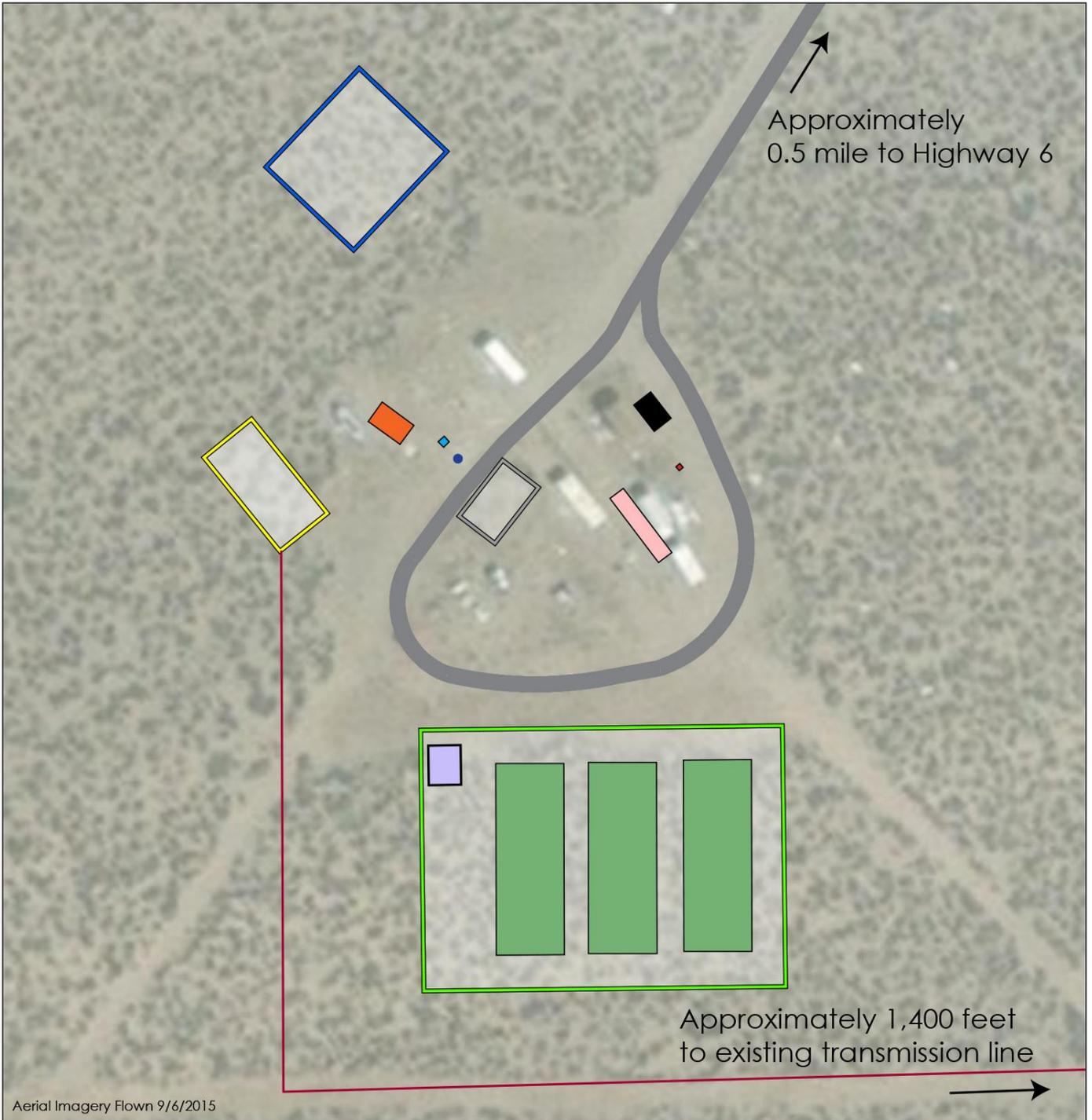


- |                                  |                      |
|----------------------------------|----------------------|
| Project Parcel with APN          | Creek                |
| Existing Shed                    | Existing Access Road |
| Existing Equipment Pad - Well    |                      |
| Existing Equipment Pad - Propane |                      |
| Existing Housing Trailer         |                      |
| Existing Storage Container       |                      |

### Land Use Designations

- |                          |
|--------------------------|
| Agriculture (AG)         |
| Industrial (I)           |
| Resource Management (RM) |
| Rural Residential (RR)   |

### Exhibit 3 Cannabis Facility Project Layout



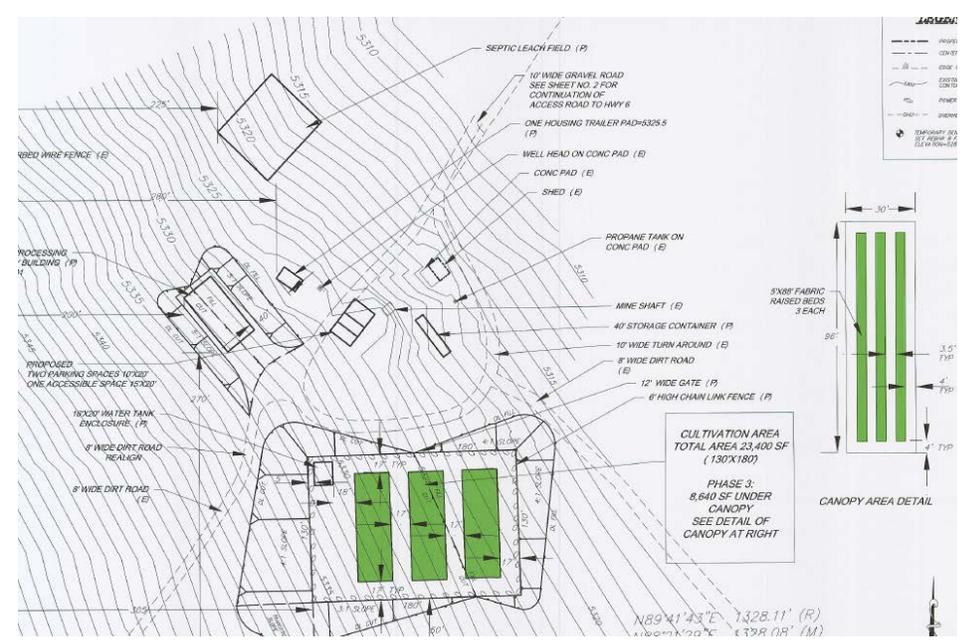
Aerial Imagery Flown 9/6/2015

#### Legend

Scale: 1:1,000



- |                                       |                                       |  |
|---------------------------------------|---------------------------------------|--|
| Proposed Gravel Access Road           | Proposed Septic Leach Field           |  |
| Proposed Processing Facility Building | Proposed Cultivation Area Fencing     |  |
| Proposed Greenhouse                   | Existing Equipment Pad - Well         |  |
| Proposed Storage House                | Existing Equipment Pad - Propane Tank |  |
| Proposed Parking Lot                  | Existing Shed                         |  |
| Proposed Well Pump House              | Existing Housing Trailer              |  |
| Proposed Underground Power Line       | Existing Storage Container            |  |



# Mono County Apogee Farms General Plan Amendment and Conditional Use Permit Initial Study Checklist

May 2021

717 Market Street, Suite 650  
San Francisco, CA 94103  
650-373-1200  
[www.panoramaenv.com](http://www.panoramaenv.com)





# Mono County

## Apogee Farms General Plan Amendment and Conditional Use Permit

### Initial Study Checklist

**May 2021**

**Prepared for:**

Mono County Community Development Department  
Planning Division  
P.O. Box 347  
Mammoth Lakes, CA 93546

**Prepared by:**

Panorama Environmental, Inc.  
717 Market Street, Suite 400  
San Francisco, CA 94103  
650-373-1200  
Susanne.heim@panoramaenv.com



# TABLE OF CONTENTS

## Table of Contents

|          |   |            |
|----------|---|------------|
| <b>1</b> | <b>Introduction.....</b>                            | <b>1-1</b> |
| 1.1      | Introduction.....                                   | 1-1        |
| 1.2      | Environmental Review Process.....                   | 1-1        |
| <b>2</b> | <b>Project Description .....</b>                    | <b>2-1</b> |
| 2.1      | Project Title .....                                 | 2-1        |
| 2.2      | Lead Agency Name and Address .....                  | 2-1        |
| 2.3      | Contact Person and Phone Number.....                | 2-1        |
| 2.4      | Project Location .....                              | 2-1        |
| 2.5      | Land Use Designation and Surrounding Land Uses..... | 2-4        |
| 2.6      | Access.....   | 2-4        |
| 2.7      | Project Elements .....                              | 2-4        |
| 2.8      | Agency Jurisdiction and Approvals .....             | 2-12       |
| <b>3</b> | <b>Environmental Impact Checklist .....</b>         | <b>3-1</b> |
| 3.1      | Aesthetics.....                                     | 3-2        |
| 3.2      | Agriculture and Forestry Resources .....            | 3-4        |
| 3.3      | Air Quality .....                                   | 3-6        |
| 3.4      | Biological Resources .....                          | 3-9        |
| 3.5      | Cultural Resources .....                            | 3-16       |
| 3.6      | Energy.....   | 3-18       |
| 3.7      | Geology and Soils .....                             | 3-19       |
| 3.8      | Greenhouse Gas Emissions .....                      | 3-24       |
| 3.9      | Hazards and Hazardous Materials .....               | 3-24       |
| 3.10     | Hydrology and Water Quality.....                    | 3-28       |
| 3.11     | Land Use and Planning .....                         | 3-33       |
| 3.12     | Mineral Resources .....                             | 3-34       |
| 3.13     | Noise.....  | 3-35       |
| 3.14     | Population and Housing.....                         | 3-37       |
| 3.15     | Public Services.....                                | 3-38       |
| 3.16     | Recreation .....                                    | 3-40       |

## TABLE OF CONTENTS

|          |  |            |
|----------|--|------------|
| 3.17     | Transportation .....                     | 3-41       |
| 3.18     | Tribal Cultural Resources .....          | 3-43       |
| 3.19     | Utilities and Service Systems .....      | 3-44       |
| 3.20     | Wildfire .....                           | 3-46       |
| 3.21     | Mandatory Findings of Significance ..... | 3-48       |
| <b>4</b> | <b>References .....</b>                  | <b>4-1</b> |
| <b>5</b> | <b>Report Preparers.....</b>             | <b>5-1</b> |

### List of Tables

|           |   |      |
|-----------|---|------|
| Table 2-1 | Existing and Proposed Land Use Designations.....                            | 2-5  |
| Table 2-2 | Project Site Components .....   | 2-8  |
| Table 2-3 | Required Permits and Approvals .....  | 2-12 |
| Table 3-1 | Special-Status Species with Potential to Occur in the Project Vicinity..... | 3-12 |
| Table 5-1 | Consultant Team.....  | 5-1  |

### List of Figures

|            |                               |      |
|------------|-------------------------------|------|
| Figure 2-1 | Regional Location.....        | 2-2  |
| Figure 2-2 | Project Site .....            | 2-3  |
| Figure 2-3 | Project Site Components ..... | 2-10 |

# 1 Introduction

## 1.1 Introduction

Apogee Farms, Inc. (Apogee Farms) filed applications for a Mono County (Lead Agency) General Plan Amendment and a Cannabis Facility Project (project). The project requires a General Plan Amendment to change the land use designation of two parcels from Rural Residential to Agriculture, and a Conditional Use Permit to allow for commercial cannabis operations. The project is located approximately 2.5 miles south of Benton and west of United States Route 6 (US 6 or Highway 6).

Apogee Farms proposes to construct and operate a commercial cannabis facility on the northern project parcel. Mono County adopted cannabis regulations and a General Plan amendment in 2017. Activities related to commercial cannabis cultivation and distribution are not allowed under the existing Rural Residential designation on the project site, but are allowed with a Conditional Use Permit under other designations. A General Plan Amendment is required to revise the land use designation of the project site to a use that allows commercial cannabis activities. Mono County streamlining allows for processing of the re-designation of parcels to agricultural uses and discretionary Conditional Use Permit concurrently (General Plan Action 1.G.1.a.).

The proposed General Plan Amendment would re-designate the land use of the project parcels as Agriculture, which would permit new uses and activities on the project site consistent with the permitted uses for Agriculture defined in the Mono County 2015 General Plan (2015 General Plan). The assumption for the General Plan Amendment is that any of the permitted uses allowed under the Agriculture designation as defined in the 2015 General Plan could be conducted on the site once the General Plan Amendment is approved.

## 1.2 Environmental Review Process

The approval of the General Plan Amendment and proposed cannabis facility constitutes a project that is subject to review under the California Environmental Quality Act (CEQA) 1970 (Public Resources Code, Section 21000 et seq.), and the State CEQA Guidelines (California Code of Regulations, Section 15000 et. seq.). The Initial Study (IS) checklist has been prepared as part of the environmental review process needed to evaluate the potential environmental impacts of the General Plan Amendment and cannabis facility construction and operation proposed by Apogee Farms.

## 1 INTRODUCTION

The General Plan Amendment and Cannabis Facility are analyzed at a project-level in this IS to screen out environmental impacts that are less than significant. In accordance with CEQA Section 21093 and CEQA Guidelines Section 15152, this IS, as part of the Focused Environmental Impact Report (EIR), tiers from the certified Mono County 2015 General Plan EIR (SCH# 2014061029), which is specifically incorporated by reference into this document. Only the environmental impacts found not be sufficiently analyzed in the 2015 General Plan and could be significant are analyzed in the Focused EIR (CEQA Guidelines Section 15178(c).

CEQA Guidelines Section 15178 (c) states that a lead agency shall prepare a Focused EIR if the subsequent project may have a significant effect on the environmental and a mitigated negative declaration (pursuant to Section 15178 (b)) cannot be prepared.

1. The focused EIR shall incorporate by reference the Master EIR and analyze only the subsequent project's additional significant environmental effects and any new or additional mitigation measures or alternatives that were not identified and analyzed by the Master EIR. "Additional significant environmental effects" are those project-specific effects on the environment which were not addressed as significant in the Master EIR (State CEQA Guidelines Section 15178 (c) (1)).
2. A focused EIR need not examine those effects which the lead agency, prior to public release of the focused EIR, finds, on the basis of the initial study, related documents, and commitments from the proponent of a subsequent project, have been mitigated in one of the following manners (CEQA Guidelines Section 15178 (c) (2)):
  - a. Mitigated or avoided as a result of mitigation measures identified in the Master EIR which the lead agency will require as part of the approval of the subsequent project (CEQA Guidelines Section 15178 (b) (2) (A));
  - b. Examined at a sufficient level of detail in the Master EIR to enable those significant effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions of approval, or by other means in connection with approval of the subsequent project (CEQA Guidelines Section 15178 (c) (2) (B));
  - c. The mitigation or avoidance is the responsibility of and within the jurisdiction of another public agency and is, or can and should be, undertaken by that agency (CEQA Guidelines Section 15178 (c) (2) (C)).
3. The lead agency's findings pursuant to subdivision (2) shall be included in the focused EIR prior to public release pursuant to Section 15087 (CEQA Guidelines Section 15178 (c) (3)).
4. A focused EIR prepared pursuant to this section shall analyze any significant environmental effects when (CEQA Guidelines Section 15178 (c) (4)):
  - a. Substantial new or additional information shows that the adverse environmental effect may be more significant than was described in the Master EIR; or
  - b. Substantial new or additional information shows that mitigation measures or alternatives which were previously determined to be infeasible are feasible and will

## 1 INTRODUCTION

avoid or reduce the significant effects of the subsequent project to a level of insignificance.

Given the project description and knowledge of the project site, the County has concluded that the project would result in a significant effect that was not previously disclosed in the 2015 General Plan EIR. The IS found new potentially significant impacts on cultural resources and tribal cultural resources, and from generation of air and greenhouse gas emissions. Therefore, a Focused EIR is required to analyze the new potentially significant impacts of the project.

