

Appendix D

Response to Comments on the Draft IS/MND

December 2022

Response to Comments

Background

The California Environmental Quality Act (CEQA) Guidelines Section 15074 requires a Lead Agency (Mono County Community Development and Planning) to review and consider all comments received on the Draft IS/MND prior to making a determination on a proposed project. The purpose of this Response to Comments document is to provide responses to comments received on the Draft IS/MND, consistent with CEQA requirements. Responses to comments that do not relate to physical changes to the environment are provided for informational purposes only.

Comments Received

Appendix E includes the comments received between September 30, 2022 and November 3, 2022 while the IS-MND was in circulation. The Mono County Community Development Department received sixteen (16) written comment letters. Comment letters are listed in Table D-1.

Table D-1. Comment Letter Table

Comment Letter Number	Name of Commenter	Affiliation
1	Kevin Ponce	California Department of Cannabis Control
2	Alisa Ellsworth	California Department of Fish and Wildlife
3	Tom Schaniel	Great Basin Unified Air Pollution Control District
4	Danny and Teri Dikes	Resident
5	Bert Bryan	Walker River Irrigation District
6	Cynthia and Rod Vickers	Resident
7	Kathy Maxwell	Resident
8	David Rogers	Resident
9	Rod Vickers	Resident
10	Daniel Dikes	Resident
11	Valanda Corbett	Resident
12	Helen Armas	Resident
13	Chuck Evans	Resident
14	Karen Fuerherm	Resident
15	Dave Thorson	Resident
16	Stephanie Coomes	Resident

Revisions to the Draft IS/MND

New or enhanced mitigation measures

Based on comments received, the mitigation measures and the mitigation monitoring and reporting program (MMRP) have been enhanced with more effective mitigations. The enhanced mitigations are more effective at reducing significant impacts and do not require recirculation of the IS/MND per CEQA Guidelines 15074.1.

Revisions to text

Based on comments or new information received the IS-MND has been revised. The Final IS-MND includes all changes. Text additions are underlined text and deletions are ~~strikethrough~~ text. Changes are included in the following section.

Grouped Responses

This section groups similar comments and provides additional response. The grouped responses are referenced within individual comment letters.

GR-1 Project Notification

Comments suggest a lack of project notification to property owners in the vicinity.

The IS/MND was posted for a 30-day public review and comment between October 4, 2022 and November 2, 2022 in compliance with CEQA Guidelines CCR 15703. The project authorization requires a use permit issued by the Mono County Planning Commission. Prior to the Planning Commission hearing on the project, Mono County Community Development will notify adjacent property owners in Mono County within 300 feet by mail and post public hearing notices per General Plan Land Use Element Chapter 32.030 and Chapter 46 Noticing Requirements.

GR-2 Interstate Transport of Cannabis

Comments describe concerns regarding the transportation of cannabis on Stateline Road and across the Nevada-California border.

Interstate transport of cannabis is prohibited by the California Department of Cannabis Cultivation (DCC) regulations 15146. The IS/MND does not evaluate impacts of legal or illegal inter-state cannabis transport. The project site has access to East Side Lane without crossing the California-Nevada border. While Eastside Lane and Stateline Road do continue north into Nevada, these roads do not provide alternative access to state routes.

GR-3 Impact to Property Values

Comments describe impacts to, or concern that, property values near the project area will decrease.

Per CEQA Guidelines (CCR 14 § 15131a), economic effects of a project are not evaluated unless changes to socio-economic conditions result in physical changes to the environment caused by economic or social changes.

GR-4 Aesthetics – Lighting

Comments describe on-site lighting will contribute to light pollution, which would be significantly inconsistent with the general aesthetics of the area.

As discussed in Aesthetics 4.1 (d), the project would have security and emergency lighting that will be described within the lighting plan to be reviewed and approved by Mono County. The Department of Cannabis Cultivation regulations also have requirements for site lighting that must be met. The document has been revised to provide clarification as follows:

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

GR-5 Air Quality – Odor

Comments describe that odor from cannabis cultivation is a significant impact and proposed mitigation does not adequately reduce the impacts.

Mono County General Plan – Land Use Element, 13.070 E specifically address odor control and requires that the project have an odor mitigation plan to ensure that cannabis odors are mitigated outside and surrounding the facility of operation unless there is a lack of cannabis-related odor being generated due to location, design features, or other factors.

The County will audit the Odor Mitigation Plan and its effectiveness upon issuance of the Commercial Cannabis Operation Permit and during annual inspections.

