

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA

MEETING AGENDA

March 5, 2024

Chairman

Supervisor Ric Leutwyler - District 1

Vice-Chairman

Supervisor Liam Gogan - District 3

Supervisor Jill Cox - District 2

Supervisor Heidi Carpenter-Harris - District 4

Supervisor Dan Frasier - District 5

Trent Tuthill - County Administrative Officer

Margaret E. Long - County Counsel

Ashley Piker - Deputy Clerk of the Board

The Trinity County Board of Supervisors welcomes you to its meetings which are regularly scheduled for the first and third Tuesday of each month, unless altered to accommodate a holiday, starting at 9:00 a.m. at 351 Main Street, Weaverville, California.

This Board Agenda contains a brief, general description of each item to be considered. Supporting documentation is available online at www.trinitycounty.org, at the County Administrative Office located at 11 Court Street, Room 230, Weaverville, CA, during normal business hours, and in the Public Packet at the rear of the Board Chambers during the meeting.

If you would like to receive notification via email that the agenda has been posted, please send your request to clerkoftheboard@trinitycounty.org.

Members of the public wishing to present documents to the Board of Supervisors during the meeting must submit ten (10) copies to the Deputy Clerk of the Board.

During the meeting the Trinity County Board of Supervisors may take action sitting as the Board of Supervisors and as the governing body of: The Trinity County Transportation Commission, the In-Home Supportive Services Authority, the Consolidated Transit Services Agency, the Trinity County Board of Equalization, the Trinity County Housing Authority and the Solid Waste Local Task Force.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the Deputy Board Clerk at the County Administrative Office three (3) full business days prior to the meeting at (530) 623-1382 or clerkoftheboard@trinitycounty.org.

ZOOM INFORMATION

Join Zoom Meeting

<https://zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJIRmhacmJjUT09>

Meeting ID: 595 007 2851

Passcode: 267684

Dial In:

1 (669) 900-6833

Phone Commands: *6 Mute/Unmute; *9 Raise Hand

If you need assistance with Zoom please go to this website:

<https://support.zoom.us/hc/en-us/articles/201362283-Testing-computer-or-device-audio>

Just a reminder that the chat feature is not the appropriate forum to ask questions or provide comments. This chat should only be used to notify us of technical issues. No response will be given in acknowledgement or otherwise via the Zoom chat.

Public Comment given via Zoom can only be done audibly (not via chat), and you must either "Raise Your Hand" or use the chat to request your turn.

9:00 AM

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Clerk of the Board

- 1.1 Receive an update from U.S. Forest Service representatives regarding matters of interest in Trinity County.

County Counsel

- 1.2 Receive a presentation from County Counsel on different types of Conflicts of Interest.

Health and Human Services

- 1.3 Adopt a proclamation of appreciation which recognizes March 2024 as Social Work Appreciation Month.

PUBLIC COMMENT

This time is for information from the public on matters not appearing on this agenda or within the Consent Calendar. All comments are limited to three minutes and must pertain to matters within the jurisdiction of this Board. When addressing the Board please state your name for the record and address the Board as a whole through the Chair. No action or discussion will be conducted on matters not listed on the agenda, however, the Chair may refer the subject

matter to the appropriate department for follow-up or schedule the matter on a subsequent Board Agenda.

REPORTS/ANNOUNCEMENTS

- 2.1** I. Report from Department Heads
- II. Report from County Administrative Officer
- III. Reports from Members of the Board of Supervisors
- IV. Reports from Ad Hoc:
 - A. Cannabis Ordinance
 - B. Tribal Relations

CONSENT CALENDAR

These items include routine, non-controversial matters and will be acted upon by the Board by one, roll-call motion. If a member of the public has any questions or comments on an item on the consent calendar, they may provide them now. A member of the Board or Staff may request an item be pulled and considered separately.

Auditor/Controller

- 3.1** Approve a budget adjustment for FY 23/24 for Trinity County Waterworks District #1 - Dept. 8667 increasing revenues by \$2,248 and Services & Supplies by \$6,630.
No impact to the General Fund; current cash balance in Trinity County Waterworks District # 1 - Fund 667 is \$10,444.

Behavioral Health Services

- 3.2** Approve an agreement with A&A Health Services LLC to provide Rehabilitative Board and Care Residential Services to Trinity County beneficiaries through the San Pablo Unlocked Adult Residential Community (ARF).
No impact to the General Fund; up to \$150,000 per fiscal year from Behavioral Health Funding.

Clerk of the Board

- 3.3** Approve the regular meeting minutes of January 16 February 6 and February 20, 2024 and special meeting minutes of January 31 and February 13, 2024 as submitted by the Deputy Clerk.
No fiscal impact.
- 3.4** Find that the proposed license will meet the public convenience and necessity, and find no objection to the issuance of an On-Sale Beer and Wine Alcoholic Beverage License to Cali Jays BBQ LLC, for Cali Jays BBQ at 91 Trinity St, Hayfork, CA 96041.
No fiscal impact.

County Administrative Office

- 3.5** Approve the letter of support for Assembly Bill 2902.

Unknown

General Services

- 3.6** Approve a budget adjustment for FY 23/24 for General Services - Dept. 1750 increasing revenues and Services & Supplies by \$67,087.

Increase in General Fund appropriations in the amount of \$67,087.

Health and Human Services

- 3.7** Approve a budget adjustment for FY 23/24 for Welfare - Dept. 5000 increasing Transfers Out by \$15,000 and approve a budget adjustment for FY 23/24 for Housing - Dept. 8118 increasing Transfers In by \$15,000, Services & Supplies by \$12,000 and Interfund Expense by \$3,000.

No impact to the General Fund; current cash balance in Welfare - Fund 111 is \$1,548,253; current cash balance in Housing - Fund 118 is \$-146,459.

- 3.8** Approve amendment number 1 to the agreement with California Department of Social Services, updating exhibit A, A1, A2, and B to enter in to contract with CDSS to provide adoption services.

No impact to the General Fund; up to \$242,880 from the Child Welfare Allocation.

- 3.9** Approve a resolution appointing Local Area Advisors for the communities of Post Mountain and Burnt Ranch.

No fiscal impact.

Sheriff

- 3.10** Approve an agreement with American Alarm for annual inspections, maintenance, and do as needed repairs for the fire alarm and intercom at the new Jail facility.

Up to \$1,500 per fiscal year from the Jail budget.

