



July 20, 2021

Scott Orr, Deputy Director of Planning
Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for UPC17-0069;
Freestone Ranch LLC (SCH No. 2021060487)

Dear Mr. Orr:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of Sonoma for the proposed UPC17-0069; Freestone Ranch LLC (Proposed Project).

DCC has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a)(2).) All commercial cannabis cultivation within the California requires a cultivation license from DCC. For a complete list of all license requirements, including regulations, please visit: https://static.DCC.ca.gov/MCCP/document/DCC%20Final%20Regulation%20Text_01162019_Clean.pdf.

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

DCC offers the following comments and recommendations concerning the IS/MND.

General Comments (GCs)

GC1: Acknowledgement of DCC Regulations

The IS/MND does not acknowledge that the Proposed Project requires a cultivation license from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's regulations, similar to the discussion provided with regard to County regulations. In particular, the impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

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

GC 2: AB 52 Compliance

The IS/MND does not contain a description of the AB 52 compliance process for the Proposed Project. The document would be strengthened if it included a detailed description of this process, including a list of tribes that were contacted, the date(s) upon which those tribes were contacted, and any responses received.

GC 3: Permits and Approvals

The IS/MND does not list DCC as a public agency whose approval would be required to operate the Proposed Project. The IS/MND could be improved if it listed all agencies requiring approval of the Proposed Project, including DCC and the

California Department of Fish and Wildlife, as well as other state cannabis business licensing agencies, if applicable. It would also be more informative if the permit required from each agency was listed.

GC 4: Site-Specific Reports and Studies

The IS/MND references several project-specific plans, studies, and project-specific data, including Biological Resources Assessment, Greenhouse Gas Emission Reduction Plan, Fire Safety and Evacuation Plan, Water Conservation Plan, Stormwater Management Plan, Erosion and Sediment Control Plan, and Noise Study. In addition, to ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

GC 5: Evaluation of Cumulative Impacts

It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in Sonoma County. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Proposed Project coupled with other cannabis cultivation projects being processed by the County, and any other reasonably foreseeable projects in Sonoma County that could contribute to cumulative impacts similar to those of the Proposed Project.

Specific Comments and Recommendations

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

Comment No.	Section No.	Page No.	Resource Topic	IS/MND Text	DCC Comments and Recommendations
1	V. Setting	4	N/A	Figure 3	The quality of the Site Plan (Figure 3) is such that details cannot be discerned. DCC requests that the County advise applicants to provide a higher resolution copy of the Site Plan with their state application package for their annual cultivation license to DCC.
2	VI. Project Description	5-7	N/A	N/A	The IS/MND would be improved if it included a description of any equipment that will be used for cultivation operations, including tractors, forklifts, mowers, etc.
3	VII. Issues Raised by the Public or Agencies	7	N/A	A referral packet was drafted and circulated to inform and solicit comments from relevant local and state agencies; and to special interest groups that were anticipated to take interest in the project.	DCC requests that the County include DCC on the list of agencies to receive referral packets for future cannabis projects. In addition, the IS/MND would be strengthened if it included a summary of the responses received from local and state agencies.
4	VIII. Other Related Projects	7	N/A	The two neighboring parcels (APN 026-080-008 and APN 026-080-007) west of the parcel site have received cannabis permits.	The IS/MND would be improved if it included an analysis of the cumulative impacts of these neighboring cannabis projects. See GC 5.

Comment No.	Section No.	Page No.	Resource Topic	IS/MND Text	DCC Comments and Recommendations
5	1.d.	12	Aesthetics	The proposed new structures could introduce new sources of exterior light and possible glare.	The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 3 §§ 8304(c), 8304(g)).
6	3.c	18	Air Quality	There would be no long-term increase in emissions, and any potential dust emissions would be reduced to less than significant through application of the Ordinance and permit issuance requirements described in Section 3.b above.	Section 3.b does not appear to discuss Ordinance and permit requirements related to long-term operational air emissions. The document would be improved if it included a description of criteria air pollutant emissions that could result from cannabis cultivation operations and routine maintenance at the project site, including emissions resulting from heavy equipment, delivery trucks, and employee vehicles on dirt and gravel roads. Further, the document would be improved if it provided an analysis of whether such emissions would impact nearby sensitive receptors.
7	3.d	18	Air Quality	Regardless, the County has determined that because the project is	The document would be improved if it described how compliance with the

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				<p>odor generating and within the minimum one-mile screening distance, “a public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.”</p> <p>The code requirements are adequate to ensure that potential odor impacts would be less than significant.</p>	<p>code requirements would ensure odor impacts would be less than significant.</p>
8	4	19-30	Biological Resources	N/A (General Comment)	<p>The IS/MND would be improved if it provided an analysis of potential impacts to biological resources resulting from Proposed Project operations. This could include an analysis of impacts resulting from increased light, noise, vehicles, or heavy machinery.</p>

Comment No.	Section No.	Page No.	Resource Topic	IS/MND Text	DCC Comments and Recommendations
9	4.a.	25	Biological Resources	<p>BIO-1: Monitor Special Status Plants Onsite: To ensure no take of individuals and compliance with CDFW guidelines, three additional seasonal surveys shall be conducted in March, April, and May for four special-status plant species:</p>	<p>The IS/MND does not clearly indicate whether the surveys must take place prior to construction. In addition, it does not clearly indicate whether these surveys are mandated only one time, or whether they must be completed annually. The document would be improved if it specified the timing of the seasonal surveys for special status plants.</p>
10	10.b.	45	Hydrology and Water Quality	<p>The project is unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time.</p>	<p>The IS/MND would be improved if it provided support for this statement. The document would be strengthened if it included information regarding the estimated amounts of water use for the Proposed Project, status of the groundwater basin, and any water efficiency equipment that would be installed. In addition, an analysis of the cumulative impacts of the Proposed Project on the groundwater basin should be included. (See GC 5.)</p>
11	19.b.	61	Utilities and Service Systems	<p>The project is unlikely to cause a decline in groundwater elevations</p>	<p>The IS/MND would be improved if it provided support for this statement. The document would be strengthened if it included information regarding the</p>

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				or deplete groundwater resources over time.	estimated amounts of water use for the Proposed Project, status of the groundwater basin, and any water efficiency equipment that would be installed. In addition, an analysis of the cumulative impacts of the Proposed Project on the groundwater basin should be included. (See GC 5.)
12	21.b	78-79	Mandatory Findings of Significance (Cumulative Impacts)	N/A	The IS/MND should identify whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project, and provide an analysis of whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 247-1659 or via e-mail at kevin.ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager