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MEMORANDUM

From: Kaitlyn Dodson-Hamilton

To: Mr. Luis Lopez

Date: October 19, 2020

Subj: **Completion of the Mitigated Negative Declaration for the Bejarano Cannabis Cultivation Project (SCH# 2020090375)**

The City of Coachella (City), on behalf of the Applicant, Infrastructure Engineers, prepared and distributed an Initial Study (IS) and Mitigated Negative Declaration (MND) for the Bejarano Cannabis Cultivation Project and made it available for public review in accordance with the California Environmental Quality Act (CEQA). The Initial Study was distributed to local and regional organizations and was also available for public review at the City office.

The City received four written comment letters on the proposed MND for the Bejarano Cannabis Cultivation Project by the close of the comment period on October 19, 2020. CEQA requires a Negative Declaration to consist of the Initial Study, copies of the comments, any responses to comments as compiled on the following pages, and any other Project related material prepared to address issues evaluated in the Initial Study.

For this Project, the original Initial Study will be utilized as one component of the Final IS/MND package. The attached responses to comments, combined with the IS and the Mitigation Monitoring and Reporting Program (MMRP), constitute the Final Negative Declaration package that will be used by the City to consider the environmental effects of implementing the proposed Project. The following agencies submitted comments. The comments are addressed in the attached Responses to Comments:

1. California Department of Fish and Wildlife (CDFW)
2. Inland Empire Biking Alliance
3. California Department of Food and Agriculture (CDFA)
4. South Coast Air Quality Management District (SCAQMD)

Because mitigation measures are required for this Project to reduce potentially significant impacts to a less than significant level, the MMRP attached to this package is required to be adopted as part of this Final IS/MND package. The MMRP has been incorporated by reference to this package for approval and implementation. A representative from Tom Dodson & Associates will be available to attend the public meeting on this Project to address any questions that the City of Coachella Planning Commission or other parties may have regarding the adoption of the Mitigated Negative Declaration for the proposed Project.

Do not hesitate to give me a call if you have any questions regarding the contents of this package.

A handwritten signature in black ink, appearing to read "Kaitlyn Dodson-Hamilton". The signature is stylized and cursive, with the first name "Kaitlyn" being the most prominent part.

Kaitlyn Dodson-Hamilton

Attachments

RESPONSES TO COMMENTS
LETTER #1
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

- 1-1 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City acknowledges the role of the California Department of Fish and Wildlife's (CDFW) as a commenter on this Project.
- 1-2 The City acknowledges the CDFW's role as a Trustee Agency, and as Responsible Agency under CEQA for this Project, and understands that authorization as provided by the Fish and Game Code for several Project-related activities may be required.

- 1-3 The Project Description outlined in this comment is accurate.
- 1-4 The location and descriptions of the Whitewater River and Groundwater Basins are accurate.
- 1-5 The timeframe outlined in this comment has been updated to reflect the date of public review for this Project. The Project is planned in phases: Site to be cleared and start of cultivation under interim scenario (approximately first quarter 2021); start date for construction of permanent buildings (second quarter 2023); completion date of construction (second quarter 2024).

- 1-6 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City appreciates the feedback and will revise the mitigation as suggested in this comment. As explained in the Initial Study, any direct, indirect, and cumulative impacts to biological resources would be less than significant..
- 1-7 The City understands CDFW's concerns pertaining to the interim cannabis cultivation use. However, the City would like to clarify that the interim cannabis use is not an "outdoor use" in the sense that CDFW suggests in this comment. The hoop houses utilized will be completely and fully enclosed. As such, many of the concerns raised in this comment can be alleviated through the understanding that the interim use will operate similarly to the permanent use of the site.

The interim use will be phased out completed within 36 months of interim use operation; this is anticipated to occur in conjunction with the availability of adequate power for the permanent use by IID. The interim operations will include five greenhouses to start, which may grow to up to 50 greenhouses within the duration of the interim operations; this will still occur within the same project footprint as originally proposed. Please refer to the attached updated Interim Site Plan, which depicts the interim operations as updated by these responses to comments. The Initial Study incorrectly stated that Bejarano intends to install 24 hoop houses 24' x 100' in size, which was a reference to an outdated interim site plan which now provides for 50 interim greenhouses 2,500 square feet in size. The proposed greenhouses would utilize auto-depth blackouts, a racking drip system with soilless medium. From dusk to dawn, lighting will be utilized for cultivation; however, the lighting will be contained within the greenhouse through the utilization of auto-depth-blackouts, which will minimize the potential for this project to impact biological species.