## 1 INTRODUCTION

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## 2 Project Description

### 2.1 Project Title

Apogee Farms General Plan Amendment and Cannabis Facility Project (project)

### 2.2 Lead Agency Name and Address

Mono County Department of Community Development  
P.O. Box 347  
Mammoth Lakes, CA 93546

### 2.3 Contact Person and Phone Number

Michael Draper, Planning Analyst II  
(760) 924-1805  
mdraper@mono.ca.gov

### 2.4 Project Location

The project site is located in unincorporated area of Mono County, approximately 2.5 miles south of the town of Benton and west of Highway 6. Figure 2-1 and Figure 2-2 illustrate the regional and vicinity location of the project site. Two parcels comprise the 78.45-acre project site; a northern 40.20-acre parcel (APN 025-020-013), accessed by a dirt road, and a southern 38.25-acre parcel (APN 025-040-002).

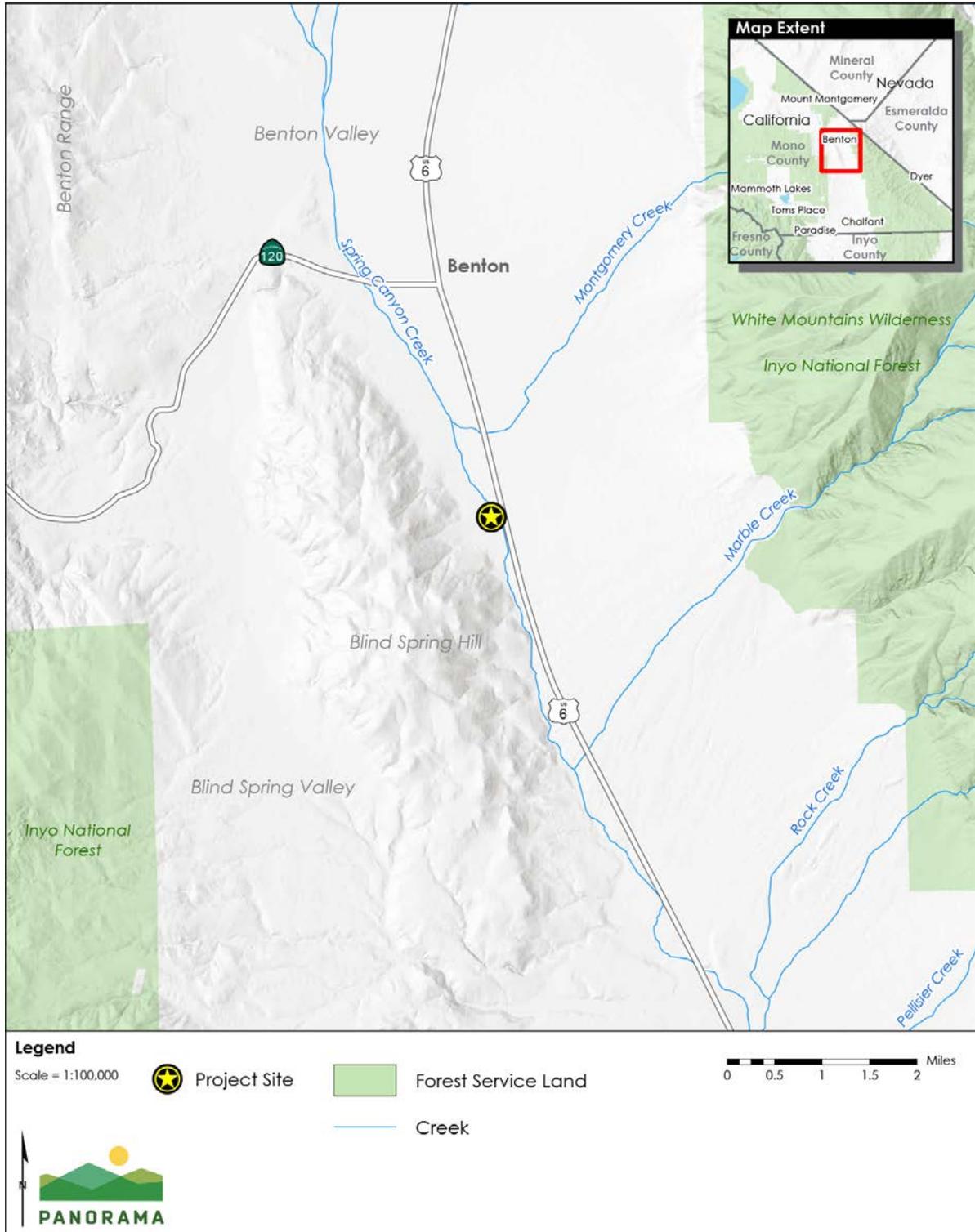
**Assessor's Parcel Numbers (APNs):** 025-020-013, 025-040-002

**Address:** 23555 Highway 6, Benton, CA 93512

**Latitude, Longitude:** 37.784047, -118.468509

## 2 PROJECT DESCRIPTION

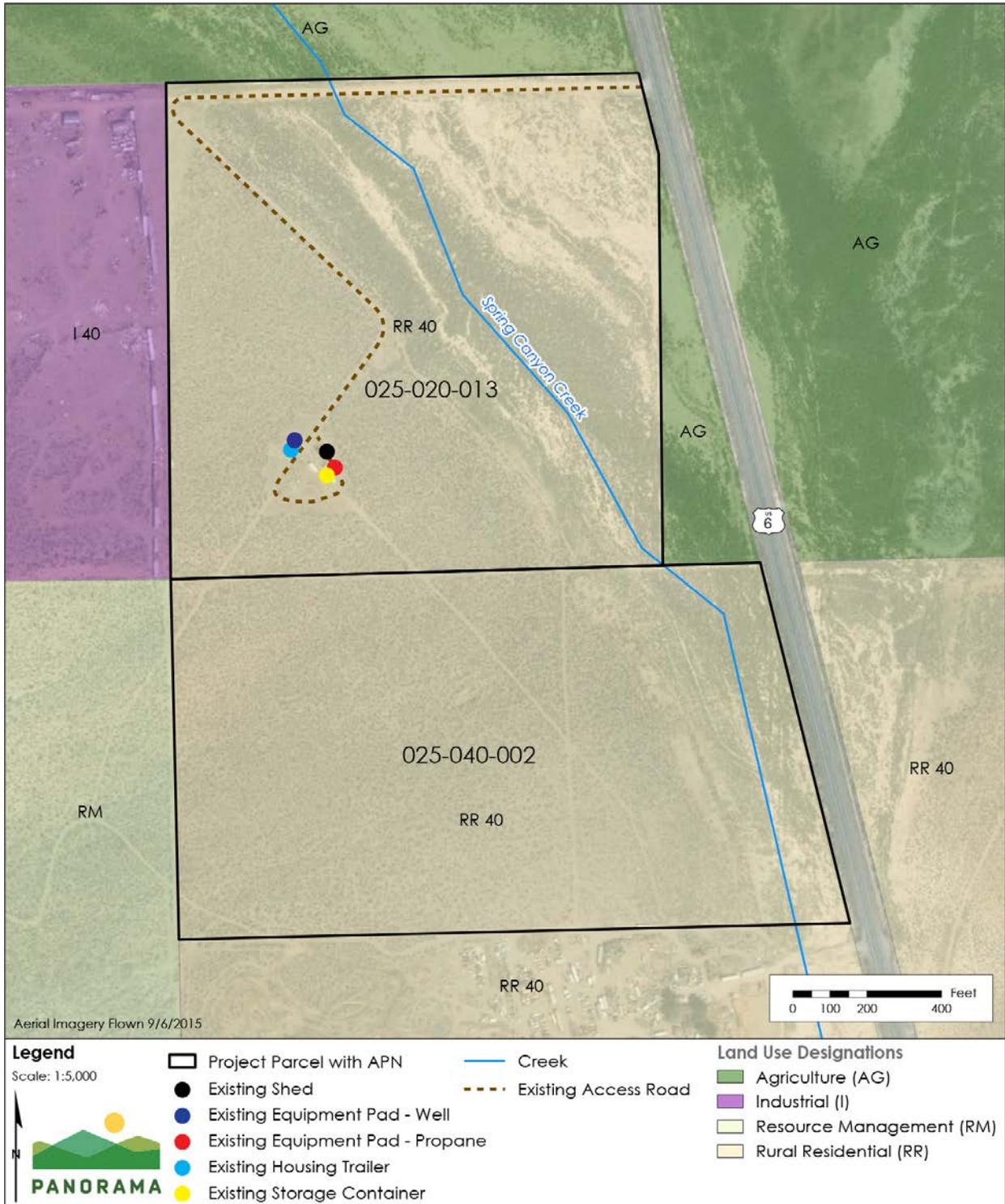
Figure 2-1 Regional Location



Sources: (USGS, 2019; Tele Atlas North America, Inc., 2019; USGS, 2019)

## 2 PROJECT DESCRIPTION

**Figure 2-2 Project Site**



Sources: (Mono County, 2019; Tele Atlas North America, Inc., 2019; USGS, 2019)

## 2 PROJECT DESCRIPTION

### 2.5 Land Use Designation and Surrounding Land Uses

The project site is located within the Benton area as defined in the General Plan. The land use designation for the project site is currently Rural Residential-40 acres (RR-40)<sup>1</sup>. The parcels adjacent to the project site are designated as Agriculture (AG), Industrial (I), Resource Management (RM), and Rural Residential (RR), as shown in Figure 2-2.

### 2.6 Access

The project site is accessed via an existing unpaved access road that extends from Highway 6 to the west, providing access to the adjacent parcel. An existing unpaved access road extends south to the proposed facilities located in the southwestern corner of the project site, as shown in Figure 2-2. Benton is located 2.5 miles to the north and the city of Bishop is located 32 miles to the south of the project site.

### 2.7 Project Elements

#### 2.7.1 General Plan Amendment and Permits

The project involves application of a General Plan Amendment and Conditional Use Permit to allow construction and operation of a commercial cannabis facility on the project site. The project site has an existing General Plan Land Use designation of rural residential. Commercial cannabis production necessitates a Conditional Use Permit and Cannabis Operation Permit, in accordance with the Mono County General Plan. Activities related to commercial cannabis cultivation and distribution are not allowed under the Rural Residential designation, but are allowed with a Conditional Use Permit under other designations. A General Plan Amendment is required to revise the land use designation of the project site to a use that allows commercial cannabis activities. The proposed General Plan Amendment would revise the land use designation from Rural Residential-40 acres to Agriculture-40 acres (AG-40), a land use that does allow commercial cannabis activities with approval of a Conditional Use Permit.

The change in land use designation from Rural Residential to Agriculture would allow for a range of new activities to occur on the site without any additional discretionary approval. Table 2-1 lists the permitted uses and activities allowed under the Agriculture land use designation compared to the existing Rural Residential designation. It is assumed that the newly permitted uses and activities could occur anywhere across the entire project site, once the project site is

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<sup>1</sup> As of August 2, 2019, Mono County's zoning maps are superseded by the planning and land use maps contained in the General Plan and Specific Plans (Mono County, 2019).

## 2 PROJECT DESCRIPTION

designated Agriculture. These activities include tilling and growing crops (e.g., alfalfa), raising of beef cattle, operation of a small dairy, and/or construction of a single-family residence and accessory buildings (e.g., barn). The IS analyzes the effects of the General Plan Amendment compared to baseline conditions and allowable uses under the Rural Residential land use designation (*Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 354; see also CEQA Guidelines § 15125(e)).

**Table 2-1 Existing and Proposed Land Use Designations**

| Uses and Development Standards | Rural Residential (RR-40) – Existing Land Use   | Agriculture <sup>a</sup> (AG-40) – Proposed Land Use   |
|--------------------------------|---|--|
| Permitted Uses                 | <ul style="list-style-type: none"> <li>• Single-family dwelling</li> <li>• Small-scale agriculture</li> <li>• Accessory buildings and uses</li> <li>• Animals and pets</li> <li>• Home occupations</li> <li>• Manufactured home used as single-family dwelling</li> <li>• Accessory Dwelling Unit (ADU)</li> <li>• Transitional and Supportive Housing</li> <li>• Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Agricultural uses<sup>b</sup>, provided that such uses are proposed in conjunction with a bona fide agricultural operation, except those requiring a use permit</b></li> <li>• <b>Non-commercial composting facilities where the operation does not create a nuisance problem and has less than 100 cubic yards of material on site at any given time</b></li> <li>• Single-family dwelling</li> <li>• Manufactured home used as a single-family dwelling<sup>c</sup></li> <li>• Accessory buildings<sup>d</sup> and uses</li> <li>• <b>Farm labor housing</b></li> <li>• <b>Stands for sale of agricultural products grown on the premises</b></li> <li>• Animals and pets</li> <li>• Home occupations</li> <li>• <b>Fisheries and game preserves</b></li> <li>• ADU</li> </ul> |
| Animals and Pets               | <ul style="list-style-type: none"> <li>• Minimum Lot Area Required: 10,000 square feet</li> <li>• Animal Units<sup>e</sup> Permitted:                             <ul style="list-style-type: none"> <li>– Less than 1 acre: one unit per 10,000 square feet of lot area with Director Review with notice</li> <li>– 1 to 10 acres: one unit per 10,000 square feet of lot area</li> <li>– Over 10 acres: no limit</li> </ul> </li> <li>• Restrictions: Except for movement on and off the property, animals shall not be kept, maintained or used in any other way, inside or</li> </ul> | <ul style="list-style-type: none"> <li>• Minimum Lot Area Required: 10,000 square feet</li> <li>• Animal Units<sup>e</sup> Permitted:                             <ul style="list-style-type: none"> <li>– 10 acres or less: one unit per 10,000 square feet of lot area</li> <li>– Over 10 acres: no limit</li> </ul> </li> </ul>   |

## 2 PROJECT DESCRIPTION

| Uses and Development Standards | Rural Residential (RR-40) – Existing Land Use  | Agriculture <sup>a</sup> (AG-40) – Proposed Land Use   |
|--------------------------------|--|--|
|                                | outside of any structure, within 40' of those portions of any structure used for human occupancy, assembly or habitation, other than the residence of the owner or keeper of such animals.   |  |
| Maximum Lot Coverage           | <ul style="list-style-type: none"> <li>• 40 percent</li> </ul>   | <ul style="list-style-type: none"> <li>• 40 percent</li> </ul>   |
| Minimum Setbacks               | <p>Buildings</p> <ul style="list-style-type: none"> <li>• Front: 50 feet</li> <li>• Rear: 30 feet</li> <li>• Side: 30 feet</li> </ul> <p>Accessory Buildings Used as Barns or Stables</p> <ul style="list-style-type: none"> <li>• Front: 50 feet</li> <li>• Rear: 30 feet</li> <li>• Side: 30 feet</li> </ul> | <p>Buildings</p> <ul style="list-style-type: none"> <li>• Front: 50 feet</li> <li>• Rear: 50 feet</li> <li>• Side: 50 feet</li> </ul> <p>Accessory Buildings Used as Barns or Stables</p> <ul style="list-style-type: none"> <li>• Front: 50 feet</li> <li>• Rear: 30 feet</li> <li>• Side: 30 feet</li> </ul> |
| Building Density               | <ul style="list-style-type: none"> <li>• 1 dwelling unit per lot and an ADU</li> </ul>   | <ul style="list-style-type: none"> <li>• 1 dwelling unit per lot and an ADU</li> </ul>   |
| Population Density             | <ul style="list-style-type: none"> <li>• 5.02 persons per 5 acres or ~1 person per acre</li> </ul>   | <ul style="list-style-type: none"> <li>• 2 persons per acre</li> </ul>   |
| Maximum Building Height        | <ul style="list-style-type: none"> <li>• 35 feet</li> </ul>  | <ul style="list-style-type: none"> <li>• 35 feet</li> </ul>  |

**Notes:**

**Bold** AG-40 uses are those uses that differ from the RR-40.

- <sup>a</sup> "Agriculture" is the art, science or practice of farming, including the cultivation and harvesting of crops and rearing and management of livestock; tillage; husbandry; horticulture; aquaculture and forestry, the science and art of the production of plants and animals useful to man (Mono County, 2018).
- <sup>b</sup> "Agricultural uses" includes farm labor housing; agricultural sheds and warehouses; packing, processing, storage or sale of agricultural products and supplies; repair, maintenance, servicing, storage, rental or sale of agricultural machinery, implements and equipment; transportation of agricultural products, supplies and equipment together with the necessary maintenance, repair and service of trucks and equipment used therein.
- <sup>c</sup> Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must: 1) comply with the Accessory Dwelling Unit requirements; or 2) comply with State standards for a mobile-home park and obtain a use permit from the County.
- <sup>d</sup> Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building, including barns, stables and other farm outbuildings and quarters for farm labor or other employees employed on the premises.
- <sup>e</sup> One animal unit equals:

## 2 PROJECT DESCRIPTION

| Uses and Development Standards | Rural Residential (RR-40) – Existing Land Use | Agriculture <sup>a</sup> (AG-40) – Proposed Land Use  |
|--------------------------------|---|---|
|                                |   | <ul style="list-style-type: none"> <li>- 1 cow, bull, horse, mule, donkey or llama</li> <li>- 2 pigs, goats, or sheep</li> <li>- 6 geese, turkeys, or similar fowl</li> <li>- 10 chickens, ducks, or game hens</li> <li>- 12 fur-bearing animals including rabbits, and other fur-bearing size at maturity</li> </ul> |

### 2.7.2 Commercial Cannabis Cultivation Facility

#### Buildings and Structures

The commercial cannabis facility would involve construction of a distribution facility within the southeast portion of the northern parcel shown on Figure 2-2. No development is proposed on the southern parcel. The project components and footprint of each component are summarized in Table 2-2. Existing equipment pads and access roads are also identified.