- 3.11** Ratify the Sheriffs signature on an agreement with the State of California Eradication and Prevention of Illicit Cannabis (EPIC) Program for the purpose of identifying agency responsibilities related to illicit cannabis eradication operations conducted in Trinity County.

No fiscal impact.

Transportation

- 3.12** Approve an agreement with Velocity Communications, Inc. for the sale of utility Conduit adjacent to Lance Gulch Rd.

Up to \$28,428.92 in revenue to Road Funds.

- 3.13** Adopt a resolution approving Administering Agency-State Master Agreement for State-Funded Projects, Agreement No. 02-5905S21, and authorize the Director of Transportation to execute all individual Project Specific-Program Supplements to the Master Agreement.

No fiscal impact.

Trinity County Transportation Commission

- 3.14** Adopt a Resolution of Concurrence to approve the Caltrans District 2 State Route 3 Corridor Plan.

No impact to the General Fund.

PUBLIC HEARINGS

Grants

- 4.1** Conduct a public hearing to discuss the completion of a Community Development Block Grant (CDBG) income project that purchased an ambulance for Southern Trinity Ambulance Rescue.

No fiscal impact.

COUNTY MATTERS

These items include non-routine, or controversial matters and are listed alphabetically by department. A member of the Board or Staff may request that an item be heard out of order.

Board of Supervisors

- 5.1** Discuss and give direction to Supervisor Cox, as the County designated RCRC representative, the idea of pursuing an amendment to the California Constitution regarding the membership of Senators and Assembly members.

No fiscal impact.

Cannabis

- 5.2** Conduct an appeal hearing to uphold, modify, or overturn the Planning Commission's decision to deny the appeal of the Director's decision to approve a Commercial Cannabis License (CCL-771) for 10381 Ruth-Zenia Road, Hettenshaw, CA. (CCL Applicant: Severin Stoyanov, Smoking Green Valley, LLC; Appellant: Phillip Gilman) (Planning File P-23-19).

Unknown.

- 5.3** Adopt a resolution authorizing the State of California Cannabis Equity Act Agreement Funding and authorize the County Administrative Officer to execute the grant agreement.

Revenue up to \$1,812,729.52 to Cannabis Division from Grant Funds.

Planning and Zoning

- 5.4** Waive the reading of and enact an ordinance amending Trinity County Code Section 17.18.060 pertaining to Building Height in the Multi-Family District (R-3), introduced November 7, 2023.

No fiscal impact.

CLOSED SESSION

- 6.1** Government Code Section 54954.5(e) - Public Employee Appointment: County

Counsel.

- 6.2** Government Code Section 54954.5(c) - Conference with Legal Counsel -
Anticipated Litigation
No. of Cases: 1: FTF Farms of Trinity Forests

ADJOURN

TRINITY COUNTY
Item Report

Meeting Date: 3/5/2024

Department:
Clerk of the Board

Contact:

Phone:

Zoom Information

Requested Action:

Join Zoom Meeting
<https://zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJIRmhacmJjUT09>

Meeting ID: 595 007 2851
Passcode: 267684

Dial In:
1 (669) 900-6833
Phone Commands: *6 Mute/Unmute; *9 Raise Hand

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TRINITY COUNTY
Item Report 1.1

Meeting Date: 3/5/2024

Department:
Clerk of the Board

Contact:
Trent Tuthill

Phone:
530-623-1382

1.1 Presentation: US Forest Service

Requested Action:

Receive an update from U.S. Forest Service representatives regarding matters of interest in Trinity County.

TRINITY COUNTY
Item Report 1.2

Meeting Date: 3/5/2024

Department:
County Counsel

Contact:
Margaret Long

Phone:
530-623-1382

1.2 Presentation: Conflict of Interest

Requested Action:

Receive a presentation from County Counsel on different types of Conflicts of Interest.

TRINITY COUNTY
Item Report 1.3

Meeting Date: 3/5/2024

Department:
Health and Human Services

Contact:
Elizabeth Hamilton

Phone:
(530) 623-1265

1.3 Proclamation: Social Work Appreciation Month

Requested Action:

Adopt a proclamation of appreciation which recognizes March 2024 as Social Work Appreciation Month.

ATTACHMENTS:

Description
Proclamation

**A PROCLAMATION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
PROCLAIMING MARCH 2024 AS SOCIAL WORK MONTH**

WHEREAS, Social Work is a profession truly dedicated to helping people with a primary mission of enhancing human well-being and to help meet the basic and complex needs of all people;

WHEREAS, Social Workers put a particular focus on helping people who are vulnerable, oppressed or living in poverty;

WHEREAS, Social Workers follow a Code of Ethics that calls on them to fight social injustice, and respect the dignity and worth of all people;

WHEREAS, Social Workers meet people where they are and help people and communities reach their full potential;

WHEREAS, Social Workers work in all facets of our society, including schools, hospitals, community organizations, the military, mental health centers, social service agencies, corporations, and local, state and federal government;

WHEREAS, Social Workers are on the frontlines in helping this nation solve pressing social problems, including an increased demand for mental health services; an opioid addiction crisis; and economic inequality;

WHEREAS, Social Workers are in high demand, with some states reporting shortages in Social Work staffing and the Bureau of Labor Statistics predicting Social Work will be one of the fastest growing professions in our nation during this decade;

WHEREAS, the 2024 Social Work Month theme, “**Empowering Social Workers**” embodies the need for society to support Social Workers so they can continue to do the life-affirming work they do and help address societal needs;

WHEREAS, Social Workers in turn empower people, communities and our nation, helping everyone achieve their full potential,

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of the County of Trinity hereby proclaim March 2024 as Social Work Month in Trinity County and call upon Trinity County citizens to join the National Association of Social Workers and Trinity County Health and Human Services in celebration and support of the Social Work Profession.

DULY PASSED AND ADOPTED this 5th day of March, 2024 by the Board of Supervisors of the County of Trinity.

RIC LEUTWYLER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

TRINITY COUNTY
Item Report 2.1

Meeting Date: 3/5/2024

Department:
Clerk of the Board

Contact:

Phone:

2.1 Reports/Announcements

Requested Action:

- I. Report from Department Heads
- II. Report from County Administrative Officer
- III. Reports from Members of the Board of Supervisors
- IV. Reports from Ad Hoc:
 - A. Cannabis Ordinance
 - B. Tribal Relations

TRINITY COUNTY

Item Report 3.1

Meeting Date: 3/5/2024

Department:
Auditor/Controller

Contact:
Angela Bickle

Phone:
530-623-1317

3.1 Budget Adjustment: Trinity County Water Works District #1 (Dept 8667)

Requested Action:

Approve a budget adjustment for FY 23/24 for Trinity County Waterworks District #1 - Dept. 8667 increasing revenues by \$2,248 and Services & Supplies by \$6,630.