The interim operational scenario will not utilize the onsite retention pond, as this pond will be developed as part of the permanent operational scenario and will not be necessary to minimize stormwater runoff during the interim scenario. The interim scenario will utilize barriers (i.e. waddles) to address stormwater retention, furthermore, the City will ensure that the Applicant minimizes potential impacts from hazardous materials including pesticides and toxic runoff through compliance with the State Water Board's Cannabis Cultivation Policy, which will, as stated on page 40 of the IS/MND, ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. Mitigation measure (MM) **HAZ-2** applies to the entire operation of the proposed Project, including the interim cannabis cultivation operation, which will occur within an enclosed structure. This measure is intended to ensure that all pesticides used in support of the Project will be used and stored in a manner that prevents them from contaminating the underlying groundwater, soils, and watershed. This measure shall henceforth be edited to include the following modification to include any potential toxic substances that would be used in support of Project operations, though none are anticipated to be used in support of this Project at this time:

HAZ-2 All pesticides, hazardous materials, and other toxic substances shall be used and stored in a manner that prevents them from contaminating the underlying groundwater, soils, and watershed. The Applicant shall develop a Hazardous Materials Communication Plan (HCP) that shall meet State Occupational Safety and Health Administration (OSHA) standards. The HCP shall include protocols for and shall classify hazardous materials on the

Project site and communicate information concerning hazards and appropriate protective measures to employees. All employees shall receive training based on the standards contained in the HCP prior to handling any hazardous materials on site. The HCP will be available at the facility manager's office. Furthermore, all hazardous materials shall be stored in compliance with State and Federal laws.

Furthermore, the proposed Project would also require implementation of MM **HAZ-3**, which will require all trash generated on site to be stored in accordance with State and Federal laws to prevent direct leaching or mixing of fluids, or runoff from irrigation or storm events. This measure also applies to the entire operation of the proposed Project, including the interim cannabis cultivation operation. MM **HAZ-4**, shall also be applied to the interim operational scenario; this measure requires installation of a water treatment system to treat irrigation water infused with fertilizers that will remove fertilizers and allow the water to be used again for irrigation. As such, though the interim operations will occur within hoop houses, preventative measures that would prevent significant impacts on water quality, aquatic habitat, riparian habitat, wetlands, and springs from occurring.

The City recognizes and acknowledges that a separate notification may be required for the interim cultivation scenario (hoop-house cultivation) and the permanent indoor facility as part of the state licensing process for cannabis cultivation.

- 1-8 As stated above under response to comment 1-7, the proposed greenhouses would utilize lighting from dusk to dawn, however, auto-depth blackouts will be employed to minimize the potential for this project to impact biological species or result in light pollution.

The proposed Project is located within a disturbed site, with minimal potential to interrupt any habitat within the Whitewater River 300 feet to the east. The City will implement the revised MM **BIO-1** as suggested in comment 1-16 below to address any perceived impacts to nesting birds within and adjacent to the proposed Project site. Furthermore, as discussed under response to comment 1-7, above, no pesticides, hazardous materials, or other toxic substances will be utilized as part of the Project in a manner that could have a substantial adverse impact on nearby habitat or wildlife. These concerns are mitigated through MMs **HAZ-2** through **HAZ-4** in the IS/MND.

- 1-9 Thank you for bringing this minor error to the City's attention. Based on the data contained in the BRA, the Conclusions and Recommendations on page 25 of the IS/MND are hereby revised to reflect that no burrows are present onsite:

No suitable habitat was identified for any other sensitive species known to occur in the broader Project vicinity. Therefore, implementation of this Project would have no effect on CVFL or other sensitive species, and no impact on BUOW ~~with the implementation of the recommended mitigation due to the lack of presence of burrows onsite that are of appropriate size for BUOW to colonize, a preconstruction survey no less than 30 days before commencement of the construction phase of the Project is recommended to ensure that no BUOW have colonized the Project area.~~

This determination was incorrectly stated. The City directs CDFW to the Results section of the BRA (page 3) pertaining to burrowing owl in which the Biologist clearly states that:

- *No appropriately sized mammal burrows or burrow surrogates were observed within the Project area during survey;*
- *No BUOW host burrowers were observed within the Project area during survey; and*
- *No feathers, pellet castings, white-wash, or BUOW individuals were found.*

Furthermore, the City directs CDFW to Appendix C of the BRA in which under burrowing owl, Potential to Occur, the "Species is absent from the site." As such, the error in the text to which CDFW refers has been corrected to reflect that BUOW are, in fact, absent from the Project site and no mitigation is required to minimize impacts to this species.