The project includes processing and distribution building (referred to as the “processing facility”) for commercial cannabis manufacturing, processing, and distribution activities. The processing facility would be a steel structure constructed on a concrete foundation with a maximum height of 20 feet. Three greenhouses would be constructed southeast of the processing facility within the cultivation area and would be used for cannabis cultivation. The greenhouse locations are shown on Figure 2-3. The greenhouse facility would be made of steel posts and beams with clear plastic walls and ceilings. The total area of cultivation would be less than 10,000 square feet within the fenced 23,400-square-foot cultivation area.

An approximately 320-square-foot storage house would be constructed northwest of the greenhouses within the cultivation area with a maximum height of 12 feet. The storage house would be constructed of treated wood with insulation on a concrete foundation. The storage house would be used for storage of water tanks, fertilizers, and other materials related to cannabis cultivation.

## 2 PROJECT DESCRIPTION

**Table 2-2 Project Site Components**

| Facility Components  | Footprint (square feet)                                   | Dimensions  |
|--|---|---|
| <b>Existing</b>  |   |   |
| Dirt Access Roads and Turnaround                               | 36,604  | 10 feet x 2,982 feet<br>8 feet x 598 feet   |
| Equipment Pads (Well and Propane Tank)                         | Well: 15.7 <sup>a</sup><br>Propane Tank: 5.7 <sup>a</sup> | --  |
| Shed   | 194.6   | --  |
| Storage Container  | 320   | 8 feet x 40 feet  |
| <b>Proposed</b>  |   |   |
| Graveling of Existing Access Roads and Turnaround <sup>b</sup> | 29,820  | 10 feet x 2,982 feet  |
| Processing Facility  | 1,800   | 30 feet x 60 feet   |
| Greenhouses (Three)  | 8,640   | 30 feet x 96 feet   |
| Storage House (Water Tank Enclosure)                           | 320   | 16 feet x 20 feet   |
| Well Pump House  | 32  | 4 feet x 8 feet   |
| Cultivation Area Fencing                                       | --  | 130 feet x 180 feet; 23,400 linear feet   |
| Parking Space  | 500   | 2 parking spaces: 10 feet x 20 feet<br>1 handicap-accessible space: 15 feet x 20 feet |
| Septic System (1,000-gallon tank)                              | 3,920 <sup>a</sup>  | Leach line <sup>c</sup> : 120 linear feet<br>or<br>Two leach lines: 60 linear feet    |

**Note:**

<sup>a</sup> Estimated based on site plans.

<sup>b</sup> The access roads and turnaround are not new, but would involve laying of gravel on the existing access roads and turnaround.

<sup>c</sup> The width of a standard leach line trench ranges from 18 inches to 36 inches (Mono County Health Department, 2020).

### Roads and Parking

The commercial and employee access for the project site would be provided via an unpaved, dirt road extending from Highway 6 along the northern boundary of the project parcel. The extent of this dirt road is fenced and within an easement that supplies access to the parcel to the west. Vehicles would travel to the northwest corner and continue on the existing dirt road

## 2 PROJECT DESCRIPTION

through a locked gate in the fence that leads to the proposed cannabis facility in the southwest corner. The existing dirt access roads and turnaround would be covered in gravel for internal access to the processing facility and cultivation area. Driveways and access points would comply with all County fire safety standards to maximize entry and egress space for emergency vehicles.

A gravel parking area would be located on the east side of the processing facility and north side of the cultivation area. A total of three parking spaces, including one handicap-accessible parking spaces would be installed within the parking area. The access roads and parking area are shown on Figure 2-2.

### **Lighting, Signage, and Fencing**

Project lighting would consist of light-emitting diode (LED) greenhouse lighting and small LED lighting installed outside of the processing facility and storage house. Automatic curtains would be installed inside the greenhouses to prevent light leakage. All lighting would be cast downwards. No signage would be installed as part of the project. A 6-foot-tall chain link fence, with lockable gate, would be installed around the cultivation area. The fencing would include a screening material to act as a wind break and restrict visibility.

### **Utilities**

#### **Water**

A pump house would be constructed adjacent to the existing on-site well. The pump house would be up to 9 feet tall. Two water holding tanks (2,600 gallons each) would be installed inside the storage house for water storage.

#### **Wastewater and Sewage**

A 1,000-gallon septic tank with a leach line would be installed to the north of the processing facility.

#### **Energy Supply**

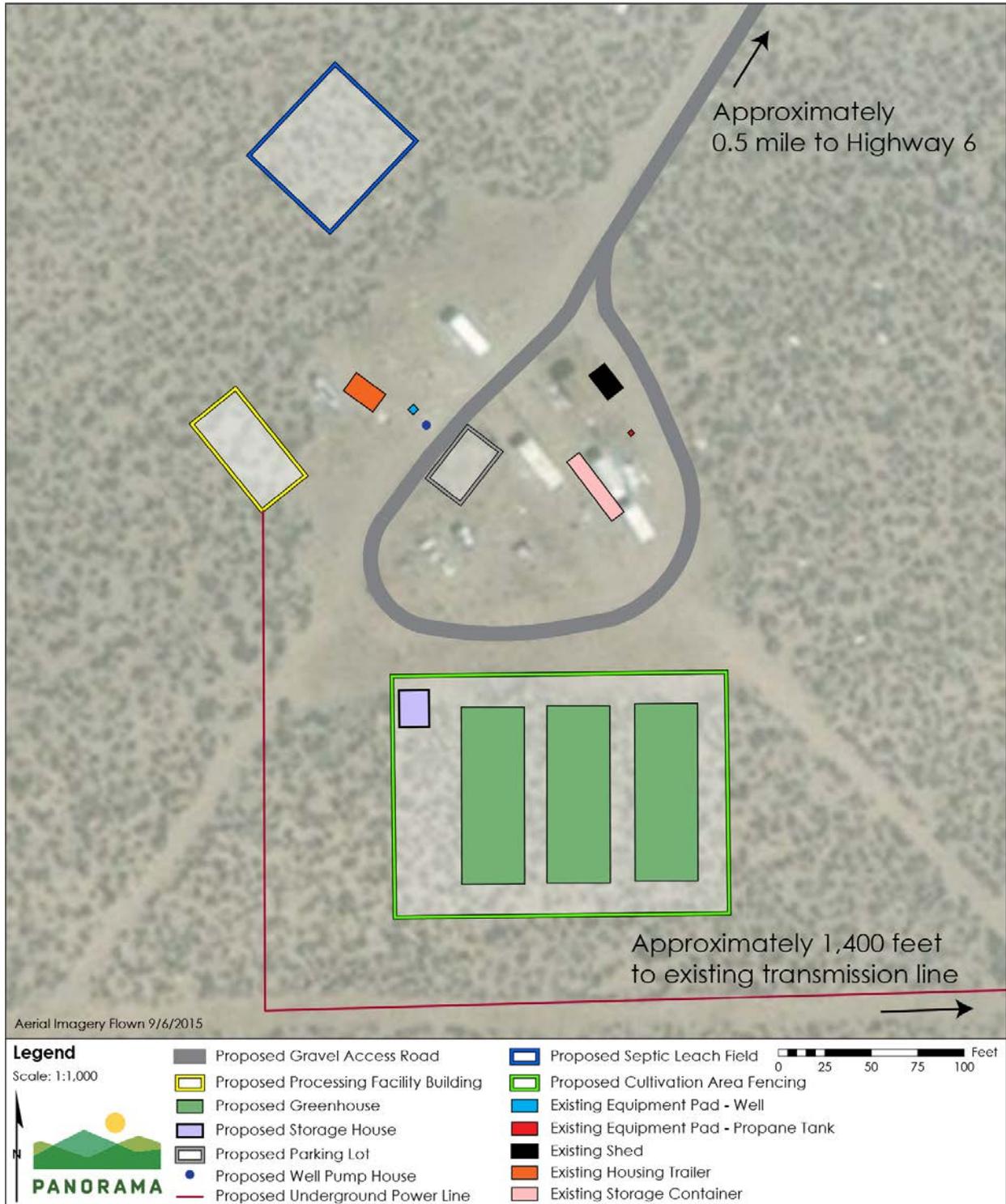
Power for the facility would be supplied by connecting to the existing distribution poles running parallel along the western edge of Highway 6. The power lines would be installed underground for approximately 1,600 feet between Highway 6 to reach the processing facility. A propane backup power generator would be installed west of the processing facility.

### **2.7.3 Construction**

The proposed sewer and energy supply infrastructure would be constructed on the project site prior to grading activities. Up to 0.54 acre of the site would be graded. The total disturbance area would be up to 1.33 acres. All excavated and graded material would be balanced on the project site. After completion of grading, the processing facility, storage house, and cultivation area would be constructed. Once the buildings are constructed or installed, gravel would be laid on the existing internal access routes and parking area.

## 2 PROJECT DESCRIPTION

**Figure 2-3 Project Site Components**



Sources: (Mono County, 2019; Tele Atlas North America, Inc., 2019; USGS, 2019)

## 2 PROJECT DESCRIPTION

Construction of the project would occur over approximately 6 to 8 months starting in 2020 at the earliest. A maximum crew size of 4 workers would be required during construction. A maximum of 16 one-way vehicle trips from construction equipment and vehicles would occur daily during construction. Water would be sourced from the on-site well for dust control. The power line, well pump house, and wastewater system would be installed first. The processing facility and cultivation area footprint and adjacent areas would then be graded to create a flat building surface. Following the grading activity, the processing facility, greenhouses, and storage house would be constructed. Perimeter fencing would be installed around the footprint of the cultivation area. Imported gravel would be spread on the existing dirt roads and turnaround.

The number and type of equipment proposed for the project construction are limited to the following:

- One backhoe
- One bulldozer
- One gradall
- One dump truck
- One forklift

### 2.7.4 Facility Operation

#### Cultivation and Distribution

Facility operations would include cannabis cultivation, manufacturing, and distribution. Cannabis cultivation includes mother plant cloning and indoor cultivation. Mother plants would be kept and cut in the processing facility. The cuttings would be transported to the greenhouses for replanting. The mature plants would then be taken to the processing facility for processing. The processing facility would house all drying, curing, extraction, and packaging activities. Water tanks, fertilizers, and equipment needed for cultivation would be stored in the storage house in the northwestern corn of the cultivation area.

#### Utilities

##### Water Supply and Use

Water for construction and operation activities would be sourced from the existing on-site well. Water would be used for dust control during construction, plant cultivation, and domestic uses. Daily water usage is estimated to be 600 gallons per day during operation.

##### Wastewater and Sewage

The sources of wastewater would include excess irrigation, domestic uses, and reverse osmosis (RO) filtration reject stream. Wastewater from excess irrigation would be reclaimed by running it through the RO system and reusing the filtered water for operation. A minimal amount of water is rejected as part of the RO system. The rejected water and domestic uses wastewater would be discharged to a septic system.

## 2 PROJECT DESCRIPTION

The project facility would be equipped with a septic system for effluent and discharge wastewater. The project applicant has contacted the Mono County Department of Environmental Health about septic regulations and would comply with requirements set forth by Mono County to ensure the approval of septic permit.

### **Waste Disposal**

Several distinct types of waste may be produced at the cultivation facility, including green waste, solid waste, and potentially hazardous waste such as cleaners or fertilizers. Green waste would be composted on the project site. Other solid waste and hazardous waste would be hauled to Benton Crossing Landfill.

### **Energy Supply**

Southern California Edison (SCE) would supply electric power to the project and the backup propane power generator would be used for emergency power.

### **Telecommunication**

AT&T Inc. would be the telecommunication service provider for the project.

### **Odor Management**

The greenhouses would be equipped with a ventilation system to control odors, humidity, and mold.

### **Personnel**

One existing person lives on the project site in a portable trailer, who would be an on-site employee at the cannabis facility. One to two employees would be hired seasonally during the harvests.

### **Traffic Generation**

Employees would generate an average of four one-way trips a day, Monday through Friday. Cannabis wholesale distribution during harvest would necessitate up to one round-trip per month.

## **2.8 Agency Jurisdiction and Approvals**

Mono County is the CEQA lead agency with discretionary review of the project. Other permits and approvals that would be required for the project are listed in Table 2-3.

**Table 2-3 Required Permits and Approvals**

| Permit or Approval     | Agency  | Function  |
|------------------------|---|---|
| Conditional Use Permit | Mono County Community Development Department, Planning Division | For commercial cannabis cultivation, processing, and distribution activities. |

## 2 PROJECT DESCRIPTION

| Permit or Approval           | Agency  | Function  |
|------------------------------|---|---|
| Cannabis Use Permit          | Mono County Community Development Department, Planning Division | For commercial cannabis cultivation, processing, and distribution activities. |
| Operations Permit            | Mono County Community Development Department, Planning Division | For operation of the commercial cannabis cultivation facility.                |
| Building Permit              | Mono County Community Development Department, Building Division | For construction of the cultivation facility.                                 |
| Septic Permit                | Mono County Department of Environmental Health                  | For septic system installation and sewage disposal.                           |
| Cannabis Cultivation License | CalCannabis Cultivation Licensing                               | License for cannabis cultivation in California                                |
| Construction General Permit  | State Water Resources Control Board                             | For surface disturbance greater than 1 acre.                                  |

## 2 PROJECT DESCRIPTION

*This page is intentionally left blank.*

### 3 Environmental Impact Checklist

This IS checklist includes an evaluation of impacts based on the CEQA Guidelines Appendix G Environmental Checklist. Each checklist item is explained in the discussion following the checklist and, if necessary, mitigation measures are provided to reduce impacts to a less-than-significant level. In accordance with CEQA, Mono County considered the whole of the action when evaluating impacts, including on- and off-site effects, direct and indirect effects, and effects from both construction and operation of any new development.

Each checklist criterion is marked to identify whether there is an environmental impact.

- *No Impact* indicates that there is no impact on the resource.
- *Less than Significant Impact* means that while there is some impact, the impact is below the threshold of significance, or existing regulations and legal standards will reduce these impacts to less than significant.
- *Less than Significant with GP EIR Mitigation Incorporated* indicates that impact is potentially significant, but the mitigation (e.g., 2015 General Plan policies and actions) included in the 2015 General Plan EIR would reduce the impact to a less-than-significant level.
- *Potentially Significant Impact* are impacts that exceed the defined standard of significance. An Environmental Impact Report is required to analyze the potentially significant impacts.

*Cumulative impacts* are discussed in Section 3.21, Mandatory Findings of Significance, of this IS. If a significant cumulative impact is identified, the project's contribution to the significant *cumulative impact* is considered.

### 3 ENVIRONMENTAL ANALYSIS

## 3.1 Aesthetics

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| <b>1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:</b>   |                                |   |                              |                                     |
| a) Have a substantial adverse effect on a scenic vista?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>     | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>     | <input type="checkbox"/>            |

- a) **Would the project have a substantial adverse effect on a scenic vista? And,**
- b) **Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

### General Plan Amendment and Cannabis Facility

The project site is bounded by open space to the north and west, agricultural use to the east, and rural residential uses to the south. Highway 6 is located approximately 1,000 feet east of the project site but is not eligible for scenic highway status per Section 263 of the Streets and Highway Code (California Legislative Information, 2019). Highway 120 is the nearest scenic highway, designated by Mono County, located approximately 2.2 miles north of the project site. The nearest state scenic highway is US 395 located approximately 18 miles to the southwest (Mono County, 2015). No scenic resources are located on the project site.