Fiscal Impact:

No impact to the General Fund; current cash balance in Trinity County Waterworks District # 1 - Fund 667 is \$10,444.

Summary:

Each year the Trinity County Waterworks district #1 is issued a disbursement warrant for the revenue received from property taxes. In order to issue the district their funds the budget needs to be adjusted.

Alternatives Including Financial Implications:

Deny budget adjustment and advise staff.

Departmental Recommendation:

It is staffs recommendation to approve budget adjustment as presented.

ATTACHMENTS:

Description

Budget Adjustment 8667

TRINITY COUNTY BUDGET ADJUSTMENT

2/27/2024

Department: Trinity County Waterworks District #1

Number: 8667

Justification for budget adjustment:

For the FY 23/24 there is insufficient budget appropriations in revenue and expenses. Therefore, in order to get the district their portion of property tax revenue they will be using their cash carry over from FY 22/23 and their budget needs to be increased for FY 23/24.

Revenue Changes

Account Number	Description	Amount Budgeted	Revised Amount	Change
6010	Current Secured	8,100	10,200	2,100
6020	Current Unsecured	152	300	148
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL REVENUE CHANGES				<u>2,248</u>

Expenditure Changes

Account Number	Description	Amount Budgeted	Revised Amount	Change
2700	Special Department Expense	8,570	15,200	6,630
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL EXPENDITURE CHANGES				<u>6,630</u>

Origin	<u>Christine Gaffney</u> Signature		Assistant Auditor Title	
Auditor	Auditor Review _____		Date Reviewed: <u>02</u> / <u>27</u> / <u>2024</u>	
	REQUIRES BOARD ACTION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
CAO	CAO Approval _____		Date: _____ / _____ / _____	
BOS	Approved by Board of Supervisors on: _____		_____ BOS _____ AUD	

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TRINITY COUNTY

Item Report 3.2

Meeting Date: 3/5/2024

Department:
Behavioral Health Services

Contact:
Connie Smith

Phone:
530 623 1362

3.2 Agreement - A&A Health Services LLC (24-036)

Requested Action:

Approve an agreement with A&A Health Services LLC to provide Rehabilitative Board and Care Residential Services to Trinity County beneficiaries through the San Pablo Unlocked Adult Residential Community (ARF).

Fiscal Impact:

No impact to the General Fund; up to \$150,000 per fiscal year from Behavioral Health Funding.

Summary:

A&A Health Services' Step-Down Transitional Residential Community at San Pablo provides comprehensive resident-centered care for Complex Patients with Dual and often Triple Diagnosis, and would be able to accept Trinity County beneficiaries who would otherwise be challenging to place in the appropriate level of care. The program at San Pablo offers on site Mental Health Services, Social Rehabilitation and Life Skills Programming at a higher level of care and programming, and is designed to prepare beneficiaries to step down to the lowest level of care that is appropriate for their needs. Establishing a contract with this facility will offer a wider range of options for Trinity County residents with Behavioral Health needs.

Alternatives Including Financial Implications:

Deny request and provide direction to staff.

Departmental Recommendation:

Approve as requested.

ATTACHMENTS:

Description

Agreement - A&A Health Services

**STANDARD FORM PERSONAL SERVICES CONTRACT
BETWEEN
THE COUNTY OF TRINITY
AND
A&A HEALTH SERVICES LLC**

THIS PERSONAL SERVICES CONTRACT ("Contract") is made and entered into this 5th day of March, 2024, by and between the **COUNTY OF TRINITY**, a political subdivision of the State of California ("County"), and **A&A HEALTH SERVICES LLC** ("Contractor").

RECITALS

WHEREAS, County desires to retain a person or firm to provide the following services: Rehabilitative Board and Care Residential Services through the San Pablo Unlocked Adult Residential Community (ARF); and

WHEREAS, Contractor warrants that it is qualified and agreeable to render the aforesaid services.

AGREEMENT

NOW, THEREFORE, for and in consideration of the agreement made, and the payments to be made by County, the parties agree to the following:

- I. **SCOPE OF SERVICES:** Contractor agrees to provide all of the services described in Exhibit A.
- II. **ADDITIONAL SERVICES:** The County may desire services to be performed which are relevant to this Contract or the services to be performed hereunder but have not been included in the scope of the services listed in Paragraph I above, and Contractor agrees to perform said services upon the written request of County. These additional services could include, but are not limited to, any of the following:
 - A. Serving as an expert witness for the County in any litigation or other proceedings involving the project or services.
 - B. Services of the same nature as provided herein which are required as a result of events unforeseen on the date of this contract.
- III. **COUNTY FURNISHED SERVICES:** The County agrees to:
 - A. Facilitate access to and make provisions for the Contractor to enter upon public and private lands as required to perform their work.

- B. Make available to Contractor those services, supplies, equipment and staff that are normally provided for the services required by the type of services to be rendered by Contractor hereunder and as set forth in Exhibit A.
- C. Make available all pertinent data and records for review.
- IV. TERM OF CONTRACT: This Contract shall commence on March 1st, 2024, and shall terminate on June 30th, 2027, unless sooner terminated in accordance with the terms hereunder.
- V. CONTRACT PERFORMANCE TIME: All the work required by this Contract shall be completed and ready for acceptance no later than June 30th, 2027. Time is of the essence with respect to this Contract.
- VI. FEES: The fees for furnishing services under this Contract shall be based on the rate schedule which is attached hereto as Exhibit B. Said fees shall remain in effect for the entire term of this Contract.
- VII. MAXIMUM COST TO COUNTY: Notwithstanding any other provision of this Contract, in no event will the cost to County for the services to be provided herein exceed the maximum sum of \$150,000 per fiscal year, including direct non-salary expenses.
- VIII. PAYMENT: The fees for services under this Contract shall be due within 60 calendar days after receipt and approval by County of an invoice covering the service(s) rendered to date.

With respect to any additional services provided under this Contract as specified in Paragraph II hereof, Contractor shall not be paid unless Contractor has received written authorization from County for the additional services prior to incurring the costs associated therewith. Said additional services shall be charged at the rates set forth on Exhibit B.