- 1-10 The retention pond on this site is designed for a 100-year storm which means that it is not expected to have any discharge out of the retention pond as a result of the rainfall runoff. This type of site is referred to as "Blind Site" since there is not outlet or one required. The retention pond is designed to contain the entire 100-year storm runoff and still have at least 1 foot of free board.

- Based on the calculated worst case scenario Hydrology for a 100-year storm, the site will produce about 46,350 Cubic Feet (CF) of runoff that will end up in the detention basin.
- The depth of the retention pond will be at least 5 feet, of which at least one foot of it will be unused and it will be the freeboard.
- Based on the current design, the average area of the detention pond will be about 50,652 SF.
- Based on the percolation test, the soil in this area have a percolation rate of 0.633 inches per hour (IN/hr).

Therefore, the percolation rate of the retention pond will be: $0.633 \text{ IN/hr} \times 50,652 \text{ SF} \times 1 \text{ FT} / 12 \text{ IN} = 2,671 \text{ CF/hr}$. Per the County of Riverside, a retention pond need to drain within 72 hours. Therefore, the time to drain the retention pond is equal to $46,350 \text{ CF} / (2,671 \text{ CF/hr})$ or 17.35 hour which is substantially less than 72 hours. As such, the retention pond will not any standing water. The maintenance schedule on the retention pond and the French drain will be performed regularly. Given that it is not anticipated that any standing water or vegetation that could support wildlife would occur within the retention pond, the retention pond would not result in the creation of vegetation that would result in use of the pond by wildlife species. Therefore, we don't foresee any concern with the wildlife or any vegetation.

- 1-11 CDFW appears to misunderstand the purpose of discussing the transformers in the IS/MND. The proposed Project does not include the installation of transformers within the Project site. The Project will not be served with electricity until the electricity provider—IID—develops a transformer to serve this area of the City (refer to pages 31 and 62). The purpose of the interim cultivation activities is to provide an interim operational scenario that can be utilized in the interim period in which IID intends to develop and install the transformer(s) to serve this area of the City. As such, the proposed Project will not install any transformers, and no impacts thereof to biological resources can occur.
- 1-12 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. Please refer to response to comment 1-10, above; the error in the text to which CDFW refers has been corrected to reflect that BUOW are, in fact, absent from the Project site and no mitigation is required to minimize impacts to this species. The City will address CDFW's concerns pertaining to sensitive impacts to sensitive species utilizing the riparian habitat associated with Whitewater River, and to groundwater-dependent species in responses 1-7 above, and 1-18 below. Furthermore, the City has addressed CDFW's concerns pertaining to riparian habitat and sensitive species associated with the Whitewater River that could be impacted by the Project under response to comment 1-7, above.

- 1-13 The City appreciates CDFW's list of potential special status species that may be located within the vicinity of the Project site. The BRA included an assessment of the potential for special status species to occur. This can be located within Appendix C - Potential to Occur Table.
- 1-14 The City understands that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey, and acknowledges the Fish and Game Code sections that protect nesting birds and birds of prey.

- 1-15 The City hereby corrects the record to reflect that Fish and Game Code protections are not limited to native birds. The City acknowledges CDFW's concerns pertaining to impacts to nesting birds, and addresses them in greater detail below under response to comment 1-16.
- 1-16 The City understands the requested clarification to the mitigation provided to minimize impacts to nesting birds and their nests. As such, the following revision to MM **BIO-1** as requested in this comment is hereby incorporated by reference:

BIO-1 ~~The State of California prohibits the "take" of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the the State identified nesting season (Raptor nesting season is February 15 through July 31; and migratory bird nesting season is March 15 through September 1). Alternatively, the site shall be evaluated by a qualified biologist prior to the initiation of ground disturbance to determine the presence or absence of nesting birds. Active bird nests MUST be avoided during the nesting season. If an active nest is located in the Project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity shall occur within the 300-foot buffer until the young have fledged the nest.~~

Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).