The project site is not visible from any designated scenic highway due to the relative flat topography in the project vicinity. No existing or eligible state scenic highways or scenic roadways, or scenic vistas are located in the project vicinity that would afford a view of the site. Development of the project site under the General Plan Amendment and Cannabis Use Permit

### 3 ENVIRONMENTAL ANALYSIS

would not be visible from and would not impact a scenic vista or scenic highway. No impact would occur.

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

#### **General Plan Amendment**

The General Plan Amendment would allow for development of a new single-family home, agricultural accessory buildings, or livestock operations that could be visible from public vantage points. Permitted uses or development under the Agriculture designation would be required to comply with the 2015 General Plan policies and actions and the Mono County Design Guidelines, according to Action 13.C.2.a of the 2015 General Plan. Implementation of General Plan Action 13.C.1.a and Action 13.C.2.a would avoid significant impacts on visual character or quality from the General Plan Amendment. The impact would be less than significant with 2015 General Plan EIR measures.

#### **Cannabis Facility**

The project would involve construction of a commercial cannabis cultivation facility. The proposed facilities would be one-story and would have a similar profile to structures on nearby parcels. The processing facility would be a steel structure, similar to nearby existing metal structures to the west. The cultivation area would be enclosed by a 6-foot-tall chain link fence and screening, which would help to diminish part of the facility from view. Furthermore, the proposed facilities would be set back from Highway 6 by over 1,000 feet and within middleground views, limiting visibility of the facility. The project would be generally consistent with the existing visual character of the industrial area to the west with the construction of metal buildings. The cannabis facilities would not substantially degrade the existing visual character of the site and its surroundings. The impact would be less than significant.

- d) **Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

#### **General Plan Amendment**

The density of structures in the project area is very low. Buildings located on nearby parcels contribute nominal sources of lighting and glare to the project area. New permitted development on the project site due to the change in land use designation to Agriculture, could include new sources of light and glare from facility lighting or metallic building materials and glass. The use of metallic building materials and glass would not create a substantial source of glare. Any permitted use under the Agriculture designation would be required to comply with 2015 General Plan Action 13.C.2.a., which requires exterior lighting to comply with the Dark Sky Regulations, and identifies requirements including shielding and preparation of outdoor lighting plans. Compliance with County lighting standards, consistent with the requirements of

### 3 ENVIRONMENTAL ANALYSIS

the 2015 General Plan, would reduce any potentially significant impacts on light and glare to less than significant with 2015 General Plan EIR measures.

#### Cannabis Facility

The cannabis facility would introduce new lighting in the area. The cultivation area would be fenced with chain link and screening material. Light deprivation curtains would be installed inside the greenhouse facility to eliminate light leakage into the surrounding environment. All proposed outdoor lighting would comply with the County’s Dark Sky Regulations. Lighting would be cast downward and shielded to eliminate unnecessary night sky illumination. The proposed lighting would not create a substantial source of new nighttime or daytime light.

The processing facility and storage house would be steel and wood structures. Steel cladding and framing on commercial buildings is typically brushed or treated in a manner that the material would not pose a source of glare. The chain link fence and screening around the cultivation area would minimize any potential glare from the greenhouses. The project would not create a new source of glare. The impact from the new lighting and glare would be less than significant.

## 3.2 Agriculture and Forestry Resources

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| <b>2. AGRICULTURE AND FORESTRY 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 Board. Would the project:</b> |                                |   |                              |                                     |
| 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"/> |
| 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"/> |

### 3 ENVIRONMENTAL ANALYSIS

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| 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"/> |
| 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"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

- a) **Would the project 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?**

#### General Plan Amendment and Cannabis Facility

Mono County has not been mapped pursuant to the Farmland Mapping and Monitoring Program; therefore, neither the project site nor adjacent parcels are located on Prime Farmland or Farmland of Statewide. No impact would occur.

- b) **Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

#### General Plan Amendment and Cannabis Facility

Mono County's zoning maps are superseded by the land use maps contained in the 2015 General Plan (Mono County, 2019). The project site is currently designated Rural Residential. Adjacent parcels to the north and east are designated by the 2015 General Plan as Agriculture. As part of the project, the project site would be designated as Agriculture to accommodate the proposed cannabis facility. The Agriculture designation permits cannabis activities, including nursery, cultivation, processing, manufacturing, distribution, retail, and microbusiness. The project would involve cannabis cultivation and related allowable activities. Project activities and the designation to Agriculture would not conflict with any zoning for agricultural use. The project site is not under Williamson Act contract (Mono County, 2020). Parcels to the north and east of the project site, and east of Highway 6 are under Williamson Act contracts. The project would not conflict with offsite zoning for agricultural use any under Williamson Act Contract. No impact would occur.

### 3 ENVIRONMENTAL ANALYSIS

- c) **Would the project 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))?**

#### General Plan Amendment and Cannabis Facility

The project site and adjacent parcels are not zoned for forest land or timberland. The project would not conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. No impact would occur.

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

#### General Plan Amendment and Cannabis Facility

The project site and adjacent parcels are not zoned for forest land or contain forest. The project would not convert forest land to non-forest use. No impact would occur.

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

#### General Plan Amendment and Cannabis Facility

No agricultural or farming operations currently occur on the project site. The adjacent parcel to the south has some livestock, but the project would not interfere with activities related to owning and raising livestock. The development and operation of the cannabis cultivation facility would be consistent with the proposed Agriculture designation for the project site. The potential for future agricultural operations, such as raising of livestock, would not interfere with any other agricultural operations on nearby parcels. The project would not convert agricultural land or uses to non-agricultural use. No impact would occur.

### 3.3 Air Quality

| Environmental Impacts   | Potentially Significant Impact      | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact                           |
|---|-------------------------------------|---|------------------------------|-------------------------------------|
| <b>3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</b> |                                     |   |                              |                                     |
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>            | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input type="checkbox"/>            |

### 3 ENVIRONMENTAL ANALYSIS

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| c) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### Overview

The project site is located within the Great Basin Valleys Air Basin (GBVAB) under the jurisdiction of the Great Basin Unified Air Pollution Control District (GBUAPCD). The state and federal air quality standards were developed to protect public health and welfare. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to result in nonattainment of air quality standards. Instead, a project’s individual emissions contribute to existing cumulative air quality impacts. If a project’s contribution to cumulative air quality impacts is considerable, the project’s impact on air quality would be considered significant. The area of the GBVAB that the project site is located within, is in state nonattainment for ozone and coarse particulate matter (PM<sub>10</sub>) (CARB, 2018). The project area is not located within an area that has an adopted State Implementation Plan (SIP)

**a) Would the project conflict with or obstruct implementation of the applicable air quality plan?**

#### General Plan Amendment and Cannabis Facility

No air quality plan has been adopted that applies to the project site (GBUAPCD, 2019). The project would not conflict with or obstruct implementation of an air quality plan. No impact would occur.

**b) Would the project 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?**

Implementation of the project would result in a potentially significant impact to air quality from future development under the General Plan Amendment. The project impact on criteria pollutants is evaluated in the Focused EIR.

### 3 ENVIRONMENTAL ANALYSIS

#### c) Would the project expose sensitive receptors to substantial pollutant concentrations?

##### **General Plan Amendment and Cannabis Facility**

The boundary of the southern parcel is approximately 230 feet from the nearest receptor, a single-family residence. The closest that any future development could occur would be 260 feet away from the residence<sup>2</sup>.

Future development and uses could include construction activities (e.g., construction of single-family residences or accessory buildings) or farming activities, which could involve use of heavy equipment. Diesel-powered construction and agricultural equipment emit toxic air contaminants in the form of diesel exhaust and particulate matter. The size of buildings that could be constructed without further environmental review would be fairly small, minimizing the duration and intensity of construction. Typical agricultural activities would not involve heavy equipment use in one location for an extended period of time. In addition, agricultural uses generally do not generate a significant amount of traffic that could result in increased automobile-related air pollutants.

Construction of the cannabis facility, which would be located approximately 1,475 feet from the nearest receptor, would occur for up to 8 months in 2021. During construction of the cannabis facility, equipment and vehicles would be used that emit toxic air pollutants. Equipment and trucks would be used minimally during operation of the cannabis facility.

On-site activities would comply with GBUAPCD rules, and the 2015 General Plan policies and actions described above, which require implementation of fugitive dust and particulate matter control measures. Equipment used for future construction or agricultural uses would be required to comply with federal and state engine emission standards (e.g., EPA phasing of nonroad compression ignition exhaust emission standards) for both new and existing equipment. Emissions standards are increasingly more stringent. Use of equipment complying with emission standards would minimize particulate matter and other toxic air contaminants. Due to the implementation of fugitive control measures, the impact on sensitive receptors from construction and operation of the cannabis facility or future development would be less than significant.

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<sup>2</sup> This distance is tabulated according to the distance to the southern parcel boundary plus the requirement for a minimum side setback for accessory buildings of 30 feet. The minimum setback for primary buildings is 50 feet.

### 3 ENVIRONMENTAL ANALYSIS

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

#### General Plan Amendment

The project area is sparsely populated. The nearest residence is 230 feet to the south of the project site boundary and the next closest residence is 990 feet away to the south. The nearest residence to the north is nearly 0.75 mile away. Future uses under the Agriculture land use designation could involve construction and operation of agricultural facilities and activities. Some allowable activities, such as raising cattle or operating a dairy farm, could generate substantial odors. Due to the low density in the project area, although odors could be generated, a substantial number of people would not be subjected to objectionable odors. The impact would be less than significant.

#### Cannabis Facility

During construction of the cannabis facility, diesel exhaust from construction equipment and vehicles, as well as volatile organic compounds emitted during paving, would generate some odors, which could increase the odors temporarily in the immediate vicinity of the equipment operation. Operation of the proposed cannabis facility would generate some odors from on-site composting and cannabis cultivation activities. The proposed greenhouses would include a ventilation system, which would minimize odors. No residences are located within 1,000 feet to construction or operational activities. A substantial number of people would not be subjected to objectionable odors. Odor impacts would be less than significant.

### 3.4 Biological Resources

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| <b>4. BIOLOGICAL RESOURCES. Would the project:</b>   |                                |   |                                     |                          |
| 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 type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### 3 ENVIRONMENTAL ANALYSIS

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?       | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

#### Discussion

##### *Survey and Database Search*

On November 8, 2019 biologist Russell Kokx conducted a reconnaissance level survey of the approximately 80-acre project site. The reconnaissance survey documented the environmental settings including; vegetative communities, soils, elevations, habitats and conditions. This survey was conducted in order evaluate the potential for special-status species to occur. Biological database searches, including U.S. Fish and Wildlife Service (USFWS), California Natural Diversity Database (CNDDB), California Native Plant Society, and National Wetland Inventory, for the project vicinity were conducted in May 2019.

Biologist Russell Kokx conducted focused botanical surveys of the project stie on May 28 and June 17, 2020. Surveys were conducted during optimal conditions to determine whether special-status plant species or their habitats were present within the project site (Panorama Environmental, Inc., 2020).

##### *Natural Communities*

The project site encompasses three vegetative communities: Big Sagebrush Shrubland Alliance (*Artemisia tridentata*), Rubber Rabbit Brush Scrub Shrubland Alliance (*Ericameria nauseosus*) and several small inclusions of Greasewood Scrub Shrubland Alliance (*Sarcobatus vermiculatus*).

### 3 ENVIRONMENTAL ANALYSIS

The dominant perennial vegetation in Big Sagebrush Shrubland Alliance includes big sagebrush, rubber rabbit brush (*Ericameria nauseosus*), spiny hopsage (*Grayia spinosa*), Nevada joint fir (*Ephedra nevadensis*), spotted dalea (*Psoralea polydenius*), and catclaw horsebrush (*Tetradymia axillaris* var. *axillaris*). Understory plants were not surveyed within the growing season but identifiable species included; devil's lettuce (*Amsinckia tessellata*), Mono buckwheat (*Eriogonum ampullacea*), white-stem blazing star (*Mentzelia albicaulis*), purple root (*Cryptantha circumcissa*) and sticky lessingia (*Lessingia glandulifera*).

The Rubber Rabbit Brush Scrub Shrubland Alliance vegetation alliance occurs as the grade tapers off near the bottom of the valley, portions of which were historically flooded. This area still accumulates moisture and supports more facultative species. The soil is derived from the accumulation of minerals through springs, ponding and evaporation. The soil is light to white in color and very fine with a high alkalinity. The dominant perennials include dense stands of rubber rabbit brush with scattered Alkali sacaton (*Sporobolus airoides*) and big sagebrush. The understory is saltgrass (*Distichlis spicata*), five horn bassia (*Bassia hyssopifolia*), western nitrophila (*Nitrophila occidentalis*) and povertyweed (*Iva axillaris*).

The Greasewood Scrub Shrubland Alliance vegetation community occurs only in small highly alkaline inclusions at the bottom of alkali sinks in the project area. The dominant shrub is monotypic stands of greasewood. No annuals were observed in the understory however this habitat is well suited for potentially supporting several rare plant species in the spring. One sensitive vegetation community, greasewood scrub in alliance with *Suaeda nigra*, was observed in a small area within the greasewood scrub shrubland alliance within the project site during the focused botanical surveys (Kokx, 2021).

#### ***Wetlands***

The eastern portions of the project site occur at the base of Chalfant Valley. The soil is derived from the accumulation of minerals through springs, ponding and evaporation. These soils have a higher moisture content and support some facultative plant species as a result. This area may also contain state jurisdictional drainages. No wetlands are located on the project site.

#### ***Special-Status Species***

Of the species identified during the database search, species were determined to have potential to occur within the project site if the species is known or expected to occur in the vicinity of the project site and if the project site or immediate vicinity contains suitable habitat. Species whose known distribution, habitat, or elevation range precluded their possible occurrence in the project vicinity were generally not further considered. Some taxa with relatively low probability for occurrence were retained for further evaluation due to the incomplete state of knowledge of the range and/or habitat of certain species. Focused surveys were conducted for the 14 special-status plant species with potential to occur in the project site detailed in Table 3-1. No special-status plant species were observed during the focused botanical surveys (Panorama

### 3 ENVIRONMENTAL ANALYSIS

Environmental, Inc., 2020; Kokx, Biologist, 2021) and special-status plants are presumed absent. Seven special-status wildlife species have a potential to occur on the site.