Invoices or applications for payment to the County shall be sufficiently detailed and shall contain full documentation of all work performed and all reimbursable expenses incurred. Where the scope of work on the Contract is divided into various tasks, invoices shall detail the related expenditures accordingly. Labor expenditures need documentation to support time, subsistence, travel and field expenses. No expense will be reimbursed without adequate documentation. This documentation will include, but not be limited to, receipts for material purchases, rental equipment and subcontractor work.

Notwithstanding any other provision herein, payment may be delayed, without penalty, for any period in which the State or Federal Government has delayed

distribution of funds that are intended to be used by the County for funding payment to Contractor.

- IX. **INSURANCE:** Contractor shall procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees, or subcontractors.

Minimum Scope and Limit of Insurance

- A. The Contractor shall maintain a commercial general liability (CGL) insurance policy (Insurance Services Office Form CG 00 01) covering CGL on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal & advertising injury, with limits in the amount of \$1,000,000, and a general aggregate limit of \$2,000,000.

The County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the General Liability Policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor, including materials, parts, or equipment furnished in connection with such work or operations. Additional insured should read as follows:

Trinity County
PO Box **1640**
Weaverville, CA 96093

- B. Contractor shall provide comprehensive business or commercial automobile liability coverage, including non-owned and hired automobile liability in the amount of \$1,000,000 per accident for bodily injury and property damage. Coverage shall be at least as broad as ISO Form CA0001 (Code 1); or, if Contractor has no owned autos or hired autos, then as broad as ISO Form CA0001 (Code 8); and, if Contractor has non-owned autos, then as broad as ISO Form CA0001 (Code 9).

The County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the Automobile Liability policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor, including materials, parts, or equipment furnished in connection with such work or operations. Additional insured should read as follows:

Trinity County
PO Box **1640**

Weaverville, CA 96093

- C. The Contractor shall be required to carry professional coverage in the amount of \$1,000,000 per occurrence or claim, and \$2,000,000 aggregate]

Prior to the commencement of any work hereunder, the Contractor shall supply a Certificate of Insurance and endorsements, signed by the insurer, as evidence of such insurance as specified above to County. However, failure to obtain and provide the required documents to County prior to the work beginning shall not waive the Contractor's obligation to provide them. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time. Each insurance policy required above shall provide that coverage and shall not be canceled, except with prior written notice to the County.

Insurance is to be placed with an insurer with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the County.

Any deductibles or self-insured retentions must be declared to and approved by the County. The County may require the Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

For any claims related to this Contract, the Contractor's insurance coverage shall be primary coverage at least as broad as ISO CG 20 01 04 13 with respect to the County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the County, its officers, officials, employees, or volunteers, shall be in excess of the Contractor's insurance and shall not contribute with it.

Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against the County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the County has received a waiver of subrogation endorsement from the insurer.

- X. **WORKER'S COMPENSATION:** The Contractor acknowledges that it is aware of the provisions of the Labor Code of the State of California which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code and it certifies that it will comply with such provisions before commencing the performance of the services to be performed under this Contract and at all times during the performance of the services to be performed hereunder. A copy of the certificates evidencing such insurance with policy limits of at least \$1,000,000

per accident for bodily injury or disease (or, in the alternative, a signed County Workers' Compensation Exemption form) shall be provided to County prior to commencement of work.

- XI. **INDEMNIFICATION:** Contractor agrees to indemnify, defend at its own expense, and hold County harmless from any and all liabilities, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from any and all acts or omissions to act of Contractor or its officers, agents, or employees in performing services under this Contract; excluding, however, such liabilities, claims, losses, damages, or expenses arising from County's sole negligence or willful misconduct.
- XII. **NONDISCRIMINATORY EMPLOYMENT:** In connection with the execution of this Contract and the services to be provided hereunder, the Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, political affiliation, ancestry, marital status or disability. This policy does not require the employment of unqualified persons.
- XIII. **INTEREST OF PUBLIC OFFICIALS:** No officer, agent or employee of the County during their tenure, nor for one year thereafter, shall have any interest, direct or indirect, in this Contract or the proceeds thereof.
- XIV. **SUBCONTRACTING AND ASSIGNMENT:** The rights, responsibilities and duties established under this Contract are personal to the Contractor and may not be subcontracted, transferred or assigned without the express prior written consent of the County.
- XV. **LICENSING AND PERMITS:** The Contractor shall maintain the appropriate licenses throughout the life of this Contract. Contractor shall also obtain any and all permits which might be required by the work to be performed herein.
- XVI. **BOOKS OF RECORD AND AUDIT PROVISION:** Contractor shall maintain on a current basis complete books and records relating to this Contract. Such records shall include, but not be limited to, documents supporting all bids and all expenditures for which any reimbursement is sought. The books and records shall be original entry books. In addition, Contractor shall maintain detailed payroll records, including all subsistence, travel and field expenses, and canceled checks, receipts and invoices for all items for which any reimbursement is sought. These documents and records shall be retained for at least ten years from the completion of this Contract (42CFR Sections 433.32, 438.3(h) and (u)). Contractor will permit County to audit all books, accounts or records relating to this contract or all books, accounts or records of any business entities controlled by Contractor who participated in this contract in any way. Any such audit may be conducted on Contractor's premises, or, at County's option, Contractor shall provide all books and records within a maximum of 15 calendar days upon receipt of written notice from County.

Contractor shall promptly refund any moneys erroneously charged. If County ascertains that it has been billed erroneously by Contractor for an amount equaling 5% or more of the original bid, Contractor shall be liable for the costs of the audit in addition to any other penalty to be imposed. This paragraph applies to any contract which provides for reimbursement of expenses.

- XVII. **CONFIDENTIALITY:** All information and records obtained in the course of providing services under this Contract shall be confidential and shall not be open to examination for any purpose not directly connected to the administration of this program or the services provided hereunder. Both parties shall comply with State and Federal requirements regarding confidential information.
- XVIII. **TITLE:** It is understood that any and all documents, information, computer disks, and reports of any kind concerning the services provided hereunder, prepared by and/or submitted to the Contractor, shall be the sole property of the County. The Contractor may retain reproducible copies of drawings and copies of other documents. In the event of the termination of this Contract, for any reason whatsoever, Contractor shall promptly turn over all information, writing, computer disks, and documents to County without exception or reservation. Contractor shall transfer from computer hard drive to disk any information or documents stored on hard drive and provide County with said disk.
- XIX. **TERMINATION:**
- A. Either party hereto may terminate this Contract for any reason by giving thirty (30) calendar days written notice to the other party. Notice of Termination shall be by written notice to the other party and shall be sent by registered mail.
 - B. If the Contractor fails to provide in any manner the services specified under this Contract or otherwise fails to comply with the terms of this Contract, or violates any ordinance, regulation, or other law which applies to its performance herein, the County may terminate this Contract by giving five calendar days written notice to Contractor.
 - C. The Contractor shall be excused for failure to perform services herein if such services are prevented by acts of God, strikes, labor disputes or other forces over which the Contractor has no control.
 - D. In the event of termination, not the fault of the Contractor, the Contractor shall be paid for services performed up to the date of termination in accordance with the terms of this Contract.
- XX. **RELATIONSHIP BETWEEN THE PARTIES:** It is expressly understood that in the performances of the services herein, the Contractor, and the agents and

employees thereof, shall act in an independent capacity and as an independent contractor and not as officers, employees or agents of the County.

