



September 29, 2020

### Comment Letter #3

City of Coachella  
Luis Lopez  
1515 Sixth Street  
Coachella, CA 92236  
llopez@coachella.org

**Subject:** Initial Study/Mitigated Negative Declaration (SCH No. 2020090375) –  
Bejarano Cannabis Cultivation Project

Dear Mr. Lopez:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2020090375) prepared by the City of Coachella for the proposed Bejarano Cannabis Cultivation Project (Proposed Project).

3-1

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA 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 California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: [https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text\\_01162019\\_Clean.pdf](https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text_01162019_Clean.pdf).

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CDFA expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the IS/MND is sufficient for CDFA's needs at that time, CDFA 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 CDFA. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the City of Coachella.



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

## **General Comments (GCs)**

### ***GC 1: Acknowledgement of CDFA Regulations***

The IS/MND acknowledges that CDFA is an agency whose approval is required for the Proposed Project. CDFA is responsible for the licensing of cannabis cultivation and is responsible for the regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). The IS/MND's analysis would benefit from discussion of the protections for environmental resources provided by CDFA's regulations (Cal. Code Regs. tit.3, § 8000 et seq.). In particular, the impact analysis would be further supported by a discussion of the effects of state regulations on reducing the severity of impacts on the following resource topics:

- Aesthetics (See 3 California Code of Regulations § 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: Phasing***

The Project Description indicates that the Proposed Project would be constructed in two distinct phases. To the extent that these details are reasonably foreseeable, the IS/MND would be strengthened if it clarified how and/or whether corresponding operations would vary across phases of the project (e.g., variations in the number of employees hired, vehicle trips, equipment usage, and/or requirements for physical resources [e.g., water, energy]). CDFA assumes that the IS/MND evaluates Proposed Project operations and maintenance activities as they are anticipated at full buildout (e.g., when all project phases have been completed). The IS/MND would be improved if the City clearly confirmed (or clarified) this assumption.

### ***GC 3: Project-specific Plans and Supporting Documentation***

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The IS/MND references several project-specific plans, such as a Stormwater Pollution Prevention Plan (SWPPP); Biological Resources Assessment; Historical/Archeological Resources Survey Report; and Air Quality and GHG Impact Analysis; as well as other supporting license application materials. In order to ensure that CDFA has supporting documentation for the IS/MND, CDFA requests that the City advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for annual cultivation license to CDFA.

### **Specific Comments and Recommendations**

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Specific comments and recommendations concerning the IS/MND are provided in the following table.

3-7

<b>Comment No.</b>	<b>Page No(s).</b>	<b>Section</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>CDF A Comments and Recommendations</b>
1	4	Introduction (Question 10)	Other Agencies Whose Approval is Required	N/A	The IS/MND does not list CDF A 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 CDF A and California Department of Fish and Wildlife, as well as any other applicable agencies. It would also be more informative if the permit required from each agency was listed.
2	28	I(d)	Aesthetics	N/A	The IS/MND would be improved if it referenced CDF A'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) and (g)).

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<b>Comment No.</b>	<b>Page No(s).</b>	<b>Section</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>CDFR Comments and Recommendations</b>
3-9	31	VI(a)	Energy	N/A	The document would be improved if it described how the Proposed Project will comply with CDFR regulations related to use of renewable energy. (Cal. Code Regs., tit. 3 § 8305.)
3-10	41	IX(d)	Hazards and Hazardous Materials	N/A	The document would be improved if it referenced CDFR regulations that require applicants to conduct an Envirostor search (Cal. Code Regs. tit.3, § 8102(q)).
3-11	63	XIX(b)	Utilities and Service Systems	Through the payment of water standby charges, hookup and connection fees, the impact of implementing the proposed project on water systems are forecast to be less than significant.	The document would be improved if it described how the payment of fees would reduce impacts to less than significant impacts to groundwater supply.

<b>Comment No.</b>	<b>Page No(s).</b>	<b>Section</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>CDEA Comments and Recommendations</b>
6	63-64	XIX(b)	Utilities and Service Systems	N/A	The document would be improved if it referenced CDEA regulations governing the disposal of waste from cultivation operations (Cal. Code Regs. tit.3, § 8108).
7	66-67	XXI(b)	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.

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## Conclusion

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CDFA 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 Supervisor, at (916) 576-4161 or via e-mail at [kevin.ponce@cdfa.ca.gov](mailto:kevin.ponce@cdfa.ca.gov).

Sincerely,

**Lindsay Rains** Digitally signed by Lindsay Rains  
Date: 2020.09.29 18:51:40 -07'00'

Lindsay Rains  
Licensing Program Manager