The proposed Project will be designed with 8-foot tall concrete block walls that would minimize the potential for activities onsite to conflict with species utilizing the Whitewater River, located 300-feet east of the Project site. Not only will this concrete block wall attenuate the minimal noise generated by the proposed Project operations, but it will also serve as a buffer between this industrial corridor and the riparian habitat that occurs at the Whitewater River. With implementation of this revised mitigation measure to protect nesting birds, and the measures discussed under response to comment 1-7, above, which will ensure that no pesticides, hazardous materials, or other toxic substances will be utilized as part of the Project in a manner that could substantially impact nearby habitat or wildlife.

- 1-17 Please refer to comments 1-10 and 1-12 above. Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The error in the text to which CDFW refers has been corrected to reflect that BUOW are, in fact, absent from the Project site and no mitigation is required to minimize impacts to this species. The Project site is disturbed due to its previous use as a wrecking yard to store vehicles. The site is characterized by disturbed loose gravelly soil with trash and other debris lining the northern portion of the site along with remnants of broken down vehicles and storage areas, as well as active heavy machinery. No appropriately sized mammal burrows or burrow surrogates were observed within the Project area during survey; no BUOW host burrowers were observed within the Project area during survey; and no feathers, pellet castings, white-wash, or BUOW individuals were found. Therefore, the suggested mitigation measure is not required. The City apologizes for the confusion in the text as it was made in error, and does not reflect the actual site conditions.
- 1-18 CDFW appears to make an assumption that the proposed Project will result in groundwater depletion and will impact groundwater dependent species and ecosystems. First, the City has addressed the potential for the proposed Project to adversely impact groundwater quality under response to comment 1-7, above. The Applicant is prohibited from operations that would result in polluted runoff or contamination of pesticides, toxic substances, and hazardous materials through MMs **HAZ-2** through **HAZ-4**. Therefore, the proposed Project would not contribute to direct or cumulative water quality impacts on the groundwater basin. Additionally, as discussed under Hydrology and Water Quality, on page 46 of the IS/MND, in a conversation with Ms. Berlinda Blackburn of CWA on November 20, 2019, Ms. Blackburn indicated that Coachella Water Authority (CWA) does not impose any conservation measures beyond those identified by the State¹, which are mandatory. Additionally, Ms. Blackburn indicated that, in her experience, cannabis cultivation operations in Coachella have generally exceeded the State water conservations measures, and she indicated that CWA deems these conservation measures sufficient to meet the future Sustainable Groundwater Management Act (SGMA) objectives. As such, CDFW's suggestion that the proposed Project would contribute to a direct or cumulative impact on the groundwater basin, thereby resulting in cumulative impacts on species that rely on groundwater is inaccurate, particularly given that cannabis Projects, such as the proposed Project, use and reuse irrigation water in their processes as a measure of conservation. Additionally, a review of CWA's 2015 Urban Water Management Plan² indicates ample anticipated supply when compared to demand for industrial uses such as the proposed Project. Furthermore, the analysis contained on pages 44-45 of the IS/MND under Hydrology and Water Quality indicate that the proposed Project is expected to have a demand for water that is well within that which is anticipated for industrial land uses. Therefore, the proposed cannabis cultivation Project is not a use that would, even when considered cumulatively with other cannabis operations in the groundwater basin, result in significant drawdown of the groundwater table such that the sensitive species listed in this comment would be adversely impacted.

¹ https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/

² <https://www.coachella.org/home/showdocument?id=4678>

- 1-19 The City agrees that the Project area is located within the area covered by the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). However, it is not located in an area designated for conservation, and implementation of the Project is therefore not anticipated to interfere with the goals of the CVMSHCP.
- 1-20 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City has demonstrated herein that we have considered cannabis specific impacts to biological resources through mitigation measures provided in other sections of the document. Refer to responses to comments 1-7, 1-8, 1-16, 1-18, 1-21, and 1-22.

1-21 Please refer to response to comment 1-7, in which the concerns raised in this comment are discussed. Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City concurs with CDFW, and will include MM **BIO-3** (henceforth referred to as **BIO-2**) in addition to MM **HAZ-2** to focus on specific impacts to biological resources from implementation of the proposed Project. The following mitigation measure is hereby incorporated by reference to the Final IS/MND:

BIO-2 Prior to construction and issuance of any grading permit, the City of Coachella shall develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.

- 1-22 Please refer to the discussion under responses to comments 1-7 and 1-08, above. Need more info re: artificial light. The City concurs with CDFW, and will include MM **BIO-4** (henceforth referred to as **BIO-3**) to minimize the potential for the use of artificial light to impact nocturnal wildlife species and migratory birds that fly at night. The following mitigation measure is hereby incorporated by reference to the Final IS/MND:

BIO-3 Light should not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.