- XXI. **AMENDMENT:** This Contract may be amended or modified only by written agreement of both parties.
- XXII. **ASSIGNMENT OF PERSONNEL:** The Contractor shall not substitute any personnel for those specifically named in its proposal unless personnel with substantially equal or better qualifications and experience are provided, acceptable to County, as evidenced in writing.
- XXIII. **WAIVER:** No provision of this Contract or the breach thereof shall be deemed waived, except by written consent of the party against whom the waiver is claimed.
- XXIV. **SEVERABILITY:** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby. Each provision shall be valid and enforceable to the fullest extent permitted by law.
- XXV. **JURISDICTION AND VENUE:** This Contract and the obligations hereunder shall be construed in accordance with the laws of the State of California. The parties hereto agree that venue for any legal disputes or litigation arising out of this Contract shall be in Trinity County, California.
- XXVI. **ENTIRE AGREEMENT:** This Contract constitutes the entire agreement between the parties with respect to the subject matter hereof, and all prior or contemporaneous agreements, understandings, and representations, oral or written, are superseded.
- XXVII. **EXHIBITS:** All "Exhibits" referred to below or attached to herein are by this reference incorporated into this Contract:

Exhibit Designation	Exhibit Title
Exhibit A	Services to be provided by Contractor
Exhibit B	Compensation or Fees to be Paid to Contractor
Exhibit C	Health Insurance Portability and Accountability Act Supplement
Exhibit D	Ownership Disclosure
Exhibit E	Reports
Exhibit F	Medi-Cal Requirements
Exhibit G	Terms and Conditions
Exhibit H	Information Confidentiality and Security Requirements
Exhibit I	W-9 to be completed by Contractor and returned to County
Exhibit J	CA590 Withholding Exemption Certificate

Exhibit K	Restrictions on Salaries
Exhibit L	Drug Free Workplace Requirements

- XXVIII. DESIGNATED AGENTS: The parties represent and warrant that they have full power and authority to execute and fully perform their obligations under this Contract pursuant to their governing instruments, without the need for any further action, and that the person(s) executing this Contract on behalf of each party are the duly designated agents of each party and are authorized to do so.
- XXIX. COMPLIANCE WITH APPLICABLE LAWS: The Contractor shall comply with any and all federal, state and local laws, regulations, and ordinances affecting the services covered by this Contract. Contractor shall comply with the Health Insurance Portability and Accountability Act and shall execute the Health Insurance Portability and Accountability Act Supplement attached to this Contract as Exhibit C.
- XXX. ATTORNEY'S FEES: If any party hereto employs an attorney for the purpose of enforcing or construing this Contract, or any judgment based on this Contract, in any legal proceeding whatsoever, including insolvency, bankruptcy, arbitration, declaratory relief or other litigation, including appeals or rehearing, the prevailing party shall be entitled to receive from the other party, or parties thereto, reimbursement for all attorneys' fees and all costs, including but not limited to service of process, filing fees, court and court reporter costs, investigative costs, expert witness fees, and the cost of any bonds, whether taxable or not. If any judgment or final order be issued in that proceeding, said reimbursement shall be specified therein.
- XXXI. NOTICES: Any notice required to be given pursuant to the terms and conditions hereof shall be in writing and shall be via one of the following methods: personal delivery, prepaid Certified First-Class Mail, or prepaid Priority Mail with delivery confirmation. Unless others designated by either party, such notice shall be mailed to the address shown below:

If to County:

**TRINITY COUNTY BEHAVIORAL HEALTH
P.O. BOX 1640
WEAVERVILLE, CA 96093
trinbhsfiscal@trinitycounty-ca.gov**

If to Contractor:

**A&A HEALTH SERVICES
3201 DANVILLE BLVD 265
ALAMO, CA 94507
(415)710-7538**

[signature page to follow]

IN WITNESS WHEREOF, the parties hereunto have executed this Contract on the date written below.

COUNTY OF TRINITY:

CONTRACTOR:

By: _____

By: _____

Ric Leutwyler, Chairman

Beata Dominici

Trinity County Board of Supervisors

CEO

Date: _____

Date: _____

Approved as to form:

Risk Management Approval

By: _____

By: _____

Margaret E. Long

Laila Cassis, Director

County Counsel

Human Resources/Risk Management

EXHIBIT A

SERVICES TO BE PROVIDED BY CONTRACTOR

Introduction

A&A Health Services' Step-Down Transitional Residential Communities provide Mental Health Services, Social Rehabilitation and Life Skill Programming to adults with mental health conditions. A&A Health Services offers comprehensive resident-centered care with All-Inclusive Wraparound Services for Complex Patients with Dual and often Triple Diagnosis. The San Pablo community is a 225-bed facility located in San Pablo, California, and is licensed by the California Department of Social Services as an unlocked Adult Residential Facility. The program at San Pablo is designed to prepare beneficiaries to step down to the lowest level of care that is appropriate for their needs.

Goal Statement

To provide residential services to beneficiaries from Trinity County that need to transition from acute setting to a lower level of care and provide services that will help them be more independent when they are discharged.

Admission Criteria

County beneficiaries admitted to the A&A Health Services facility at San Pablo will be 18 to 64 years old and have dual and triple diagnosis requiring a structured, rehabilitating environment program that will maximize each client's potential to re-join and re-engage in the community. Beneficiaries admitted to A&A Health Services may have issues and have medical problems and/or physical impairments requiring special assistance that might include the use of a wheelchair, walker, or a cane; individuals may also have vision and/or hearing loss, or speech impairment.

A&A Health Services facilities will primarily admit County beneficiaries directly from acute, medical inpatient units, jail, and clients in community setting when appropriate. The County Director or his/her designee will authorize referrals to the facilities into contracted beds. All such referrals will have been approved for Residential Care Facility level of care.