The following discussion was added to 4.3 Air Quality-

Indoor cultivation and processing completely enclosed within buildings would be the only source of cannabis odor during Phases 1 and 2.

The project site is located away from existing habitable space under separate ownership and public roads. The distance between the project cultivation area and the nearest neighboring dwelling is 1,700 feet to the east-northeast and 0.4 miles southeast to the nearest road, Eastside Lane. There are five residences within one mile of the project area. In the vicinity of the project there are 19 residences within the Topaz Heights area of Douglas County. The distance between the project area and Topaz Heights residences is between 1,700 feet and 3.2 miles. There are six residences near Topaz Lane and Eastside Lane in Mono County between 1.0 and 1.5 miles from the project area. The project would not affect a substantial population due to the low density of residences in the vicinity. Prevailing winds are not directly aligned with neighboring residences or Eastside Lane. The project does not propose odor filtration or ventilation systems for indoor or outdoor cultivation; instead, the location of the project in relationship to receptors would not cause unreasonable impacts to receptors based on the siting of the cultivation areas. The cultivation use would generate cannabis odors detectible beyond the project property. Sensitivity to cannabis odor varies and adjacent uses may detect and find odors to be offensive which is a significant impact requiring mitigation. Mitigation Measure AQ-1 requires odor mitigation measures including posting notice, ambient odor monitoring, and reduction of outdoor cultivation area if odor is determined to be unreasonable.

To further reduce potential odor from cannabis cultivation, Mitigation Measures AQ-1 was revised as follows:

AQ 1: Odor Mitigation

The applicant shall post signs at the property line that provide a 24-hour project contact phone number and County code enforcement phone number in the case of nuisance odors.

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

GR-6 Air Quality

Comments describe concerns regarding the use of propane generators and suggest the use of other renewable sources of energy. Comments note potential for impacts of dust cause by vehicle traffic and operations. Comments describe that the emissions modeling considers carbon dioxide and does not provide information about other air pollutants.

The project must comply with DCC regulations for the use of a portable or stationary generator (DCC Code title 4 § 16306 (b)).

Dust control measures shall be utilized on access roads and must be in compliance with Great Basin Unified Air Protection Control District regulations (Mono County General Plan – Land Use Element 13.080 C).

Additional information was added to Section 4.3 – Air Quality as follows:

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

To minimize fugitive dust generated from discing and tilling practices associated with outdoor cultivation, farming practices will be modified to avoid discing and tilling when wind speed are in excess of 15 miles per hour.

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

The following Mitigation Measure was added to further reduce potential impacts to Air Quality:

Mitigation Measure AQ-2 Dust Control Mitigation Measures

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

The CalEEMod emission summary results for major air pollutant emissions for construction and annual operations were added to 4.3 Air Quality:

Based on CalEEMod emission modelling the project would emit the following

Table 4-1 Estimated Annual Construction Emissions

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

Table 4-2 Estimated Annual Operational Emissions

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

GR-7 Energy

Comments describe concerns regarding the use of propane generators and suggest the use of other renewable sources of energy.

DCC Regulations Section 16305 require indoor cultivation operations to meet the local unity provider’s average electricity greenhouse gas emissions intensity requirement. If the weighted greenhouse gas emission intensity is greater, then carbon offsets shall be purchased (DCC Code title 4 § 16305 (a) (b)).

Additional discussion was added to the IS/MND section 4.7 Energy to describe DCC requirements to meet average greenhouse gas emission intensity required by the local utility provider; or if intensity is higher, to obtain carbon offsets.

GR-8 Hazards – Recreational Shooting

Comments note the BLM lands used for recreation shooting in the vicinity of the proposed project as a hazard.

The property abuts land managed by the Bureau of Land Management (BLM) Bishop Field Office and is less than 1 mile from lands managed by the US Forest Service Bridgeport Ranger District. Recreational shooting is allowed on BLM and Forest Service lands. BLM guidance for safe recreation shooting prohibits shooting from or over roads.

GR-9 Hydrology - Water Quality

Comments describe concerns of potential impacts to water quality from cannabis cultivation fertilizers, pesticides, and herbicides. Comments describe potential impacts to surface water from run-off.

Lahontan Regional Water Quality Control Board (LRWQCB) regulates cannabis cultivation operations according with General Order WQ 2019-0001-DWQ- General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The General Order categorizes activities by risk to water quality based on slopes and overall disturbance area. The proposed project would most likely be classified as a Tier 2, Low Risk due to slopes less than 30 and cultivation area greater than 1 acre. The requirements of the General Order are to submit a Site Management Plan, Nitrogen Management Plan, and Site Closure Report. Additionally, all permittees covered by the General Order are required to monitor winterizing measures and nitrogen application.