- 1-23 The City agrees and understands that the Applicant will be required to obtain an LSA Agreement or written verification from CDFW that one is not needed, and that the proposed Project may require separate notification for the interim cultivation operations and the indoor permanent cultivation operations. The City concurs with CDFW, and will include MM **BIO-5** (henceforth referred to as **BIO-4**) to ensure that the Applicant complies with this requirement. The following mitigation measure is hereby incorporated by reference to the Final IS/MND:

BIO-4 Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Applicant should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

- 1-24 The City will report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The link to CNDDDB field survey form provided will be retained in the Project file, as will the email address that is provided in this comment. Additionally, the link pertaining to the types of information reported to CNDDDB will be retained in the Project file.
- 1-25 The City understands the assessment of CDFW filing fees, and understands that the Applicant will be responsible for the payment of a filing fee upon filing the Notice of Determination for this Project.
- 1-26 The City appreciates CDFW's comments on the proposed Bejarano Cannabis Cultivation Project, and has revised the IS/MND through these responses to comments to reflect the requested changes and clarifications via elaboration requested by CDFW to provide a more complete assessment of the Project's potential impacts on biological resources.

1-27 Thank you for your comments and your time. The contact information provided in this comment will be retained in the Project file.

1-28 The City has incorporated each of the mitigation measures requested to be incorporated into the Final IS/MND by CDFW except MM **BIO-2**, pertaining to BUOW. This measure has been omitted because, as stated under responses to comments 1-10, 1-12, and 1-17 above, BUOW are, in fact, absent from the Project site and no mitigation is required to minimize impacts to this species. The City apologizes for the confusion in the text of the IS/MND pertaining to BUOW on page 25, as it was made in error, and does not reflect the actual site conditions. Lastly, the items listed under Schedule and Responsible Party will be inputted to the MMRP, which shall be incorporated as part of the Final IS/MND. The City appreciates CDFW's initiative in developing an MMRP for their proposed mitigation measures.

RESPONSES TO COMMENTS
LETTER #2
INLAND EMPIRE BIKING ALLIANCE

- 2-1 The City appreciates the Inland Empire Biking Alliance's interest in the proposed Project. Based on the City's understanding of the proposed CV Link Project, the Bejarano Cannabis Project would not interfere with the development of the CV Link to the east of the Project site. The Project will be developed entirely within the boundaries of Assessor Parcel Numbers 603-290-020 and 603-290-021. Based on a review of Page 61 of the Conceptual Master Plan Volume 3: Preliminary Plan Set for the CV Link (Attached), the proposed Bejarano Cannabis Cultivation Project would not overlap with any portion of the CV Link alignment. Furthermore, the Coachella Valley Association of Governments (CVAG) staff has indicated that the project would not impact the CV Link Project.
- 2-2 As stated above, the Bejarano Cannabis Cultivation Project would not overlap with any portion of the CV Link alignment. The Coachella Valley (CV) storm channel adjacent to the Project site is managed by Coachella Valley Water District (CVWD) and CVWD has the ability to impose any flood control improvements to the channel. The channel has been previously lined on the west bank, all the way to Avenue 54. The suggested improvements for the CV Link would constitute piecemealing because the CV Link construction project is not currently being phased for construction near Coachella. CVAG is the lead agency for the CV Link and CVAG believes the Project has no impact on the CV Link as stated under response to comment 2-1, above. The Project site is approximately 15 feet lower in elevation grade than the CV Link trail that is proposed to be constructed atop the channel embankment and service road along the west side of the storm channel. Additionally, the Project does not propose to drain any storm waters into the CV storm channel because the storm drain system will be fully contained on site with the use of a retention basin. Therefore, no additional mitigation measures are proposed or warranted pertaining to the CV Link.
- 2-3 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.

- 2-4 The City has determined that this Project is not required to contribute fees towards bicycle facilities within Harrison Street. This is because this segment of Harrison Street is landlocked between the Union Pacific Railroad and the easterly terminus of Avenue 48 at the CV storm channel. The old "Harrison Street" which carries significant volumes of traffic, and is shown on the CVAG Regional Arterial Roadway Network, is now referred to as "Cesar Chavez Street," but there is no connection between the two streets. Each development project can provide bicycle parking within their own parking lots.
- 2-5 The City appreciates the Inland Empire Biking Alliance suggestions pertaining to bicycle parking for this Project. The City has determined that it will impose a requirement for bicycle spaces at the Bejarano Cannabis Project as part of the Conditions of Approval of this Project. The Applicant will allocate 25 bike parking spots, which is 10% of the overall parking allotment.
- 2-6 Based on the revisions contained herein to include greater bike improvements as a result of Project implementation, the City believes that the proposed Project will not conflict with the CV Link, and will better meet the demands of bicyclists within the City as requested in this comment. The City appreciates the comments received from the Inland Empire Biking Alliance, and these comments will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.