**Table 3-1 Special-Status Species with Potential to Occur in the Project Vicinity**

| Species  | Rank/Status | Potential to Occur on the Project Site   |
|--|-------------|--|
| <b>Plants</b>  |             |  |
| <i>Ivesia kingii</i> var. <i>kingii</i> (alkali ivesia)                  | 2B.2        | <i>Absent.</i> Within Great Basin Scrub, meadows and seeps, playas/mesic, alkali. Observed at elevations from 1,200 - 2,130 meters.  |
| <i>Calochortus excavatus</i> (Inyo County star-tulip)                    | 1B.1        | <i>Absent.</i> Chenopod scrub, meadows and seeps/alkaline and mesic Observed at elevations from 1,150 -200 meters. Known from small remnants of former populations.                                    |
| <i>Crepis runcinata</i> (fiddleleaf hawksbeard)                          | 2B.2        | <i>Absent.</i> Mojave Desert scrub, pinyon and juniper woodland/mesic, alkaline. Observed at elevations from 1,250-1,450 meters.   |
| <i>Phacelia inyoensis</i> (Inyo phacelia)                                | 1B.2        | <i>Absent.</i> Meadows and seeps (alkaline). Observed at elevations from 915-3,200 meters.   |
| <i>Micromonolepis pusilla</i> (dwarf monolepis)                          | 2B.3        | <i>Absent.</i> Alkaline, openings in Great basin scrub. Observed at elevations from 1,500-2,400 meters.  |
| <i>Cryptantha fendleri</i> (sand dune cryptantha)                        | 2B.2        | <i>Absent.</i> Sand dunes, sandy soils, sagebrush scrub. Observed at elevations from 1,950-2,210 meters.   |
| <i>Plagiobothrys parishii</i> (Parish's popcornflower)                   | 1B.1        | <i>Absent.</i> Wet alkaline meadows around springs and emergent wetlands or lake beds Observed at elevations from 750-1,400 meters.  |
| <i>Viola purpurea</i> ssp. <i>aurea</i> (golden violet)                  | 2B.2        | <i>Absent.</i> Great basin scrub, pinyon and juniper woodland. Observed at elevations from 1,000-1,800 meters.   |
| <i>Boechera dispar</i> (Pinyon rockcross)                                | 2B.3        | <i>Absent.</i> Joshua tree woodland, pinyon and juniper woodland. Mojavean desert scrub; granitic, gravelly. Observed at elevations from 1,200-2,400 meters.   |
| <i>Cymopterus globosus</i> (globose cymopterus)                          | 2B.2        | <i>Absent.</i> Great Basin scrub. Sandy, open flats. Observed at elevations from 1,215-2,090 meters. Last seen April 26, 1897.   |
| <i>Phacelia gymnoclada</i> (Naked-stemmed phacelia)                      | 2B.3        | <i>Absent.</i> Chenopod scrub, Great Basin scrub, pinyon and juniper woodland. Gravelly or clay soils. Observed from 1,200-2,500 meters.   |
| <i>Chaetadelpa wheeleri</i> (Wheeler's dune broom)                       | 2B.2        | <i>Absent.</i> Desert dunes, Great Basin scrub Mojavean desert scrub; sandy. Observed from 795-1,900 meters.   |
| <i>Drobanche ludoviciana</i> var. <i>arenosa</i> (Suksdorf's broomerape) | 2B.3        | <i>Absent.</i> Parasitic on <i>Ericameria</i> and <i>Iva</i> spp. Similar to <i>O. parishii</i> ssp. <i>parishii</i> ; separation between them blurred in Great Basin. Observed from 795-1,900 meters. |

### 3 ENVIRONMENTAL ANALYSIS

| Species   | Rank/Status    | Potential to Occur on the Project Site  |
|---|----------------|---|
| <i>Sphaeromeria potentilliodes</i> (alkali tansy-sage)      | 2B.2           | <i>Absent.</i> Meadows and seeps. Playas, usually alkaline. Observed from 2,100-2,400 meters.   |
| <b>Wildlife</b>   |                |   |
| <i>Pyrgulopsis wongi</i> (Wong's springsnail)               | FSS            | <i>Low.</i> Great Basin flowing waters Meadow and seeps and small-moderate size spring-fed streams. Common in watercress and/or on small bits of travertine and stone.  |
| <i>Ovis Canadensis ssp nelsoni</i> (Desert bighorn sheep)   | BLMS, CFP, FSS | <i>Low.</i> Widely distributed from the White Mountains in Mono County. Open, rocky, steep areas with available water and herbaceous forage. Active year round.   |
| <i>Buteo swainsonii</i> (Swainson's Hawk)                   | BCC, BLMS      | <i>Low.</i> Great Basin grassland. Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Nests April through July. |
| <i>Corynorhinus townsendii</i> (Townsend's big-eared bat)   | SSC            | <i>Low.</i> Roosts in the open, hanging from walls and ceilings. Breeds in mines and caves. Roosting sites limiting. Extremely sensitive to human disturbance.  |
| <i>Microtus californicus vallicola</i> (Owen's Valley Vole) | SSC, BLMS, FSS | <i>Low.</i> Found in wetlands and lush grassy ground in the Owens Valley. Needs friable soil for burrowing. Eats grasses, sedges, and herbs.  |
| <i>Lanius ludovicianus</i> (Loggerhead Shrike)              | SSC            | <i>Medium-High.</i> Found in grasslands and desert with scattered shrubs nesting in large dense spiny shrubs and low trees.   |
| <i>Artemisiospiza belli</i> (Bell's Sparrow)                | SSC            | <i>Low.</i> Outside of known range.   |

**Listing:**

BCC = USFW Bird of Conservation Concern

BLMS = BLM Sensitive

CFP = California Department of Fish and Wildlife Fully Protected Species

FSS = USFS Sensitive

SSC = California Department of Fish and Wildlife Species of Special Concern

WL = California Department of Fish and Wildlife Watch List

**California Rare Plant Ranks:**

1B Plants Rare, Threatened, or Endangered in California and Elsewhere

2B Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere

0.1 Seriously threatened in California

0.2 Moderately threatened in California

0.3 Not very threatened in California

### 3 ENVIRONMENTAL ANALYSIS

- 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?**

#### **General Plan Amendment**

##### **Special-Status Plant Species**

The results of the focused botanical surveys indicate that no special-status plants are present within the project site. Future development and uses on the project site could involve earth-disturbing activities and use of equipment that would result in a less than significant impacts on special-status plants due to minor reduction in suitable habitat.

##### **Special-Status Wildlife Species**

One special-status bird species was found to have a medium to high potential to occur on the project site, as detailed in Table 3-1. Nesting birds protected under state and federal law could use habitat on the project site. Agricultural activities on the project site could remove foraging and nesting habitat. Equipment use and earth-disturbing activities could result in nest destruction or mortality of young during the nesting season, which is typically February through September, and an active nest is present. Use of heavy equipment and the increase in human activity associated with the future development could also cause nest abandonment if construction were to occur near an active nest during the nesting season. Loss of an active nest, whether directly through tree removal or indirectly due to adjacent noise and activity, would result in a significant impact. The loggerhead shrike and other nesting bird species would be protected by the Migratory Bird Treaty Act (MBTA), which makes it illegal to harm nests without a valid Federal permit. Future developments would also be subject to the provisions of the California Fish and Game Code 3503 which protect against the destruction of nests. The impact on nesting birds and loggerhead shrike would be less than significant with adherence to the MBTA and California Fish and Game Code 3503.

#### **Cannabis Facility**

##### **Special-Status Plant Species**

No special-status plant species were identified during the reconnaissance survey and focused botanical surveys. The cannabis facility would result in a less than significant impact on special-status plant species.

##### **Special-Status Wildlife Species**

The project would involve heavy equipment use within habitat where there is a medium to high potential for encountering loggerhead shrike and other migratory bird species protected under state and federal law including California Fish and Game Code 3503 and the MBTA, which make it illegal to take or destroy a nest without a valid permit. The cannabis facility would comply with the 2015 General Plan policies and actions. Policy 2.A.1 and Action 2.A.1.a. require projects that could cause impacts on animal habitats to conduct an assessment and identify mitigation measures to be made a part of project approval. Action 2.A.1.b. requires projects with

### 3 ENVIRONMENTAL ANALYSIS

potential impacts on nesting birds to consult with state and federal agencies and prepare a nesting bird plan, as necessary, as a condition of approval. If loggerhead shrike or other birds were nesting in the project area during construction, noise and disturbance associated with use of heavy equipment and human traffic could result in nest mortality or abandonment if the activity occurs during the nesting season. As discussed above, the loggerhead shrike and other nesting bird species would be protected by the MBTA. Activities related to the cannabis facility would be subject to the provisions of the California Fish and Game Code 3503 which protect against the destruction of nests. The impact on nesting birds and loggerhead shrike would be less than significant with adherence to the MBTA and California Fish and Game Code 3503.

**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?**

#### **General Plan Amendment**

A small population of Greasewood Scrub in alliance with *Suaeda nigra* was observed on the project site during focused botanical surveys. The population of Greasewood Scrub in alliance with *Suaeda nigra* observed on-site is located in area with high saline content, which is not suitable for agricultural use (Kokx, 2021). Future agricultural development would likely avoid this sensitive natural community habitat. However, if this community were graded or impacted as part of future permitted activities, the population is too small to have a detrimental effect to the community throughout California (Kokx, 2021). The project site does not contain riparian habitat that could be disturbed by development. Future development and uses would comply with the 2015 General Plan policies and actions. Action 2.A.1.d. and Action 2.A.1.e. require planting with native vegetation and procedures to avoid introducing invasive weeds to the area. The impact would be less than significant.

#### **Cannabis Facility**

No sensitive natural communities occur within the area for the cannabis facility development. The cannabis facility development would not affect sensitive natural communities. No impact would occur.

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

#### **General Plan Amendment and Cannabis Facility**

No wetlands occur in any portion of the project site. No impact would occur.

**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?**

#### **General Plan Amendment and Cannabis Facility**

The project site is in a valley with low density development surrounded by more natural, less developed hills. The project site does not serve as an important migratory corridor for wildlife

### 3 ENVIRONMENTAL ANALYSIS

and plants. The existing perimeter fencing around the property currently precludes some wildlife from traveling through the site. The proposed fencing around the cultivation area would not appreciably affect movement of wildlife through the project site. Future uses under the General Plan Amendment, such as livestock grazing, would not substantially alter any existing movement through the project site, due to the existing fence posing a boundary. Movement of small wildlife, such as lizards and rodents, through the site would be generally unaffected by development or agricultural use. Wildlife would still be able to travel through the broader region. The impact on wildlife movement would be less than significant. Refer to Impact a) for a discussion of impacts on nesting birds.

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

#### General Plan Amendment and Cannabis Facility

No local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, apply to the project (Mono County, 2015). No impact would occur.

- 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?**

#### General Plan Amendment and Cannabis Facility

The project site is not located within an area covered by an adopted habitat conservation plan or natural community conservation plan (Mono County, 2015). No impact would occur.

### 3.5 Cultural Resources

| Environmental Impacts  | Potentially Significant Impact      | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|--|-------------------------------------|---|-------------------------------------|--------------------------|
| <b>5. CULTURAL RESOURCES. Would the project:</b>   |                                     |   |                                     |                          |
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?      | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of formal cemeteries?                           | <input type="checkbox"/>            | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### Records Search and Cultural Resource Assessment

A Cultural Resources Records Search was conducted for the proposed site at the Eastern Information Center, University of California, Riverside (EIC). The search involved a 1-mile

### 3 ENVIRONMENTAL ANALYSIS

radius around the boundaries of project site and collected all available information about previous cultural resources studies and known archaeological sites/isolated finds within the subject area.

The EIC search identified six previous cultural resources studies and 13 known cultural resources within the 1-mile radius, while additional research identified four other cultural resources studies. Eleven of the cultural resources are archaeological sites, nine of which lie in proximity to the current project site. The other two resources are isolated artifacts (Great Basin Consulting Group, 2020).

A pedestrian survey was conducted between July 31 and August 2020 for the proposed project by Great Basin Consulting Group personnel. The results of the pedestrian survey confirmed that the nine archaeological sites identified during records search are located within the project site. Four of the nine archaeological sites are eligible for listing in the California Register of Historical Resources. The results of the pedestrian survey and associated archaeological resources documentation are summarized in the Cultural Resource Assessment (Great Basin Consulting Group, 2020).

#### **Project Site**

None of the previously recorded cultural resources are located within the project site; however, previous cultural resource studies were not focused on the project site. The project vicinity contains a high volume of sensitive prehistoric and historic resources. The former alignment of the Southern Pacific (SP) Railroad and Carson & Colorado (C&C) Railroad once ran north-south through the project site. Although there was never a siding or station in the vicinity of the project area, it is possible that the remains of temporary railroad worker's camps occur within the project site.

The records search identified that the original road through Hammil and Chalfant valleys ran through the eastern edge of the project site. There are also many unimproved dirt roads within the project site, some of which are depicted on the 1962 Benton, California 15-Minute quadrangle and therefore would appear to be of historic age, likely dating prior to 1960. These roads could have been created and used for many different purposes during historic times, perhaps residential, recreational, or industrial. The roads are associated with the operation of the historic Comanche Mine and Mill, the remains of which are located immediately south/southwest of the project site within the records search radius. The Comanche Mine was located in 1862, becoming a major part of the Blind Springs Hill mining district upon its organization in 1864 (Great Basin Consulting Group, 2020).

- a) **Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?**  
and
- b) **Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?**

### 3 ENVIRONMENTAL ANALYSIS

#### General Plan Amendment and Cannabis Facility

Future development and uses could damage or destroy known historical and archaeological resources resulting in a significant impact. According to General Plan Policy 15.C.1 if the impact on cultural resources cannot be reduced to less than significant, then a statement of overriding considerations is required through an EIR process. Thus, the project may result in a potentially significant impact that is not discussed in the 2015 General Plan EIR and this topic area will be evaluated in the Focused EIR.

c) **Would the project disturb any human remains, including those interred outside of formal cemeteries?**

#### General Plan Amendment and Cannabis Facility

No known cemeteries or human remains are located on the project site. If any human remains are uncovered, all project site activities would be required to comply with state policies. All site disturbance would halt until the County Coroner has made a determination as to the status of the human remains (Health and Safety Code 7050.5-7055). If the human remains may be those of a Native American, the Native American Heritage Commission shall be contacted, and the appropriate treatment identified for the remains (Health and Safety Code 7050.5.(b); Public Resources Code Section 5097.98). Compliance with appropriate regulations would ensure that human remains are not damaged by project activities. The impact would be less than significant.

### 3.6 Energy

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| <b>6. ENERGY. Would the project:</b>  |                                |   |                                     |                          |
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

a) **Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

#### General Plan Amendment and Cannabis Facility

Construction of the cannabis facility and future structures on the project site would require energy to produce the raw building materials, in addition to powering construction equipment and vehicles. Fuel and energy use during construction would be consistent with typical

### 3 ENVIRONMENTAL ANALYSIS

construction and manufacturing practices, and would not be an excessive or wasteful use of energy.

Future development and uses could include the cultivation and harvesting of crops, and rearing and management of livestock. Agricultural uses may require energy use to power equipment, lighting, operation of facilities, and trucks traveling to and from the site. Future activities could produce agricultural products and goods that would be sold and used. During operation of the cannabis facility, the indoor cultivation facility would require the use of special lighting, ventilation, and air conditioning systems. Although the cannabis facility and some allowable uses may involve substantial energy use, production of commodities would be beneficial to the California economy and outweigh the quantity of energy consumed. Fuel use during operation of the cannabis facility or future uses would be consistent with typical agricultural and manufacturing practices. All development in Mono County would be required to comply with current California Green Building Standards Code Title 24, Part 11 (Cal Green) energy performance standards as well as policies and actions contained in the 2015 General Plan and the Resources Efficiency Plan to address energy conservation (Mono County, 2014). The project applicant and future operators on the project site would also have financial incentive to avoid wasteful, inefficient, and unnecessary consumption of the energy during operation. The impact would be less than significant.

**b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**General Plan Amendment and Cannabis Facility**

Future development and the proposed cannabis facility would obtain power from SCE, which is required to meet California’s renewable energy goals and polices. The project is also required to comply with California Green Building Standards Code, policies and actions set forth in the 2015 General Plan and the Resources Efficiency Plan. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The impact would be less than significant.

### 3.7 Geology and Soils

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| <b>7. GEOLOGY AND SOILS. Would the project:</b>  |                                |   |                              |           |
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: |                                |   |                              |           |

### 3 ENVIRONMENTAL ANALYSIS

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Landslides?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p><b>a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</b></p> <p><b>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.</b></p> |                                |   |                                     |                                     |

#### General Plan Amendment and Cannabis Facility

The project site is not located within an earthquake fault zone as delineated on the most recent Alquist Priolo Earthquake Fault Zoning Map (CDC, 2019). The nearest earthquake fault zone is

### 3 ENVIRONMENTAL ANALYSIS

located approximately 2.5 miles east of the project site. No known faults intersect the project site. Fault rupture would not occur on the project site. No impact would occur.

#### ii. Strong seismic ground shaking?

##### **General Plan Amendment and Cannabis Facility**

As discussed above, the project site is located in proximity to an earthquake fault zone. Future occupants of the project site, including employees and residents, could be subject to strong seismic shaking due to proximity to faults. Future development and the proposed cannabis facility would be designed to meet current California seismic structure codes. These structures, and all future development, would be constructed in compliance with the Seismic Requirements as outlined within the California Building Code (County of Mono, 2015). Compliance with the California Building Code and the County Building Code could prevent major damage to structures. The project would comply with the California Building Code and implementation of standard engineering techniques that would ensure structural safety. These standards reduce seismic hazards to a level of 'acceptable risk,' wherein the potential for significant human and property losses is outweighed by the benefits, given the probability of occurrence. Policies and actions in the 2015 General Plan, such as Action 1.A.2.C., which requires new construction to comply with Seismic Design Category D, support and strengthen these seismic safety programs, laws, and regulations. The impact from ground shaking would be less than significant.