Program

A&A Health Services is open 24/7 and provides care to 225 residents. A&A Health Services takes a four-pronged approach to care, incorporating evidence-based therapeutic modalities, the "On My Own" program, dual diagnosis programming and mindfulness skills. The beneficiaries are empowered to determine their own pace as they progress through the program. Beneficiaries are consistently supported throughout their recovery by a strengths-based, person-centered approach.

Programming at A&A Health Services is individualized to the beneficiary needs rather than One-Size-Fits-All. Treatment plans are developed using the beneficiary's self-identified goals with the guidance of the Clinical Services Director. Through strong therapeutic relationships, beneficiaries are empowered, build self-determination, and strengthen their self-image. This leads to beneficiaries becoming as independent as possible.

Services Provided will include:

- Medication Management
- Psychiatric and Substance Abuse Support Services (via Service Partner)
- On-Site Nursing Care for:
 - Assistance with ADL's
 - Non-Ambulatory Clients with Walkers and Wheelchairs
 - Diabetic Care and Injections
 - Transfer Assist
 - Catheters
 - Oxygen
- Life Skills Coaching including:
 - Communication Skills
 - Financial Awareness and Money Management
 - Domestic Tasks
 - Personal Self-Care
 - Personal Self-Management
 - Managing Living in the Outside Community
 - Forward Life Planning (i.e., job/housing search)

Length of Stay

There is no Minimum or Maximum Term for length of stay. All programs provided by A&A Health Services are 24-hour services. Length of stay may vary for each beneficiary and is determined by the client's individual assessment and treatment plan developed within 14 days of admission.

Methodology

Direct Services:

- A. Outreach recruitment, promotion and advertisement: A&A Health Services will work with the team to let everyone know what services are provided by email or fax.
- B. Admission, enrollment and/or intake criteria and process where applicable: The County team will be informed of the A&A Health Services decision whether to admit or not within 72 hours of receipt of referral packet. The facility admission agreement must be signed by the facility

administrator within five business days of admission and the Initial Assessment and Treatment Plan must be signed and sent to the County transitions placement director or the client's conservator within 14 days.

C. A&A Health Services will provide:

- Annual Individual Treatment Plan
- Documentation in beneficiary' record of the facility's follow-up care regarding dental and eye care in addition to any necessary medical care
- Transportation and escort for clinic visits when necessary
- Adherence to all protocols regarding conserved beneficiaries, including issues of beneficiary refusal of medication or treatment services
- Assistance and cooperation in efforts to obtain beneficiary entitlements. The facility will collect, document and report to County SSI, VA and other third-party payments.
- The facility will abide by all admissions and discharge notification requirements or the keeping of comprehensive bed data when applicable.
- Each A&A Health Services facility will provide a tracking and census report via email/fax to the County Director or his/her designee that will include the following:
 - Census report by the 1st of the month
 - Current Census broken down by level of care (rate)
 - New admits since previous Month (clients and date)
 - Discharge since previous month
 - Transfers and returns from acute hospitalizations since previous Month
 - Bed-holds
 - Other activity/information

D. Discharge Planning and exit criteria and process: When requested to make a beneficiary ready for discharge or transfer, the facility will prepare paperwork for beneficiary discharge and make all arrangements within five working days of written receipt from County Team.

E. Vouchers: None

Program Staffing

A&A Health Services maintains 24/7 staffing at the San Pablo community. The community is staffed with Mental Health Workers, Social Workers, Nurses, Medication Technicians, Cooks, Housekeeping, and the Executive Director.

Continuous Quality Improvement

A&A Health Services utilizes online training called Relias training. Staff have at least 10 hours of training per month as well as daily in services during change of shift to communicate any unusual incident.

All documents for training are online and in the Executive Directors office.

Relias Training:

- HIPAA Privacy Rules
- Caring for beneficiaries with HIV (Support and education)
- Caring for beneficiaries that are going through transition
- Personal care to beneficiaries that have PTSD from Sexual Abuse
- Medication Management

Licensing requires that staff take over 300+ classes annually.

Additional Terms are included as Exhibit A, Attachment #1

If terms within Exhibit A, Attachment #1 are conflicting with other terms in this contract, or terms within the State Contract between County and DHCS, the terms in the later mentioned contract supersede terms in Exhibit A, Attachment #1.

EXHIBIT A
Attachment #1

1. Terms

- | | | | |
|----|--|-----------|--|
| A. | Contract Administrator | N. | Patients' Rights |
| B. | Reports | O. | Under-Utilization Reports |
| C. | Evaluation | P. | Quality Improvement |
| D. | Possession of Licenses/Permits | Q. | Working Trial Balance with
Year-End Cost Report |
| E. | Adequate Resources | R. | Harm Reduction |
| F. | Admission Policy | S. | Compliance with Behavioral
Health Services Policies and
Procedures |
| G. | [County] Residents Only | T. | Fire Clearance |
| H. | Grievance Procedure | V. | Compliance with Grant Award
Notices |
| I. | Infection Control, Health and
Safety | | |
| J. | Aerosol Transmissible Disease
Program, Health and Safety | | |
| K. | Acknowledgement of Funding | 2. | Description of Services |
| L. | Client Fees and Third-Party
Revenue | 3. | Services Provided by Attorneys |
| M. | DPH Behavioral Health (BHS)
Electronic Health Records
(EHR) System | | |

1. Terms

- A. Contract Administrator:
In performing the Services hereunder, Contractor shall report to a variety of County Staff, depending on nature of service being performed.
- i. County Compliance Officer
 - ii. County Triage Manager
 - iii. County Deputy Director of Clinical Services
 - iv. County Deputy Director of Quality Assurance
 - v. County Contract Administrator
- B. Reports:
Contractor shall submit written reports as requested by the County. The format for the content of such reports shall be determined by the County. The timely submission of all reports is a necessary and material term and condition of this Agreement. All reports, including any copies, shall be submitted electronically via PDF unless requested in hard copy by the County, in which case they will be submitted on recycled paper and printed on double-sided pages to the maximum extent possible.
- C. Evaluation:
Contractor shall participate as requested with the County, State and/or Federal government in evaluative studies designed to show the effectiveness of Contractor's Services. Contractor agrees to meet the requirements of and participate in the evaluation program and management information systems of the County. The County agrees that any final written reports generated through the evaluation program shall

be made available to Contractor within thirty (30) working days. Contractor may submit a written response within thirty working days of receipt of any evaluation report and such response will become part of the official report.