RESPONSES TO COMMENTS
LETTER #3
CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)

- 3-1 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City recognizes CDFA's role as a Responsible Agency with jurisdiction over issuance of licenses to cultivate, propagate and process commercial cannabis in California.
- 3-2 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City apologizes for omitting CDFA from the list of responsible agencies for this Project. CDFA is hereby included in the list of responsible agencies for this Project by reference in these responses to comments. The City will send a copy of the Final IS/MND, which will include these responses to comments which, by reference, revise the Draft IS/MND circulated for public comment. Additionally, the City will provide the NOD to the Applicant, as requested in this comment.

3-3 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City appreciates CDFR's input on this Cannabis Cultivation Project as it relates to CDFR's regulations pertaining to Cannabis Cultivation. The following is a discussion of each bullet point provided in this comment:

- Aesthetics: The proposed Project has incorporated design to meet CCR§8304(c), as all outdoor lighting will be downward facing and shielded. Additionally, the proposed Project will comply with CCR§8304(g) as lights used for cultivation will be shielded from sunset to sunrise to avoid nighttime glare, as provided in MM **AES-1** provided below to ensure Project compliance with CCR§8304(c) and (g). The following mitigation measure is hereby incorporated by reference to the Final IS/MND:

AES-1 The Project shall comply with CCR§8304(c) and (g), which stipulate that all outdoor lighting shall be downward facing and shielded. Additionally, lights used for cultivation shall be shielded from sunset to sunrise to avoid nighttime glare.

- Air Quality and Greenhouse Gas Emissions: The proposed Project will comply with requirements for generators pursuant to CCR§8304(e) and §8306. CCR§8102(s) requires applications for cultivation licenses to identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation. Based on a recent site visit by the Applicant, the Applicant will not require connection to a generator to operate. This is because there is an existing power source provided by IID that supplies limited power to the existing project site. There is a 480-volt 400 amp 3-phase power source that will power an air conditioning and air filtration system, so the proposed project will not require use of a new power source. The proposed Project will comply with CCR§8305 pertaining to electrical power use. As stated in the Energy Section and Greenhouse Gas Section of the IS/MND, the proposed Project incorporates energy conservation measures targeted to meet the goals as provided in CCR§8305.
- Biological Resources: As stated under response to comment 1-23, the City agrees and understands that the Applicant will be required to obtain an LSA Agreement or written verification from CDFW that one is not needed. MM **BIO-4** provided herein will ensure that the Applicant complies with this requirement. Additionally, as demonstrated in the responses to CDFW's comments provided in Comment Letter #1 to these responses to comments, the City has demonstrated that the watershed and other geographic areas would not be significantly adversely impacted by cannabis cultivation. As demonstrated throughout these responses to comments, the Project would comply with CCR§8304(a-c, and g).
- Cultural Resources: As stated on page 29 of the IS/MND, Human remains discovered during construction of the Project, if any, will need to be treated in accordance with the provisions of HSC §7050.5 and PRC §5097.98, which is mandatory. As such, the proposed Project will comply with CCR§8304(d)
- Hazards and Hazardous Materials: The records search required in CCR§8102(q) is discussed under Hazards and Hazardous Materials, and documentation is provided by Figures IX-1 through IX-3 of the Initial Study. The Applicant will meet the

requirements set forth in CCR§8106(a)(3), CCR§8304(f), and CCR§8307, particularly through implementation of MMs **HAZ-2** through **HAZ-4**, and **BIO-2**.

- Hydrology and Water Quality: The water supplier for the proposed Project is CWA and the Applicant will provide the relevant information pertaining to water service to CDFA. The proposed Project will comply with CCR§8301(p, v, w, and dd) as demonstrated within this comment, and within the IS/MND. As demonstrated throughout these responses to comments, the Project would comply with CCR§8304(a and b). The proposed Project will comply with CCR§8307, as required, and also through the implementation of MMs **HAZ-2** through **HAZ-4**, and **BIO-2**.
- Noise: Please refer to the discussion under Air Quality and Greenhouse Gas above.
- Utilities and Service Systems: The applicant will comply with CCR§8108 and CCR§8308, as require, and also through the implementation of MM **HAZ-3**.
- Energy: Please refer to the discussion under Air Quality and Greenhouse Gas above.
- Cumulative Impacts (related to the above topics): Please refer to the discussion under 1-18, above.