#### iii. Seismic-related ground failure, including liquefaction?

##### **General Plan Amendment and Cannabis Facility**

The susceptibility of a soil to liquefaction is a function of the type of soil, depth, density, and water content of the granular sediments, and the magnitude of earthquakes likely to affect the area. Saturated, loose, granular sediment within the upper 50 feet are most susceptible to liquefaction. The potential for liquefaction increases with shallower groundwater (Caltrans, 2014). The project site is located on the eastern edge of the Owens Valley groundwater basin. Little data is available on groundwater elevations within the project vicinity. The TriValley Groundwater Management District conducts monitoring of groundwater elevations in the Owens Valley Groundwater Basin in Mono County. Groundwater elevations within the basin range from approximately 78 feet below ground surface to 128 feet below ground surface (DWR, 2020), which would be below a range that is at high risk for liquefaction. In addition, the project structures and future development would be designed to comply with engineering and construction requirements in accordance with the California Building Code and Mono County Building Code. The impact would be less than significant.

#### iv. Landslides?

##### **General Plan Amendment and Cannabis Facility**

The project site and adjacent surrounding area are relatively flat. The project site would not be subject to hazards from landslides. No impact would occur.

### 3 ENVIRONMENTAL ANALYSIS

#### b) Would the project result in substantial soil erosion or the loss of topsoil?

##### **Overview**

Soils underlying the project site are primarily Hessica fine sandy loam, Rovana gravelly loamy coarse sand, and Ulymeyer-Rovana complex. The runoff hazard is very low for both soil units. The soils on the project site have a moderate wind erosion hazard, but slight water erosion hazard (USDA, 2019).

##### **General Plan Amendment**

Future development and uses could involve construction of structures and various agricultural activities. Construction would involve grading and earthmoving, resulting in areas of bare soil that could be subject to erosion. A National Pollutant Discharge Elimination Service (NPDES) General Permit for construction activities would be required for construction activities that disturb over 1 acre. The NPDES Construction General Permit (NPDES No. CAS000002) requires that a Storm Water Pollution Prevention Program (SWPPP) be prepared by a Qualified SWPPP Developer that would include Best Management Practices (BMPs) to reduce erosion of disturbed soils. Grading over 10,000 square feet requires a grading permit from Mono County, which includes several general construction specifications that would minimize soil erosion. Construction disturbances on smaller areas would result in minimal erosion hazard. With proper implementation of BMPs, short-term construction-related erosion impacts would be minimized.

Agricultural activities, such as tilling and livestock grazing, could result in reduction of vegetative cover, exposure of soils, and loss of topsoil from wind erosion. The existing vegetation on the project site is moderately sparse and wind erosion is assumed to occur to some degree under existing conditions. Some agricultural activities occur in the project area, but overall the area is generally undeveloped and native vegetation is present. Transitioning the project site to agricultural activities, such as tilling or livestock grazing, would not substantially increase erosion in the region, compared to existing conditions. The future operators on the project site would also have an incentive to minimize erosion and loss of topsoil during operation, as this would degrade the ability of the land to be used for agricultural purposes. The impact from project-related erosion and loss of topsoil would be less than significant.

##### **Cannabis Facility**

Construction of the proposed cannabis facility would involve grading and earthmoving activities, which would expose bare soil resulting in soil. The project would involve up to 1.33 acres of surface disturbance over the entire construction period, which exceeds 1 acre and would necessitate compliance with the NPDES Construction General Permit. Soil erosion and topsoil loss would be minimized through implementation of the SWPPP and required BMPs, such as installation of straw wattles, silt fence, watering for dust control, and covering exposed surfaces. Operational activities would not involve earth disturbing activities that could result in erosion. With implementation of erosion control measures, the impact from erosion during construction would be less than significant.

### 3 ENVIRONMENTAL ANALYSIS

- c) **Would the project 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?**

#### **General Plan Amendment and Cannabis Facility**

The project site is flat and not susceptible to landslide hazards. As described above, liquefaction is not expected to be a risk on the project site due to the depth to groundwater in the basin. Construction vehicles and equipment used to construct the proposed project would not result in instability of the soils in the area. The proposed structures and any future development would be designed in accordance with current California seismic structure codes. Construction of the new structures would not result in increased instability. The project would not affect the stability of the soils in the area. The impact would be less than significant.

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

#### **General Plan Amendment and Cannabis Facility**

Expansive soils are generally soils with a high percentage of clay. Soils on the project site are primarily loamy sand and do not exhibit highly expansive behavior. The proposed cannabis facility and future developments would be developed in accordance with the California Building Code and Mono County Building Code. The impact would be less than significant.

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

#### **General Plan Amendment and Cannabis Facility**

The proposed cannabis facility would install a septic system. Future developments may involve installation of new or larger septic systems. All septic system installations are required to adhere to the stringent prohibitions established in the Water Quality Control Plan for the Lahontan Region and the goals and policies contained in the 2015 General Plan and the design would be subject to County review. The impact would be less than significant.

- f) **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

#### **General Plan Amendment and Cannabis Facility**

No paleontological resources or unique geologic features have been identified or reported on the project site. The proposed project is underlain by valley fill and has a low potential to contain paleontological resources (Inyo County Water Department, 2016). The proposed cannabis facility and future developments would involve earth-disturbing and excavation activities. Construction activities for the cannabis facility would not extend beyond a few feet below ground surface and therefore would not reach bedrock, where paleontological resources are most likely to be uncovered. Construction and operation of the proposed cannabis facility and future developments would be unlikely to uncover and damage any unique paleontological resources. The impact would be less than significant.

### 3 ENVIRONMENTAL ANALYSIS

## 3.8 Greenhouse Gas Emissions

| Environmental Impacts  | Potentially Significant Impact      | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact                           |
|--|-------------------------------------|---|------------------------------|-------------------------------------|
| <b>8. GREENHOUSE GAS EMISSIONS. Would the project:</b>   |                                     |   |                              |                                     |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input type="checkbox"/>            |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>            | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Future agricultural operations under the General Plan Amendment could generate greenhouse gas emissions that could have a significant impact on the environment. The project's impact on greenhouse gas emissions is evaluated in the Focused EIR.

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

Future agricultural operations under the General Plan Amendment could generate greenhouse gas emission that have a significant impact on the environment, which could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The impact associated with this topic is evaluated in the Focused EIR.

## 3.9 Hazards and Hazardous Materials

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| <b>9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>   |                                |   |                                     |                          |
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |

### 3 ENVIRONMENTAL ANALYSIS

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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"/> |
| 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"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

#### General Plan Amendment

Future uses could involve the routine transport of standard chemicals such as pesticides, fertilizer, fuels, and lubricants used for agricultural activities. California Department of Food and Agriculture (CDFA) oversees licensee compliance of pesticides and fertilizers through the inspection and enforcement methods of the County Agricultural Commissioner and other agencies. The Inyo and Mono Counties Agricultural Commissioner’s Office conducts inspections roughly every year depending on the products being used.

Future developments that would transport, use, or store hazardous materials would be required to do so in compliance with applicable local, state, and federal hazardous material regulations, along with the requirements of CDFA. The potential impacts regarding the transport, use, and storage of hazards materials would be less than significant due to compliance with federal, state, and CDFA regulations.

### 3 ENVIRONMENTAL ANALYSIS

#### **Cannabis Facility**

Cannabis cultivation operations would involve the use of pesticides, fertilizers, and other agricultural chemicals, along with propane tanks for backup generator. Pesticides that would be used in the cultivation operations would be approved for use on cannabis by the State. The proposed cultivation activities would generate waste, including potentially hazardous waste such as cleaners or pesticides. Routine transport, handling, and disposal of these types of waste could expose people to hazards if adequate precautions are not taken. Under the CalCannabis Licensing Program by CDFA, cultivators would be required to store, use, and dispose of hazardous materials in accordance with a broad range of applicable laws and regulation. The project applicant would compliance with all CDFA rules and regulations.

Project activities that would transport, use, or store hazardous materials would be required to do so in compliance with applicable local, state, and federal hazardous material regulations, along with the requirements of CDFA. The potential impact regarding the transport, use, and storage of hazards materials would be less than significant due to compliance with federal and state regulations.

- b) Would the project 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?**

#### **General Plan Amendment and Cannabis Facility**

Future agricultural activities and the proposed cannabis facility would involve use of hazardous materials that would create a potential for on-site releases of these materials. Employees and other persons could be exposed to hazardous material release through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. It is unlikely that any releases of hazardous material would extend beyond the project site boundary considering the size of the project due to the small volume of hazardous materials that would be used in agricultural or cannabis operations. Employees would be required to abide by the Occasional Health and Safety Administration (OSHA) safety and health standards including requiring use of safety equipment to ensure impacts to workers from accidental hazardous materials releases would be less than significant.

### 3 ENVIRONMENTAL ANALYSIS

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

#### **General Plan Amendment and Cannabis Facility**

No schools are located within one-quarter mile of the project site. The nearest school is located approximately 2.3 miles from the project site. No impact would occur associated with either the proposed cannabis facility or future developments.

- d) **Would the project 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?**

#### **General Plan Amendment and Cannabis Facility**

No known contaminated sites are located within 1 mile of the project site (SWRCB, 2021; DTSC, 2021). The nearest known contaminated site is Comanche Mine and Mill Site located approximately 2.5 miles north of the project site. This site is under evaluation (DTSC, 2021). The project would not disturb a known hazardous site. No impact would occur.

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

#### **General Plan Amendment and Cannabis Facility**

The project site is not located within an airport land use plan or within 2 miles of a public airport or public use airport. No impact would occur.

- f) **Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

#### **General Plan Amendment**

The project area is not located within an adopted emergency response plan or emergency evacuation plan. The General Plan indicates that all major highways, as well as roads leading to highways, could be used as an evacuation route when necessary. Highway 6 and State Route 120 would qualify as evacuation routes. The proposed project would not affect operation of Highway 6, which would be the main access road for emergency response or evacuation. Agricultural use and development would comply with the Mono County Design Guidelines to ensure that the use would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

#### **Cannabis Facility**

The project proposes no changes to access roads or Highway 6, which would be the main road for emergency vehicle access and for evacuations. No obstructions or other alterations that could hinder access would be installed. The project would have no impact on emergency response and evacuations.

### 3 ENVIRONMENTAL ANALYSIS

- g) **Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

#### General Plan Amendment and Cannabis Facility

The project site is in an area designated as a State Responsibility Area with a California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Rating of Moderate (CAL FIRE, 2007).

The conversion of the property to agricultural use or a cannabis facility would allow for development of agricultural structures, crops, introduction farm animals, and operation of a cannabis facility. These uses are not known to create a significant wildland fire hazard. However, a small, temporary increase in on-site fire risk could occur during construction of the proposed cannabis facility and future developments due to the presence of construction workers and equipment. This temporary increase of wildfire risk could expose construction workers and residents to a significant risk of loss, injury, or death if a wildland fire were to occur. Agricultural operations may involve use of heavy equipment or combustible materials that could increase wildfire risk on the project site compared to existing conditions, however, this nominally higher level of risk is no greater than other agricultural operations in the vicinity of the project site. Employees would be required to abide by the OSHA health and safety standards for using protective equipment to ensure impacts to workers from potential wildfires. The impact from exposure of people or structures to significant loss from wildland fires would be less than significant.

### 3.10 Hydrology and Water Quality

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| <b>10. HYDROLOGY AND WATER QUALITY. Would the project:</b>   |                                |   |                                     |                          |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?                                  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: |                                |   |                                     |                          |
| i) result in substantial erosion or siltation on- or off-site;   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### 3 ENVIRONMENTAL ANALYSIS

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) impede or redirect flood flows?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

#### **General Plan Amendment**

Future development under the Agriculture land use designation could result in non-point source stormwater discharges associated with land disturbance. The State Water Resources Control Board NPDES Program was adopted to control and enforce storm water pollutant discharge reduction per the Clean Water Act. The Lahontan Regional Water Quality Control Board issues and enforces the NPDES permit for discharges to waterbodies in Mono County. Any future agricultural use would be required to comply with the requirements of the NPDES program and Clean Water Act. Impacts would be less than significant.

#### **Cannabis Facility**

The proposed cannabis facility would disturb more than 1 acre of soil and therefore would be required to develop and implement a SWPPP under the Construction General Permit. The SWPPP depicts construction site perimeters, drainage patterns, existing and proposed structures, lots, roadways, and storm water collection and discharge points, and must also list the BMPs that will be used to protect storm water runoff and the placement of those BMPs. The SWPPP must also set forth a visual monitoring program and a chemical monitoring if there is a failure of best management practices. The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality during construction or during project operations. Impacts would be less than significant.

### 3 ENVIRONMENTAL ANALYSIS

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

#### **General Plan Amendment**

The project site is underlain by Owens Valley groundwater basin. The Owens Valley groundwater basin is designated as low priority under the Sustainable Groundwater Management Act (DWR, 2019), indicating that groundwater supplies are being managed sustainably and are not in a state of overdraft. Groundwater within the area is managed and monitored by the TriValley Groundwater Management District and the primary use of groundwater in the basin is by Los Angeles Department of Water and Power (LADWP), who extract thousands of acre feet of water annually. Future groundwater use within the project area would be limited to application of groundwater for agricultural production within the project parcels. Agricultural production of a high water demand crop in this region would be expected to use a maximum of 4 acre feet of water per acre or 320 acre feet of water over the entire approximately 80-acre project area (Johnson & Cody, 2015). This volume of water would not affect groundwater supplies in the basin. The Agricultural use designation allows for limited structures to be developed on the site that would not substantially interfere with groundwater recharge. The General Plan Amendment would not impede sustainable groundwater management of the basin.

#### **Cannabis Facility**

The project would require water use for cannabis cultivation. The water would be supplied from the developed on-site well that produces 2,000 gallons of water per minute. The daily water demand for this project would not exceed the production capacity of the on-site well. The use of groundwater would not be unsustainable. The project includes small areas of new impervious surfaces for the cannabis facilities. The less than 1 acre of new impervious surfaces would not appreciably affect groundwater recharge within the basin. The impact would be less than significant.

- c) **Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**
- i. **result in substantial erosion or siltation on- or off-site;**

#### **General Plan Amendment**

Future development and uses under the General Plan Amendment could involve construction of structures and various agricultural activities. Construction would involve grading and earthmoving, resulting in areas of bare soil that could be subject to erosion. A NPDES General Permit for construction activities would be required for construction activities that disturb over 1 acre. The NPDES Construction General Permit (NPDES No. CAS000002) requires that a Storm Water Pollution Prevention Program (SWPPP) be prepared by a Qualified SWPPP Developer that would include BMPs to reduce erosion of disturbed soils. Grading over 10,000 square feet requires a grading permit from Mono County, which includes several general construction

### 3 ENVIRONMENTAL ANALYSIS

specifications that would minimize soil erosion. Construction disturbances on smaller areas would result in minimal erosion hazard. With proper implementation of BMPs, short-term construction-related erosion impacts would be minimized.

Agricultural activities, such as tilling and livestock grazing, could result in reduction of vegetative cover, exposure of soils, and loss of topsoil from wind erosion. The existing vegetation on the project site is moderately sparse and wind erosion is assumed to occur to some degree under existing conditions. Some agricultural activities occur in the project area, but overall the area is generally undeveloped and native vegetation is present. Transitioning the project site to agricultural activities, such as tilling or livestock grazing, would not substantially increase erosion in the region, compared to existing conditions. The future operators on the project site would also have an incentive to minimize erosion during operation, as this would degrade the ability of the land to be used for agricultural purposes. The impact from project-related erosion and siltation would be less than significant due to compliance with existing State and federal water quality regulations.

#### **Cannabis Facility**

Construction of the proposed cannabis facility would involve grading and earthmoving activities, which would expose bare soil resulting in soil erosion. The project would involve up to 1.33 acres of surface disturbance over the entire construction period, which exceeds 1 acre and would necessitate compliance with the NPDES Construction General Permit. Soil erosion and topsoil loss would be minimized through implementation of the SWPPP and required BMPs, such as installation of straw wattles, silt fence, watering for dust control, and covering exposed surfaces. Operational activities would not involve earth disturbing activities that could result in erosion. With implementation of erosion control measures, the impact from erosion during construction would be less than significant.