DCC Regs Pesticide Use Requirements 16307:

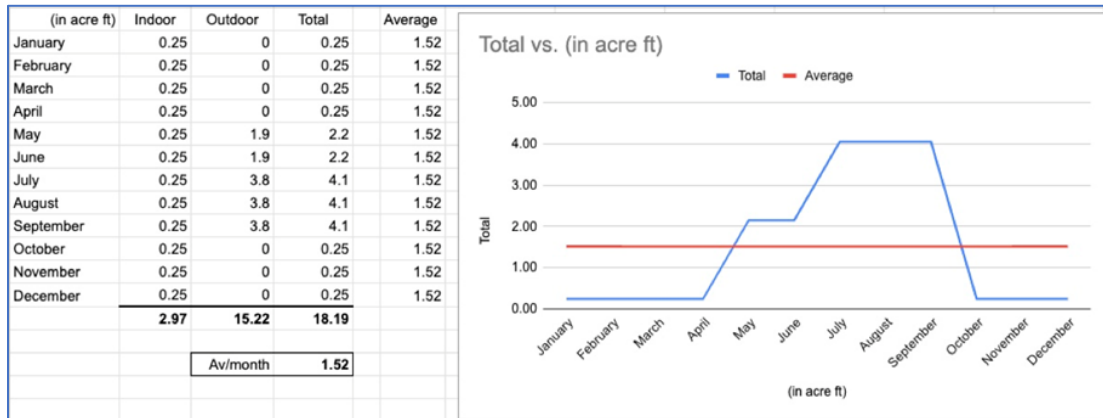
§16307. Pesticide Use Requirements.

- (a) Licensed cultivators shall comply with all applicable pesticide statutes and regulations enforced by the Department of Pesticide Regulation.
- (b) For all pesticides that are exempt from registration requirements, licensed cultivators shall comply with all applicable pesticide statutes and regulations enforced by the Department of Pesticide Regulation and the following pesticide application and storage protocols:
 - (1) Comply with all pesticide label directions;
 - (2) Store chemicals in a secure building or shed to prevent access by wildlife; Department of Cannabis Control Medicinal and Adult Use Commercial Cannabis Regulations Page 153 of 216
 - (3) Contain any chemical leaks and immediately clean up any spills;
 - (4) Apply the minimum amount of product necessary to control the target pest;
 - (5) Prevent offsite drift;
 - (6) Do not apply pesticides when pollinators are present;
 - (7) Do not allow drift to flowering plants attractive to pollinators;
 - (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
 - (9) Do not apply pesticides when they may reach surface water or groundwater; and
 - (10) Only use properly labeled pesticides. If no label is available, consult the Department of Pesticide Regulation.

GR-10 Hydrology – Groundwater Use

Comments describe the quantity of groundwater used for cultivation could potentially impact water supply to the surrounding private well owners and for future development.

Outdoor cultivation would utilize raised beds with mulch-covered drip tapes to maximize water usage by avoiding runoff and minimizing evaporation. Outdoor seasonal demand would be limited to 4,000 gallons per acre per day with peak usage occurring July-September. Usage during the months of May and June are estimated at half of peak amount.



Estimated Water Use per Year
(Information provided by Sierra High Farms)

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

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

GR-11 Land Use and Planning

Comments note that the project and commercial cannabis use is not compatible with existing agricultural and residential uses in the vicinity. Comments also describe that the project would divide an existing community.

The following discussion is added to Land Use and Planning to describe the residential area of Topaz Heights and Douglas County, Nevada land uses:

4.11a - The project is located between Topaz Heights, NV, and residences along Topaz Lane, CA. The existing rural neighborhoods and clusters of large lot agricultural residences lack identifiable boundaries. The project does not create a physical barrier to access for the established community and The project would not physically divide an established community.

4.11b Topaz Heights is a local place name describing the rural residential area of northern Antelope Valley within Douglas County, Nevada. Topaz Heights is considered part of the rural communities and neighborhoods as part of Antelope Valley. Per the Douglas County Master Plan adopted in 2020 the Antelope Valley Community Plan describes a Vision Statement for Antelope Valley: "Antelope Valley will remain a very low-density rural community focused on providing access to public lands, the Walker River, and other recreational use areas."

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

GR-12 Noise

Comments note that the project will contribute to an increase in noise.