3-4 Please refer to the discussion under response to comment 1-7. Please refer to the attached updated Interim Site Plan, which depicts the interim operations as updated by these responses to comments. The interim site plan provides for 50 interim greenhouses 2,500 square feet in size. The proposed greenhouses would utilize auto-depth blackouts, a racking drip system with soilless medium. From dusk to dawn, lighting will be utilized for cultivation; however, the lighting will be contained within the greenhouse through the utilization of auto-depth-blackouts. The following outlines the operational scenario as it varies across the phases of the project:

- Interim Operations: 5 Greenhouses
 - Employees – 10
 - Vehicle roundtrips – 10 per day during harvest
 - Equipment – please refer to Interim Site Plan A1-1 (Attached)
 - Physical Resources – water from the local utility; IID for power
- Interim Operations: 25 Greenhouses
 - Employees – 50
 - Vehicle roundtrips – 50 per day during harvest
 - Equipment – please refer to Interim Site Plan A1-1 (Attached)
 - Physical Resources – 2,000 watts of fans; water from the local utility; IID for power
- Interim Operations: 50 Greenhouses
 - Employees – 100
 - Vehicle roundtrips – 100 per day during harvest
 - Equipment – please refer to Interim Site Plan A1-1 (Attached)
 - Physical Resources – water from the local utility; IID for power
- Permanent Operations
 - Employees – 100
 - Vehicle roundtrips – max 405 per day (IS/MND)
 - Equipment – please refer to Figure 3 (IS/MND)

- Physical Resources – water from the local utility; IID for power

CDEA is correct, the IS/MND evaluates Project operations and maintenance activities at full build-out so that the impacts analyzed are based on peak construction and operation activities.

- 3-5 The City will require the Applicant, as part of their conditions of approval, to provide the CDFA with copies of all Project-specific plans as part of the Applicant's application package for annual cultivation license. Note that some of the plans listed (the SWPPP, specifically), have not yet been drafted, but will be required to be developed prior to construction of the Project.
- 3-6 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.

3-7 The City appreciates CDFA's suggestion, and as stated under response to comment 3-2, the City apologizes for omitting CDFA and CDFW from the list of responsible agencies for this Project. CDFA and CDFW is hereby included in the list of responsible agencies for this Project by reference in these responses to comments. Below is a list of known permit/approval requirements from various agencies:

- State Water Resource Control Board: Construction Stormwater General Permit, Notice of Intent to Comply with Section 402 of the Clean Water Act (CWA), Construction Stormwater Pollution Prevention Plan (SWPPP)
- South Coast Air Quality Management District: PM10 Plan for compliance with Rule 403/1, Dust Control in the Coachella Valley
- Colorado River Basin Regional Water Quality Control Board: Water Quality Management (WQMP)
- County of Riverside Fire Department: Hazardous Materials Business Plan Approval
- CDFW: LSA Agreement or written verification from CDFW that one is not needed
- CDFA: Annual License Fee for Cannabis Cultivation
- California Department of Public Health: licenses all cannabis manufacturing facilities
- CA Bureau of Cannabis Control: Licenses Cannabis Cultivation, Manufacturing, and Distribution

3-8 Please refer to the response to comment 3-3, above, which addresses Aesthetics and lighting concerns through implementation of MM **AES-1**.