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

#### **General Plan Amendment**

The General Plan Amendment to change the land use designation from Rural Residential-40 to Agriculture-40 would maintain the allowed coverage of the site at 40 percent. Agricultural use could include activities that would remove the vegetation on the site and replace the vegetation with crops or animals. More intensive activity on the site could result in increased runoff due to soil compaction. The General Plan Amendment would not change the allowed coverage of the site. The General Plan Amendment would allow for increased impervious surfaces compared to baseline conditions but would not allow for additional impervious surfaces compared to the existing land use designation. Because the project parcels total 78.45 acres and only a portion of the parcels could become impervious in the future, the potential activity would not result in substantial increased flooding on or off site. The impact on flooding would be less than significant.

### 3 ENVIRONMENTAL ANALYSIS

#### **Cannabis Facility**

The cannabis facility includes a parking area, processing facility, and storage house would introduce approximately a quarter acre of impervious surface to the site. The cannabis facility has been located outside of the floodplain and the activities would not increase flooding on site. The limited area of new impervious surface would not change the rate or amount of surface runoff that would result in flood off-site. The impact would be less than significant.

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

#### **General Plan Amendment and Cannabis Facility**

There is no existing or planned public stormwater drainage system in the project area or vicinity. The General Plan Amendment and cannabis facility would not affect public stormwater drainage facilities. The General Plan Amendment would allow for agricultural uses including housing of animals and crop production that could contribute to polluted runoff. Any agricultural use would have to comply with the relevant requirements of the Clean Water Act including obtaining all necessary permits from the LRWQCB (e.g., Concentrated Animal Feeding Operation). The cannabis facility proposes capture and treatment of effluent to meet all water quality standards. Compliance with laws for protection of water quality would avoid significant impacts from polluted runoff.

- iv. impede or redirect flood flows?**

#### **General Plan Amendment**

The northern portion of the northern project parcel is within a floodplain. Development of structures on the parcel would still require compliance with County design guidelines and agricultural use would not introduce structures that would impede or redirect flood flows. Any future use of the site that could require large structures would require separate authorization and approval by the County. Agricultural use of the site would not introduce structures to the floodplain that would impede or redirect flood flows. The impact would be less than significant.

#### **Cannabis Facility**

The cannabis facility has been located outside of the floodplain. The cannabis facility would not impede or redirect flood flows. No impact would occur.

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

The northern portion of the northern project parcel is located within a flood plain. The project is not located within a tsunami or seiche zone.

#### **General Plan Amendment**

Agricultural activities on the project site could include application of pesticides or herbicides as well as use of petrochemicals to operate equipment and vehicles within portions of the project area that are located within the 100-year flood plain. The use of these materials would be

### 3 ENVIRONMENTAL ANALYSIS

conducted in compliance with applicable State and federal regulations and would be applied to the extent required. The agricultural use would also be similar to the surrounding agricultural parcels, which are also located within the floodplain. The impact from risk of pollution due to project inundation would be less than significant.

#### Cannabis Facility

The proposed cannabis facility is not located in flood hazard, tsunami, or seiche zones. The project would not risk release of pollutants due to project inundation. No impact would occur as a result of the proposed cannabis facility.

- e) **Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

#### General Plan Amendment and Cannabis Facility

The Owens Valley groundwater basin is designated as low priority under the Sustainable Groundwater Management Act (DWR, 2019), indicating that groundwater supplies are being managed sustainably and are not in a state of overdraft. No sustainable groundwater management plan has been prepared that applies to the groundwater basin underlying the project site. No conflict with a sustainable groundwater management plan would occur.

The Lahontan Basin Plan is the water quality control plan covering the project region (LRWQCB, 1995). The Lahontan Basin Plan defines water quality standards and objectives for water quality through the Lahontan region. The water bodies downstream of the project site are not impaired and a total maximum daily load has not been adopted. The agricultural use and future cannabis facility would need to comply with policies for water quality defined in the Lahontan Basin Plan. The project would not conflict with or obstruct implementation of a water quality control plan. No impact would occur.

### 3.11 Land Use and Planning

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>11. LAND USE AND PLANNING. Would the project:</b>   |                                |   |                                     |                                     |
| a) Physically divide an established community?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### 3 ENVIRONMENTAL ANALYSIS

a) **Would the project physically divide an established community?**

**General Plan Amendment and Cannabis Facility**

The project site is mostly undeveloped and is adjacent to residential uses to the south. There is no established community within or adjacent to the project parcels. Future development under the Agriculture designation would not divide an established community because there are agricultural uses to the north and east, and industrial uses to the west of the project site. The project would not construct a new roadway, flood control channel, or other structure that would physically divide any community. No impact would occur.

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

**General Plan Amendment and Cannabis Facility**

Future development under the Agriculture designation would not conflict with land use plans, policies, or regulations as it would be required to be consistent with the development footprints and uses permitted in the Agriculture designation. The proposed cannabis facility is subject to County approval of the Conditional Use Permit and will need to comply with all County requirements for cannabis operations contained in the General Plan and County Code Chapter 5.60. The General Plan Amendment to Agriculture-40 is proposed so that the cannabis operations comply with the General Plan requirements for cannabis use. The cannabis facility would not conflict with a land use plan, policy, or regulation with the proposed General Plan Amendment. The impact would be less than significant.

### 3.12 Mineral Resources

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| <b>12. MINERAL RESOURCES. Would the project:</b>  |                                |   |                              |                                     |
| 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?                                | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

### 3 ENVIRONMENTAL ANALYSIS

- a) **Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**
- b) **Would the project 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?**

#### General Plan Amendment and Cannabis Facility

The California Legislature enacted the Surface Mining and Reclamation Act (SMARA) in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. SMARA requires the California Department of Conservation (CDC), California Geological Survey, to conduct Mineral Land Classification surveys. These surveys designated land areas, such as mineral resources zones or aggregate resource zones, depending on the type of resources identified in the area. The project area is designated as mineral resource area (MRA) 4: area where available information is inadequate for assignment to any other MRA and the project area is adjacent to areas designated as MRA 2 where adequate info indicate significant mineral deposits (CDC, 2015). The project area previously contained a mine; however, the mine has been abandoned. Agricultural and cannabis use of the site would not preclude any future access to or availability of any mineral deposits that could occur within the site. The project would not result in the loss of availability of a known mineral resource. No impact would occur.

### 3.13 Noise

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>13. NOISE. Would the project result in:</b>  |                                |   |                                     |                                     |
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### 3 ENVIRONMENTAL ANALYSIS

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

#### **General Plan Amendment**

Agricultural use, such as use of tractors or other heavy equipment that are used in agricultural operations, would generate noise that could affect adjacent lands. The project site is adjacent to land designated as rural residential to the south. The nearest residence is located approximately 230 feet south of the project site. Future agricultural use would be required to abide by Chapter 10.16 of the Mono County Code for noise regulations and the General Plan Noise Element policies during construction and use, which would ensure that noise impacts would be less than significant.

#### **Cannabis Facility**

The project would involve cultivation and distribution of cannabis. The cannabis facility is located over 1,000 feet from the nearest sensitive receptor. Cannabis activities would not produce significant temporary construction noise or continuous operational noise that would generate substantial temporary or permanent noise at any receptor location. The applicant shall also comply with the General Plan Noise Element policies and programs and with standards contained in Chapter 10.16 of the Mono County Code to ensure that on-site operations do not generate noise with an intensity that exceeds county standards at noise sensitive land uses. Construction and operational noise impacts would be less than significant.

- b) **Would the project result in generation of excessive groundborne vibration or groundborne noise levels?**

#### **General Plan Amendment and Cannabis Facility**

Groundborne vibration dissipates rapidly over distance with most vibration-related damages occurring within 25 feet of the vibration source and the vibration produced from equipment used in agricultural operations or the proposed cannabis facility would likely be imperceptible at distances greater than 25 feet (Federal Transit Administration, 2018). There are no sensitive receptors within 25 feet of the project site; therefore, the agricultural use and the cannabis facility would not create an impact from groundborne vibration. The impact would be less than significant.

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

#### **General Plan Amendment and Cannabis Facility**

The project site is not located within the vicinity of a private airstrip or an airport land use plan or, within two miles of a public airport or public use airport. The nearest airport, Eastern Sierra Regional Airport, is located approximately 30 miles south of the project site. The proposed

### 3 ENVIRONMENTAL ANALYSIS

cannabis facility or future developments would not expose people working in the project area to excessive noise levels. No impact would occur.

## 3.14 Population and Housing

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| <b>14. POPULATION AND HOUSING. Would the project:</b>   |                                |   |                              |                                     |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

- a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

### General Plan Amendment

Future development could include a single-family residence, accessory dwelling units, and mobile homes on the property. Mono County has an average of 2.37 persons per household (Department of Finance, 2019). Therefore, future development under the Agriculture designation could result in an incremental population increase on the property as well as provide some employment opportunities, but would not result in an overall substantial growth in the County. The impact would be less than significant.

### Cannabis Facility

The proposed cannabis facility does not include the construction of housing units nor changes to public road or other infrastructure that would induce any population growth. No impact would occur.

- b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

### General Plan Amendment and Cannabis Facility

There is no housing, nor population inhabiting the project area. The project would not displace people or housing. No impact would occur.

### 3 ENVIRONMENTAL ANALYSIS

#### 3.15 Public Services

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| <b>15. PUBLIC SERVICES.</b>   |                                |   |                                     |                          |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: |                                |   |                                     |                          |
| Fire protection?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Schools?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Parks?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other public facilities?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

**Fire protection?**

**General Plan Amendment and Cannabis Facility**

The project area is located in moderate fire hazard severity zone (CAL FIRE, 2007).. The proposed cannabis facility and future development under the General Plan Amendment would be similar to existing uses in the surrounding areas. Operation of a cannabis facility and future agricultural development are not known to create a significant risk for fire ignition, as analyzed under Section 3.9: Hazards and Hazardous Material Impact g). If a fire were to occur, fire service would be provided by White Mountain Fire Protect District (WMFPD). The WMFPD provides fire prevention/suppression and emergency medical response services to the communities of Benton and Hammil Valleys (Mono County Local Agency Formation Commission , 2009). The proposed cannabis facility and future developments would not affect response times or service ratios for the WMFPD’s fire station in Benton and there would be no need to create a new or altered fire station. The impact would be less than significant.

**Police protection?**

**General Plan Amendment and Cannabis Facility**

Police services for the project site would be provided by the Bishop Police Department (BPD) or California Highway Patrol. BPD is located approximately 29 miles south of the project site.

### 3 ENVIRONMENTAL ANALYSIS

Future development under the General Plan Amendment would include construction of structures and various agricultural activities and could result in an incremental population increase on the property and surrounding area to supply workers for the property. This could result in increase in the demand for police protection service. However, the amount of proposed development would not result in a need for expanded fire or police services. In addition, the future development would be required to comply with applicable County policies to promote public and property safety. Therefore, permitted agricultural uses of the project site would not create a new demand for police protection.

The proposed cannabis facility would install numerous security measures and systems, including lighting and perimeter fencing that would generate minimal additional need for police protection and would not require additional service beyond those currently available. The impact would be less than significant.

#### **Schools?**

##### **General Plan Amendment and Cannabis Facility**

The nearest school to the project site is Edna Beaman Elementary School, located approximately 2.4 miles north of the project site. The Agriculture designation of the site could allow for a small increase in population on the site and surrounding area compared to the existing designation and existing conditions. The potential for a small increase in population could increase demand for schools but would not result in the need for new school facilities. The proposed cannabis facility would create one to two seasonal employee positions and one permanent position on the site. Operation of the cannabis facility would not induce substantial population growth that would impact schools. The impact of the project on schools would be less than significant.

#### **Parks and Other Public Facilities?**

##### **General Plan Amendment and Cannabis Facility**

The General Plan Amendment from Rural Residential to Agriculture could allow for a small increase in population on-site due to higher density allowed. The General Plan Amendment and cannabis facility would not result in need for additional parks to be constructed or impact other governmental facilities as the increase would be negligible. The additional workforce associated with potential agricultural facilities and the proposed cannabis facility (one full-time and two part-time employees) would be served from the region. The impact would be less than significant.

### 3 ENVIRONMENTAL ANALYSIS

#### 3.16 Recreation

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>16. RECREATION.</b>   |                                |   |                                     |                                     |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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"/> |

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

**General Plan Amendment and Cannabis Facility**

No parks occur in the project area or vicinity. The General Plan Amendment from Rural Residential to Agriculture could allow for a small but increased population on-site but would not substantially increase use of parks. Future development under the General Plan Amendment could increase employment opportunities in the area; however, the employees are anticipated to come from the region and the project would not induce growth. The proposed cannabis facility would only create one permanent job. The project would not indirectly increase the use of existing neighborhood or regional parks or other recreation facilities. The impact on parks as a result of the project would be less than significant.

**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?**

**General Plan Amendment and Cannabis Facility**

The General Plan Amendment from Rural Residential to Agriculture could allow for a small but increased population on-site but would not be substantial enough to require new or expanded recreational facilities. The proposed cannabis facility and future development under the General Plan Amendment would increase employment opportunities in the area; however, the employees are anticipated to come from the region and the project would not induce growth. The project would not indirectly create a need to require the construction or expansion of recreational facilities. The project would not include recreational facilities or require the construction or expansion of recreational facilities. No impact would occur.

### 3 ENVIRONMENTAL ANALYSIS

#### 3.17 Transportation

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| <b>17. TRANSPORTATION. Would the project:</b>  |                                |   |                                     |                          |
| a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?           | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in inadequate emergency access?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

#### General Plan Amendment and Cannabis Facility

Highway 6 would be the main roadway that provides access to the project site. No public transit, bicycle or pedestrian facilities currently serve the project area. General Plan Policy 30.A.2 would involve construction of a new bike route along U.S. Highway 6 from the Inyo and Mono county line to the intersection of Highway 6 and State Route 6 in Benton. Future development may result in temporary vehicle trips during construction of agricultural structures and permanent vehicle trips associated with operation of private or commercial agricultural facilities. Vehicles associated with any future development would use regional and local roadways, primary Highway 6 for accessing the project site. Operation of agricultural activities under the General Plan Amendment could increase vehicle traffic but not significantly. The amount of vehicle trips associated with construction or operation of future agricultural facilities would be minimal. The cannabis facility would result in 8 daily worker vehicle trips (from a maximum of 4 construction workers) on Highway 6 during construction. The cannabis facility would involve one permanent worker that would be living on-site; therefore, no daily worker vehicle trip is anticipated during operation. The cannabis facility would also include approximately one delivery truck trip per month during facility operation. The low level of worker and truck trips generated by the project would not conflict with existing or proposed (e.g., bicycle) uses of Highways 6. The increase in daily trips would not significantly impact the circulation system. Implementation of the project would not conflict with a program, ordinance or policy addressing the circulation system.

### 3 ENVIRONMENTAL ANALYSIS

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

**General Plan Amendment and Cannabis Facility**

Future development under the General Plan Amendment and the proposed cannabis facility could provide employment opportunities in the area and an incremental population increase on the property. However, the employees are anticipated to come from the region and the project would not induce population growth. Providing jobs to local residents would result in similar vehicle miles traveled as compared to the existing conditions because workers may be located in proximity to the project site. The impact would be less than significant.

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

**General Plan Amendment and Cannabis Facility**

Future development under the General Plan Amendment would be required to comply with applicable County policies to ensure public and property safety. The Mono County Planning Department would review the consistency of the cannabis operations and future developments under the General Plan Amendment to ensure compatibility and geometric design does not result in dangerous traffic operations. The impact would be less than significant.

**d) Would the project result in inadequate emergency access?**

**General Plan Amendment and Cannabis Facility**

Future development under the General Plan Amendment and the proposed cannabis facility would be required to abide by the Mono County Emergency Operations Plan (EOP), which provides a framework for management and coordination in response to major emergencies within the county. The plan links detailed standard operating procedures (SOPs) at the local level to broader state and federal disaster planning. The EOP also addresses potential transportation-related hazards in Mono County (including earthquakes, volcanic eruptions, floods, and hazardous materials transport), as well as emergency preparedness and emergency response for the regional transportation system, including the identification of emergency routes. The County would also consult with CAL FIRE for emergency access requirements for new development in the State Responsibility Areas that cover most of the private property in Mono County. The impact would be less than significant.