Noise produced on-site will comply with the Mono County General Plan Noise Element and Mono County Code (Chapter 10.16.060 A-C) - the maximum allowable exterior noise level for agricultural and commercial land use designations shall not exceed 65 dBA at all times. Additionally, the Planning Commission retains the right to approve the use of a "fixed noise source", this includes the use of a generator.

GR-13 Public Services - Police Protection

Comments describe concerns about potential increases in crime created by the project, and the possibility of inducing illegal cannabis cultivation in the area. Comments note that the nearest Sheriff's offices are in Bridgeport, California, approximately 40 miles by road from the project and note response time issues due to the project location. Comments describe the timing of approval of the Security Plan as inadequate. Comments request the project provide additional Sheriff's Office facilities.

Mono County Community Development notes no permit compliance or criminal activities reported by law enforcement for the existing commercial cannabis uses in the area. The project would not change the physical environment resulting in a greater occurrence of or impacts from illegal cannabis cultivation in the project vicinity.

Law enforcement response distance and time are based on existing physical office locations. In remote locations actual response times may vary based on weather, staffing, and operational situations.

Per the Cannabis Operation Permit the proposed project must comply with the approved security plan (Mono County Code 5.60.130 G) and DCC Regulations. The required confidential Security Plan of DCC Regulations is submitted to the Sheriff's Office due to the sensitive information contained related to surveillance, alarming, and door lock system details. Based on the level of detail available with the use

permit application the property and proposed improvements are capable of meeting minimum requirements of DCC and Mono County for security improvements.

Mono County Sheriff's Office has not identified the need for additional facilities in Antelope Valley.

GR-14 Public Services - Fire Protection

Comments note the distance from fire service and possible impacts to fire protection capabilities due to propane storage.

The proposed project shall meet all regulations of the local fire district to ensure adequate access, water availability and other conditions for fire protection (Mono County General Plan, Chapter II section 13.070 K). In addition, commercial cannabis activities shall comply with General Plan Land Development Regulations, Chap. 22 Fire Safe Regulations; PRC sections 4290 and 4291, as well as current California Building Code.

If approved the project would be required to meet the updated California Building Standards Code including Fire Code. International Building Code Standard 6104.3 for separation between liquid propane gas storage and buildings, public ways, or lot lines of 50 feet for tanks between 2,001 and 30,000 gallons.

There are existing large propane tanks in Antelope Valley at High Country Propane in Walker and at Coleville/Bridgeport (MWTC) Liberty Military Housing. The addition of new liquid propane gas storage does not create a significant impact on public services.

GR-15 Transportation - Traffic

Comments note the projected increase in traffic on local roads as an impact and express concern about associated impacts of dust and erosion from unpaved roads.

The applicant provided additional information on peak employment by month and detail about type of trips generated by the commercial cannabis use which was incorporated in the trip generation analysis.

4.17a -Phases 1 & 2, indoor cultivation, would employ eight (8) full-time employees and seven (7) part time employees. Phase 3, outdoor cultivation would employ between 4 and 8 seasonal employees at build-out. The peak employee population is 23 employees. The peak employee population would be during the month of September at 23 employees. From October to April the employee population would be 15 employees. This analysis assumes trips based on peak seasonal employment month of September, during periodic indoor and seasonal outdoor harvesting and processing; employees would not live onsite and would commute to work each day. The proposed project is estimated to generate up to 100 vehicle/truck trips per day during Phase 3 peak seasonal employment.

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

GR-16 Transportation – Fence Line Road Access

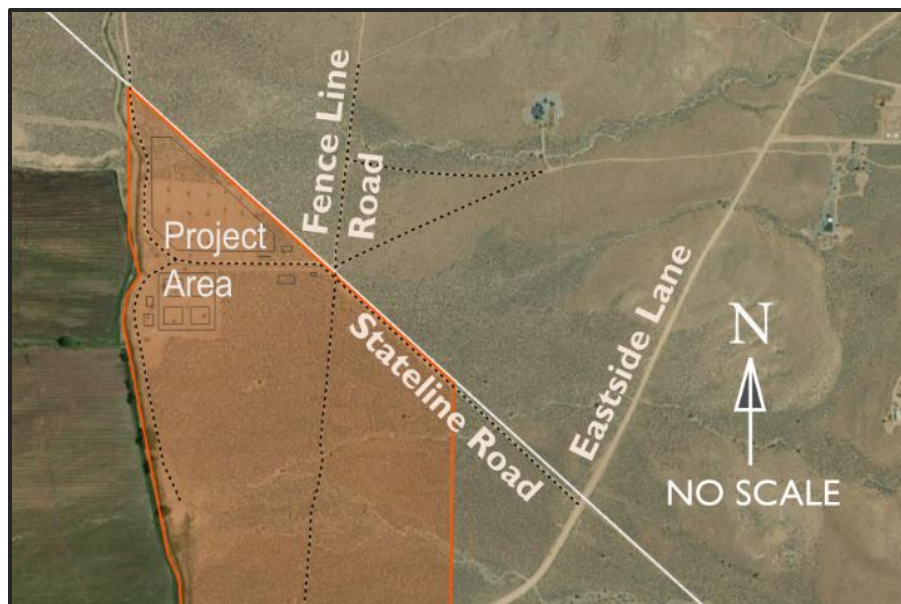
Comments describe impacts to Fence Line Road which is used by some of the nearby residents to access their properties.