- 3-9 As stated above under response to comment 3-3, in the Energy Section and Greenhouse Gas Section of the IS/MND, the proposed Project incorporates energy conservation measures targeted to meet the goals as provided in CCR§8305. The Project will utilize LED lightings and drip irrigation during all phases of the project, which will contribute greatly to energy conservation. The proposed Project incorporates solar panels, LED lights, and zero emission or hybrid vehicles into their business plan, which will reduce energy consumption for the Project and help to meet CDFA requirements.
- 3-10 As stated above under response to comment 3-3, the proposed Project utilized GeoTracker to search for possible hazardous waste sites, which has assimilated data from Envirostor. For consistency, an Envirostor search of the Project site is provided as an Attachment to these responses to comments. The City appreciates the suggestion and hereby incorporates by reference that the GeoTracker and Envirostor searches also is required to comply with CCR§8102(q).
- 3-11 The City directs the reader to the discussion on pages 44-46 of the IS/MND under Hydrology and Water Quality. The analysis under issue (b) states: the proposed Project is expected to have a demand for water that is well within [and below] that which is anticipated for industrial land uses. The City of Coachella has a Water Conservation Program that new development such as the Bejarano Cannabis Cultivation Facility must comply with, which includes installation of water efficient irrigation systems. Furthermore, the proposed Project will install a 52,131 SF retention pond to store surface water runoff from the site, which will recharge to the groundwater basin. Examples of these water conservation methods include water conserving plumbing fixtures, drought tolerant landscaping, and drip irrigation systems.

Furthermore, the analysis under issue (e) demonstrates that the water authority (CWA) has indicated that water conservation measures are enforced through CWA visits to operations, and cannabis cultivation operations in Coachella have generally exceeded the State water conservations measures. She indicated that CWA deems these conservations measures sufficient to meet the future Sustainable Groundwater Management Act (SGMA) objectives.

The IS/MND and the discussion herein demonstrate that the proposed Project's demand for potable water supply will be well within CWA's available supply based on their Projections. Therefore, payment of connection fees assessed by the City and CWA, as well as compliance with conservation measures required by the state are deemed acceptable to determine that there will be sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.

- 3-12 The City appreciates CDFA's suggestion, and as stated under response to comment 3-3, the City apologizes for omitting CDFA regulations from the discussion under issue XIX(b), and CCR§8108 is hereby included in as an agency governing the disposal of waste from cannabis operations. Refer to the discussion under response to comment 3-3 pertaining to Hazards and Hazardous Waste.
- 3-13 The proposed Project is located in an area with several cannabis operations proposed or in operation. Along Harrison Street and Avenue 48 in the vicinity of the Project, there are several approved cannabis cultivation operations, as well as a couple that are currently operating. The City's main concerns pertaining to cannabis operation are how the cumulative operations of cannabis uses would contribute to impacts to the watershed and related biological resources. As this Project is proposed, it would not contribute to cumulatively considerable impacts to either the groundwater basin, or to the watershed with implementation of MM **BIO-2**, and MMs **HAZ-2** through **HAZ-4**. The Project will implement several conservation measures pertaining to energy use, greenhouse gas and air quality emission contribution, and water that would ensure that this specific Project will not result in cumulatively considerable impacts from cannabis cultivation operations.
- 3-14 Thank you for your comments and your time. The contact information provided in this comment will be retained in the Project file.

RESPONSES TO COMMENTS
LETTER #4
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)

- 4-1 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.
- 4-2 The Project Description outlined in this comment is accurate. However, the timeframe outlined in this comment has been updated to reflect the date of public review for this Project. The Project is planned in phases: Site to be cleared and start of cultivation under interim scenario (approximately first quarter 2021); start date for construction of permanent buildings (second quarter 2023); completion date of construction (second quarter 2024).
- 4-3 SCAQMD's summary of the air quality analysis reflects the City's determination that the Proposed Project's regional and localized construction and operational air quality impacts would be less than significant.
- 4-4 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The IS/MND identified SCAQMD as a potential CEQA responsible agency in the Project Description on page 4. The Applicant will pursue acquiring any required permits from SCAQMD for the proposed Project.

- 4-5 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The contact information pertaining to permits will be retained in the Project file, as will the website for SCAQMD permits.
- 4-6 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City has reviewed the Federal, State, and SCAQMD rules and regulations that are listed in this comment. As discussed under response to comment 4-4, the Applicant will pursue acquiring any required permits from SCAQMD for the proposed Project. Additionally, where applicable, the proposed Project will comply with the rules and regulations. However, as stated under response to comment 3-3 based on a recent site visit by the Applicant, the Applicant will not require connection to a generator to operate, and therefore SCAQMD's rules pertaining to generator use do not apply to this Project. This is because there is an existing power source provided by IID that supplies limited power to the existing project site. There is a 480-volt 400 amp 3-phase power source that will power an air conditioning and air filtration system, so the proposed project will not require use of a new power source.

- 4-7 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City believes that the statements identified herein are factual and comply with the CEQA Guidelines.
- 4-8 The contact information provided will be retained in the Project file and the City will continue to work with SCAQMD should any further air quality-related questions arise.