### 3 ENVIRONMENTAL ANALYSIS

## 3.18 Tribal Cultural Resources

| Environmental Impacts | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact | No Impact |
|-----------------------|--------------------------------|---|------------------------------|-----------|
|-----------------------|--------------------------------|---|------------------------------|-----------|

### 18. TRIBAL CULTURAL RESOURCES.

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

|  |                                     |                          |                          |                          |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (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.**

### General Plan Amendment and Cannabis Facility

The project would require consultation with Native American tribes pursuant to Assembly Bill 52 and Senate Bill 18. The project's impacts on tribal cultural resources are evaluated in detail in the Focused EIR.

### 3 ENVIRONMENTAL ANALYSIS

#### 3.19 Utilities and Service Systems

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>19. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>   |                                |   |                                     |                                     |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?  | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

#### General Plan Amendment

Future development under the Agriculture land use designation would allow for potential small-scale livestock farming operations and/or crop farming. The water source serving the project site is the existing well on-site. There is no water purveyor that provides treated water to the area. Agricultural use would not create new demand for treated water. The project area is not served by wastewater facilities and there is no stormwater drainage facilities in the area. The potential agricultural use may require development of an on-site stormwater drainage depending on the size of the operation. Development of an on-site stormwater drainage would be confined to the property and would not result in environmental effects beyond those already analyzed. Permitted agricultural uses could require extension of power, and potentially

### 3 ENVIRONMENTAL ANALYSIS

communication lines to the site; however, the demand for these resources would not be greater than the surrounding agricultural and rural residential uses. There is an existing SCE power line located 1,400 feet to the east of the project site. New or improved utilities on the project site could be needed for future agricultural uses and would have the potential to individually cause a significant environmental effect on known cultural resources. The impacts from potential utility improvements on the project site in relation to cultural resources are evaluated in the Focused EIR. All other effects are adequately addressed in this IS Checklist.

#### **Cannabis Facility**

Water for the construction and operation of the cannabis facility would be provided by an on-site well located in the northeastern corner of the parcel. The project would not require construction of new water supply facilities. The energy source for the project would be SCE. The project would require an extension of power distribution lines underground running parallel to the parcel's southern property line to the processing facility. The proposed power line extension could have a significant impact on the environment (Drews, 2021). No other utility extension would be required. The impacts from the power line extension in relation to cultural resources are evaluated in the Focused EIR. All other effects are adequately addressed in this IS Checklist.

- b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

#### **General Plan Amendment and Cannabis Facility**

The groundwater basin underlying the project site is not within overdraft (California Department of Water Resources, 2019). The maximum agricultural water demand that could be expected on the approximately 80-acre project site is approximately 320-acre feet of water (Johnson & Cody, 2015). Operation of the Cannabis Facility would source water from the developed on-site well that produces 2,000 gallons of water per minute. The daily water demand for cannabis operation would not exceed the production capacity of the on-site well. The use of groundwater for future agricultural development and the proposed Cannabis Facility would not exceed water supplies in the basin during normal, dry, or multiple dry years. The impact would be less than significant.

- c) Would the project 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?**

#### **General Plan Amendment and Cannabis Facility**

A 1,000-gallon septic tank and 120-foot leach field would be constructed as part of the proposed cannabis facility. Future agricultural uses may need to expand these facilities. The proposed cannabis facility and any allowed agricultural uses would not connect to the County's Wastewater Treatment Plant. No impact would occur.

### 3 ENVIRONMENTAL ANALYSIS

d), e) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

#### General Plan Amendment and Cannabis Facility

Benton Crossing Landfill currently serves as the regional landfill for Mono County, and it is the only site in Mono County that accepts municipal solid wastes. Capacity at this landfill is expected to be adequate through 2023, after which the site will be closed (CalRecycle, 2021a). The agricultural use and proposed cannabis facility would not generate a substantial volume of solid waste that could not be accommodated at Benton Crossing Landfill given the small volume of waste that would be generated from the approximately 80 acres of agricultural operations and proposed cannabis facility. Pumice Valley Landfill would be available for solid waste disposal after the Benton Crossing Landfill ceases operation in 2023. Pumice Valley Landfill has remaining capacity of 358,790 cubic yards and is expected to be operational until 2048 (CalRecycle, 2021b). Agricultural and cannabis cultivation activities would generate several distinct types of waste, including green waste, solid waste, liquid waste, and potentially hazardous waste such as heavy metal, cleaners, or pesticides. All waste would be disposed of at permitted solid waste facilities and in accordance with local and State regulations. The impact would be less than significant.

### 3.20 Wildfire

| Environmental Impacts  | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>  |                                |   |                                     |                                     |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?   | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### 3 ENVIRONMENTAL ANALYSIS

| Environmental Impacts   | Potentially Significant Impact | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/>       | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### Overview

The project site is located on State Responsibility Area lands identified by CAL FIRE as a Moderate Fire Hazard Severity Zone (CAL FIRE, 2007). The nearest Very High Fire Hazard Severity Zone is located approximately 18 miles west of the project site.

- a) **Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?**

#### General Plan Amendment and Cannabis Facility

The project parcels do not cross Highway 6 and neither the General Plan Amendment nor cannabis facility would involve any activities that would block Highway 6 or State Route 120 and affect evacuation in the event of an emergency. The allowed agricultural uses would not generate a substantial volume of traffic. The cannabis facility would add approximately one permanent job and the amount of additional traffic related to operation of the facility would not inhibit or slow down evacuation should a wildfire occur. The impact would be less than significant.

- b) **Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

#### General Plan Amendment and Cannabis Facility

The project site is relatively flat with minimal slope. The project site has no slope or prevailing winds that would exacerbate wildfire risk and expose future project occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire. The impact would be less than significant.

- c) **Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

#### General Plan Amendment and Cannabis Facility

Construction activities associated with future development and cannabis facility would have a less than significant impact related temporarily increase risk of wildfire ignition, as analyzed under Section 3.9: Hazards and Hazardous Material Impact g). A new powerline would be installed underground for the proposed cannabis facility. Since the powerline will be

### 3 ENVIRONMENTAL ANALYSIS

underground, there would be no potential risk to exacerbate wildfire hazards on the project site. The impact would be less than significant.

- d) **Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

#### General Plan Amendment and Cannabis Facility

The project site is located on flat land. Future agricultural structures under the General Plan Amendment and the cannabis facility would be constructed in accordance with applicable standards. No people or structures would be exposed to a significant risk due to runoff, post-fire slope instability or drainage changes. The impact would be less than significant.

### 3.21 Mandatory Findings of Significance

| Environmental Impacts  | Potentially Significant Impact      | Less than Significant with GP EIR Mitigation Incorporated | Less than Significant Impact        | No Impact                |
|--|-------------------------------------|---|-------------------------------------|--------------------------|
| <b>21. MANDATORY FINDINGS OF SIGNIFICANCE.</b>   |                                     |   |                                     |                          |
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 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"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input type="checkbox"/> |

### 3 ENVIRONMENTAL ANALYSIS

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

#### **General Plan Amendment and Cannabis Facility**

##### **Habitat of Fish and Wildlife Species and Populations**

The dominant habitat types on the project site (sagebrush scrub) are common throughout the great basin. The project would not substantially reduce the habitat of a fish or wildlife species because the approximately 80 acres of suitable habitat on the project site is common throughout the region. No fish or wildlife populations are known to occupy the project area. The project would not cause a fish or wildlife population to drop below self-sustaining levels. The impact on habitat for fish and wildlife species and populations would be less than significant.

##### **Plant or Animal Community**

The known and potential plant and animal communities discussed in Section 3.4: Biological Resources located within the project area are considered common throughout the region. The agricultural use and commercial cannabis activities would not threaten to eliminate any plant or animal community (Kokx, 2021). The impact would be less than significant.

##### **Rare or Threatened Plant or Animal**

The project area provides suitable habitat for several rare plants. No threatened plant or animal species were observed or have the potential to occur within the project site (Panorama Environmental, Inc., 2020; Kokx, 2019). No impact would occur.

##### **California History or Prehistory**

Implementation of the project would result in a potentially significant impact to cultural resources. The project's impacts on the known cultural resources are evaluated in detail in the Focused EIR.

- 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)?**

#### **General Plan Amendment and Cannabis Facility**

There are two transportation projects planned in the vicinity of the project site, including the Chicago Valley Thin Blanket Project located along Highway 6 from north of Benton to the intersection of California-Nevada state border and Benton Pavement Project also located along Highway 6 from North of Benton to the intersection of Highway 6 and Falls Creek Road (Caltrans, 2021). The Chicago Valley Thin Blanket Project is currently being constructed and the construction is anticipated to be complete in June 2021 (Caltrans, 2021). The Benton Pavement

### 3 ENVIRONMENTAL ANALYSIS

Project is currently undergoing project planning phase and tentative construction schedule is between October 2028 and December 2032 (Caltrans, 2021).

A Lot Merger application has been filed for the Dakota Ranch located approximately 6 miles north of the project site (Mono County, 2020). Four parcels would be merged under this application. All of the parcels have an existing land use designation of Agricultural. No development is proposed in conjunction with the lot merger.

The Mono County General Plan Amendment 21-01 would include land use designation changes for two properties (36 Christie Lane and 55030 Highway 120) located approximately 6.4 miles north of the project site (Mono County, 2021a). The 36 Christie Lane property currently contains residential development, and the land use designation would be changed from Public and Quasi-Public Facilities to Multi-Family Residential. The 55030 Highway 120 property's land use designation would be changed from Mixed Designation to Specific Plan. No new development is anticipated for both properties at the time of preparing this environmental document. The land use designation changes would be technical corrections and clarifications as part of the annual cleanup of the General Plan (Mono County, 2021b).

Implementation of the cumulative transportation projects would not generate significant environmental impacts as these projects involve refurbishment of existing roadways (Caltrans, 2019). No development is proposed in association with the cumulative projects that involve a lot merger and land use designation changes. While development would be allowed in accordance with the permitted uses of the new land use designation, the land use designation changes are technical corrections to conform with existing uses. The cumulative impacts on all resources would be less than significant.

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

**General Plan Amendment and Cannabis Facility**

Environmental effects that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. Implementation of the General Plan Amendment and Cannabis Facility would have the potential to result in a significant impact to air quality and greenhouse gas emissions. These project impacts on human beings are evaluated in the Focused EIR.

Future agricultural use would be required to abide by the Mono County Code for noise regulations and the General Plan Noise Element policies during construction and use. Construction of the proposed cannabis facility would occur for up to 8 months. The nearest residence is 230 feet south of the project site and could be exposed to air pollutant emissions or noise levels associated with construction activities. Construction workers could be exposed to air pollutants, including dust and diesel exhaust, and elevated noise levels. These impacts would be short-term and would cease upon completion of the construction process.

### 3 ENVIRONMENTAL ANALYSIS

Additionally, construction workers are subject to OSHA safety and health standards including requiring use of safety equipment during operation of loud equipment. The noise impact on human beings would be less than significant.

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## 5 Report Preparers

This section lists those individuals who either prepared or participated in the preparation of this IS checklist.

Panorama Environmental, Inc. prepared this checklist for and under the direction of Mono County Community Development Department. The following staff listed in Table 5-1 contributed to this checklist.

**Table 5-1 Consultant Team**

| Contributor      | Title                     | Role   |
|------------------|---------------------------|--|
| Susanne Heim     | Principal/Senior Reviewer | Quality Control/Document Review and Revision for all Checklist Sections  |
| Caitlin Gilleran | Project Manager           | Project Management, Quality Control/Document Review and Revision for all Checklist Sections, Project Description |
| Yingying Cai     | Environmental Planner     | Preparation for all Checklist Sections, Project Description  |
| Corey Fong       | GIS Specialist            | GIS/Graphics   |

## 5 REPORT PREPARERS

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May 15, 2021

Chairperson Charlotte Lange  
PO Box 237  
Lee Vining, CA 93541  
[char54lange@gmail.com](mailto:char54lange@gmail.com)

**RE: AB 52 NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN  
AMENDMENT AND CONDITIONAL USE PERMIT, APOGEE FAMRS**

Dear Chairperson Charlotte Lange,

As lead agency, the Mono County Community Development Department (the County) is preparing a Focused EIR to analyze potential impacts associated with approval of a proposed General Plan Amendment and Condition Use Permit. The Project is to change the land use designation of two properties south of Benton, CA, from Rural Residential to Agriculture, and a Conditional Use Permit for a commercial cannabis cultivation and whole-sale distribution. Cannabis cultivation will occur within three mixed-light greenhouses (a combination of artificial and natural light) and not exceed 8,640 square feet. The properties are APN 025-020-013 and 025-040-002 and are owned by one party. Proposed development on APN 025-020-013 includes improving the dirt access road to current driveway standards, development of two standard and one handicap parking spaces, a 320 square-foot storage house for septic system and water tank, a 32-square-foot well pump house, construction of three 2,880-square-foot green-houses, and construction of an 1,800-square-foot processing facility building. No development is proposed on APN 025-040-002 at this time.

Tribal participation is very important in the local planning process, and we are sending this letter to the Mono Lake Kutzadika Tribe to comply with AB 52. Under AB 52, tribes have 30 days to request consultation. In keeping with this timeframe, please send us your request by June 14, 2021 for consultation as requested under AB 52.

The project proposal is described more fully in the attached Notice of Preparation, and within the Initial Study that has been posted online:

<https://www.monocounty.ca.gov/planning/page/apogee-farms-focused-eir>.

The Draft Subsequent EIR is currently in preparation and is expected to be ready for public review and comment late in the summer of 2021. No hearings have been scheduled, and no hearings or public meetings are expected until after the public review period ends later this year.

To respond, please contact Michael Draper, Planning Analyst, Mono County Community Development Department, at 760.924.1805 or [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov). We look forward to receiving your reply and any information you are able to share and would welcome the opportunity to meet with you and other members of the Mono Lake Kutzadika Tribe. Thank you for taking the time to consider this invitation.

Sincerely,

Michael Draper  
Planning Analyst  
(760) 924-1805  
[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

Attachments:

1. Notice of Preparation

# Mono County Community Development Department

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May 15, 2021

Chairperson Shane Saulque  
25669 Highway 6 PMBI  
Benton, CA 93512  
[shanesaulque@hotmail.com](mailto:shanesaulque@hotmail.com)

**RE: AB 52 NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN  
AMENDMENT AND CONDITIONAL USE PERMIT, APOGEE FAMRS**

Dear Chairperson Shane Saulque,

As lead agency, the Mono County Community Development Department (the County) is preparing a Focused EIR to analyze potential impacts associated with approval of a proposed General Plan Amendment and Condition Use Permit. The Project is to change the land use designation of two properties south of Benton, CA, from Rural Residential to Agriculture, and a Conditional Use Permit for a commercial cannabis cultivation and whole-sale distribution. Cannabis cultivation will occur within three mixed-light greenhouses (a combination of artificial and natural light) and not exceed 8,640 square feet. The properties are APN 025-020-013 and 025-040-002 and are owned by one party. Proposed development on APN 025-020-013 includes improving the dirt access road to current driveway standards, development of two standard and one handicap parking spaces, a 320 square-foot storage house for septic system and water tank, a 32-square-foot well pump house, construction of three 2,880-square-foot green-houses, and construction of an 1,800-square-foot processing facility building. No development is proposed on APN 025-040-002 at this time.

Tribal participation is very important in the local planning process, and we are sending this letter to the Utu Utu Gwaitu Paiute Tribe to comply with AB 52. Under AB 52, tribes have 30 days to request consultation. In keeping with this timeframe, please send us your request by June 14, 2021 for consultation as requested under AB 52.

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<https://www.monocounty.ca.gov/planning/page/apogee-farms-focused-eir>.

The Draft Focused EIR is currently in preparation and is expected to be ready for public review and comment late in the summer of 2021. No hearings have been scheduled, and no hearings or public meetings are expected until after the public review period ends later this year.

To respond, please contact Michael Draper, Planning Analyst, Mono County Community Development Department, at 760.924.1805 or [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov). We look forward to receiving your reply and any information you are able to share, and would welcome the opportunity to meet with you and other members of the Utu Utu Gwaitu Paiute Tribe. Thank you for taking the time to consider this invitation.

Sincerely,

Michael Draper  
Planning Analyst  
(760) 924-1805  
[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

Attachments:

1. Notice of Preparation