D. Possession of Licenses/Permits:

Contractor warrants the possession of all licenses and/or permits required by the laws and regulations of the United States, the State of California, and the County to provide the Services. Failure to maintain these licenses and permits shall constitute a material breach of this Agreement.

E. Adequate Resources:

Contractor agrees that it has secured or shall secure at its own expense all persons, employees and equipment required to perform the Services required under this Agreement, and that all such Services shall be performed by Contractor, or under Contractor's supervision, by persons authorized by law to perform such Services.

F. Admission Policy:

Admission policies for the Services shall be in writing and available to the public. Except to the extent that the Services are to be rendered to a specific population as described in the programs listed in Section 2 of Appendix A, such policies must include a provision that clients are accepted for care without discrimination on the basis of race, color, creed, religion, sex, age, national origin, ancestry, sexual orientation, gender identification, disability, or AIDS/HIV status.

G. Trinity County Residents Only:

Only Trinity County residents shall be treated under the terms of this Agreement.

Exceptions must have the written approval of the Contract Administrator.

H. Grievance Procedure:

Contractor agrees to establish and maintain a written Client Grievance Procedure which shall include the following elements as well as others that may be appropriate to the Services: (1) the name or title of the person or persons authorized to make a determination regarding the grievance; (2) the opportunity for the aggrieved party to discuss the grievance with those who will be making the determination; and (3) the right of a client dissatisfied with the decision to ask for a review and recommendation from the community advisory board or planning council that has purview over the aggrieved service. Contractor shall provide a copy of this procedure, and any amendments thereto, to each client and to the County Compliance Officer. Those clients who do not receive direct Services will be provided a copy of this procedure upon request.

I. Infection Control, Health and Safety:

(1) Contractor must have a Bloodborne Pathogen (BBP) Exposure Control plan as defined in the California Code of Regulations, Title 8, Section 5193, Bloodborne Pathogens (<http://www.dir.ca.gov/title8/5193.html>), and demonstrate compliance with all requirements including, but not limited to, exposure determination, training, immunization, use of personal protective equipment and safe

needle devices, maintenance of a sharps injury log, post-exposure medical evaluations, and recordkeeping.

(2) Contractor must demonstrate personnel policies/procedures for protection of staff and clients from other communicable diseases prevalent in the population served. Such policies and procedures shall include, but not be limited to, work practices, personal protective equipment, staff/client Tuberculosis (TB) surveillance, training, etc.

(3) Contractor must demonstrate personnel policies/procedures for Tuberculosis (TB) exposure control consistent with the Centers for Disease Control and Prevention (CDC) recommendations for health care facilities and based on the Francis J. Curry National Tuberculosis Center: Template for Clinic Settings, as appropriate.

(4) Contractor is responsible for site conditions, equipment, health and safety of their employees, and all other persons who work or visit the job site.

(5) Contractor shall assume liability for any and all work-related injuries/illnesses including infectious exposures such as BBP and TB and demonstrate appropriate policies and procedures for reporting such events and providing appropriate post-exposure medical management as required by State workers' compensation laws and regulations.

(6) Contractor shall comply with all applicable Cal-OSHA standards including maintenance of the OSHA 300 Log of Work-Related Injuries and Illnesses.

(7) Contractor assumes responsibility for procuring all medical equipment and supplies for use by their staff, including safe needle devices, and provides and documents all appropriate training.

(8) Contractor shall demonstrate compliance with all state and local regulations with regard to handling and disposing of medical waste.

J. Aerosol Transmissible Disease Program, Health and Safety:

(1) Contractor must have an Aerosol Transmissible Disease (ATD) Program as defined in the California Code of Regulations, Title 8, Section 5199, Aerosol Transmissible Diseases (<http://www.dir.ca.gov/Title8/5199.html>), and demonstrate compliance with all requirements including, but not limited to, exposure determination, screening procedures, source control measures, use of personal protective equipment, referral procedures, training, immunization, post-exposure medical evaluations/follow-up, and recordkeeping.

(2) Contractor shall assume liability for any and all work-related injuries/illnesses including infectious exposures such as Aerosol Transmissible Disease and demonstrate appropriate policies and procedures for reporting such events and providing appropriate post-exposure medical management as required by State workers' compensation laws and regulations.

(3) Contractor shall comply with all applicable Cal-OSHA standards including maintenance of the OSHA 300 Log of Work-Related Injuries and Illnesses.

- (4) Contractor assumes responsibility for procuring all medical equipment and supplies for use by their staff, including Personnel Protective Equipment such as respirators, and provides and documents all appropriate training.
- K. Acknowledgment of Funding:
Contractor agrees to acknowledge the [County] in any printed material or public announcement describing the [County]- funded Services. Such documents or announcements shall contain a credit substantially as follows: "This program/service/activity/research project was funded through the [Department], [County]."
- L. Client Fees and Third-Party Revenue:
(1) Fees required by Federal, state or County laws or regulations to be billed to the client, client's family, Medicare or insurance company, shall be determined in accordance with the client's ability to pay and in conformance with all applicable laws. Such fees shall approximate actual cost. No additional fees may be charged to the client or the client's family for the Services. Inability to pay shall not be the basis for denial of any Services provided under this Agreement.
(2) Contractor agrees that revenues or fees received by Contractor related to Services performed and materials developed or distributed with funding under this Agreement shall be used to increase the gross program funding such that a greater number of persons may receive Services. Accordingly, these revenues and fees shall not be deducted by Contractor from its billing to the County but will be settled during the provider's settlement process.
- M. DPH Behavioral Health Services (BHS) Electronic Health Records (EHR) System Treatment Service Providers use the BHS Electronic Health Records System and follow data reporting procedures set forth by [County] Information Technology (IT), BHS Quality Management and BHS Program Administration.
- N. Patients' Rights:
All applicable Patients' Rights laws and procedures shall be implemented.
- O. Under-Utilization Reports:
For any quarter that CONTRACTOR maintains less than ninety percent (90%) of the total agreed upon units of service for any mode of service hereunder, CONTRACTOR shall immediately notify the Contract Administrator in writing and shall specify the number of underutilized units of service.
- P. Quality Improvement:
CONTRACTOR agrees to develop and implement a Quality Improvement Plan based on internal standards established by CONTRACTOR applicable to the SERVICES as follows:
(1) Staff evaluations completed on an annual basis.
(2) Personnel policies and procedures in place, reviewed and updated annually.
(3) Board Review of Quality Improvement Plan.