Stateline Road is used to access Fence Line Road which is shared access between the project and property to the north. Fence Line Road is a private road. Proposed improvements would not change the access to or use of Fence Line Road by neighboring property owners.

Discussion and a map are added to 4.17 Transportation:

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

Figure 4-3 Local Roads Map



GR-17 Transportation – Emergency Access

Comments describe potential impacts to evacuation routes and functionality caused by the project.

The project includes emergency turnout improvements for the portion of Stateline Road located on the project property. No changes to existing circulation for local roads Eastside Lane, Stateline Road, and Fence Line Road would occur due to the project.

Discussion was included in 4.17 d:

Emergency access to the property is along private “Stateline Road” from Eastside Lane. The length of the access from Eastside Lane to the proposed project site is approximately 2,900 feet.

The existing access is a single lane of 12-18 feet wide. There is adequate area available for access improvements, CalFire Fire Safe Regulations and Mono County General Plan Chapter 22 - Development Standards that require improvements to and prescribe design standards for emergency access. The project site plan proposes a 48-foot outside diameter emergency access turnaround and turnouts every 400 feet consistent with requirements. Required improvements of new turnouts to Stateline Road would improve access conditions to Fence Line Road. The project does not propose changes that would result in significant impacts to emergency access to the project site or roads in the vicinity.

GR-18 Wildfire – Above-ground Utilities

Comments describe an increased risk of wildfire ignition due to the installation of above ground power utilities.

Discussion was added to 4.14 - Wildfire to include information from the Liberty Utilities Wildfire Mitigation Plan to describe wildfire risk from above-ground power lines.

The proposed above-ground powerline would create risk for wildfire ignition from equipment failure or line strikes caused by high winds. The Liberty Utilities Wildfire Mitigation Plan (WMP) classifies wildfire risk based on the designations of Office Energy Infrastructure and CalFire for High Fire Threat Districts (HFTD). The WMP designates Antelope Valley as HFTD-2 and the eastern portion of Antelope Valley as Moderate to identify and prioritize utility wildfire mitigation actions. Per the WMP and project description of 1.6 miles of above ground power lines there is a risk for wildfire ignition due to line impact, animals, and line-to-line faults. Covered conductor applications include insulating or coating power lines. Covered conductor is effective at mitigating several types of ignition drivers such as contact from objects and wire-to-wire contact, as well as reducing other equipment failures. (Liberty Utilities 2022). Liberty Utilities is implementing hardening projects including covered conductor upgrades on distribution lines within Antelope Valley. Mitigation Measure WF-2 would require utility hardening and vegetation management to reduce the risk of wildfire associated with new infrastructure to less than significant.

Mitigation Measure WF-2 was enhanced to include requirements for hardening proposed power lines to reduce risk.

WF-2 Overhead Utility *Hardening and* Vegetation Management

Mono County shall require the above-ground power utility lines and poles to be constructed with features that reduce the risk of wildfire ignition. Above-ground power utility hardening techniques shall be incorporated into the utility design. Examples of design features include covered conductors, tree wire, wider crossarms, metal poles, and hardware upgrades. The applicant shall provide site plans, electrical system design plans and details incorporating hardening techniques to Liberty Utilities and Mono County. Liberty Utilities and Mono County shall approve the above-ground powerline plans prior to construction. The site plan and system design shall include a vegetation management plan for proposed new overhead utilities corridors and new utility poles consistent with PRC 4292 and 4293, Public Utilities Commission General Order 95, and Liberty Utilities Wildfire Mitigation Plan. The applicant shall maintain vegetation to the standard of the vegetation management plan.