- Q. Working Trial Balance with Year-End Cost Report
If CONTRACTOR is a Non-Hospital Provider as defined in the State of California Department of Mental Health Cost Reporting Data Collection Manual, it agrees to submit a working trial balance with the year-end cost report.
- R. Harm Reduction
The program has a written internal Harm Reduction Policy, and will provide to County upon Request
- S. Compliance with Behavioral Health Services Policies and Procedures
In the provision of SERVICES under COUNTY contracts, CONTRACTOR shall follow all applicable policies and procedures established for contractors by COUNTY, as applicable, and shall keep itself duly informed of such policies. Lack of knowledge of such policies and procedures shall not be an allowable reason for noncompliance.
- T. Fire Clearance
Space owned, leased or operated by COUNTY providers, including satellite sites, and used by CLIENTS or STAFF shall meet local fire codes. Providers shall undergo fire safety inspections at least every three (3) years and documentation of fire safety, or corrections of any deficiencies, shall be made available to reviewers upon request.
- U. Compliance with Grant Award Notices:
Contractor recognizes that funding for this Agreement may be provided to the County through federal, State or private grant funds. Contractor agrees to comply with the provisions of the County's agreements with said funding sources, which agreements are incorporated by reference as though fully set forth.
Contractor agrees that funds received by Contractor from a source other than the County to defray any portion of the reimbursable costs allowable under this Agreement shall be reported to the County and deducted by Contractor from its billings to the County to ensure that no portion of the County's reimbursement to Contractor is duplicated.

2. Description of Services

Contractor agrees to perform the following Services:

All written Deliverables, including any copies, shall be submitted electronically via PDF or, if requested, on recycled paper and printed on double-sided pages to the maximum extent possible.

- 3. Services Provided by Attorneys.** Any services to be provided by a law firm or attorney to the County must be reviewed and approved in writing in advance by the County Attorney. No invoices for services provided by law firms or attorneys, including, without limitation, as subcontractors of Contractor, will be paid unless the provider received advance written approval from the County Attorney.

EXHIBIT B

COMPENSATION OR FEES TO BE PAID TO CONTRACTOR

Daily Patch Rate

0 – 225 clients at \$250

Client is to pay SSI Residential Rate Directly to Contractor, County will pay patch rate directly to Contractor. If client is conserved, Contractor will bill Trinity County APS directly for SSI Residential Rate. County will not pay SSI Residential Rate to Contractor.

No other payment will be made for other services provided without prior written consent of County.

Payment will not be made to Contractor until County has current Certificate of Insurances on file, and a completed W-9 and CA-590 form, if applicable.

EXHIBIT C

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT SUPPLEMENT

Definitions:

Terms used, but not otherwise defined, in this Contract shall have the same meaning as those terms in the Privacy Rule.

- a. Business Associate. "Business Associate" shall mean the Contractor named in the first paragraph of this agreement.
- b. Covered Entity. "Covered Entity" shall mean the County of Trinity.
- c. Designated Record Set. "Designated Record Set" shall mean:
 - (1) A group of records maintained by or for a covered entity that is:
 - a. The medical records and billing records about individuals maintained by or for a covered health care provider;
 - b. The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or
 - c. Used, in whole or in part, by or for the covered entity to make decisions about individuals.
 - (2) For purposes of this paragraph, the term record means any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for a covered entity.
- d. Individual. "Individual" shall have the same meaning as the term "individual" in 45 CFR § 164.501 and shall include a person who qualifies as a personal representative in accordance with 45 CFR § 164.502(g).
- e. Privacy Rule. "Privacy Rule" shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 CFR Part 160 and Part 164, Subparts A and E.
- f. Protected Health Information. "Protected Health Information" shall have the same meaning as the term "protected health information" in 45 CFR § 164.501, limited to the information created or received by Business Associate from or on behalf of Covered Entity.
- g. Required By Law. "Required By Law" shall have the same meaning as the term "required by law" in 45 CFR § 164.501.
- h. Secretary. "Secretary" shall mean the Secretary of the Department of Health and Human Services or his designee.
- i. Electronic Protected Health Information. "Electronic Protected Health Information" ("EPHI") means individually identifiable health information that is transmitted or maintained in electronic media, limited to the information created, received, maintained or transmitted by Business Associate from or on behalf of Covered Entity.
- j. Security Incident. "Security Incident" shall mean the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with systems operations in an information system, but does not include minor incidents that occur on a daily basis, such as scans, "pings", or unsuccessful random attempts to penetrate computer networks or servers

maintained by Business Associate.

- k. Security Rule. "Security Rule" shall mean the Standards for the Protection of Electronic Protected Health Information at 45 CFR Part 160 and Part 164, Subparts A and C.

Obligations of Business Associate

Business Associate shall:

- a. Not use or disclose Protected Health Information other than as permitted or required by the Contract or as Required by Law.
- b. Use appropriate safeguards to prevent use or disclosure of the Protected Health Information other than as provided for by this Contract.
- c. Mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of Protected Health Information by Business Associate in violation of the requirements of this Contract
- d. Report to Covered Entity any use or disclosure of the Protected Health Information in violation of the requirements of this Contract of which it becomes aware.
- e. Ensure that any agent, including a subcontractor, to whom it provides or receives Protected Health Information agrees to the same restrictions and conditions that apply through this Contract to Business Associate with respect to such information.
- f. Document disclosures of Protected Health Information and information related to such disclosures as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 CFR § 164.528.
- g. Provide to Covered Entity or an Individual, in time and manner agreed to between the parties, information collected pursuant to this Contract, to permit Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 CFR § 164.528.
- h. Provide access, at the request of Covered Entity, and in the time and manner agreed to by the parties, to Protected Health Information in a Designated Record Set, to Covered Entity or, as directed by Covered Entity, to an Individual in order to meet the requirements under 45 CFR §164.524.
- i. Make any amendment(s) to Protected Health Information in a Designated Record set that the Covered Entity directs or agrees to pursuant to 45 CFR §164.526 at the request of Covered Entity or an Individual, and in the time and manner agreed to between the parties.
- j. Business Associate shall implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of EPHI that Business Associate creates, receives, maintains, or transmits on behalf of Covered Entity.
- k. Business Associate shall conform to generally accepted system security principles and the requirements of the final HIPAA rule pertaining to the security of health information.
- l. Business Associate shall ensure that any agent to whom it provides EPHI, including a subcontractor, agrees to implement reasonable and appropriate safeguards to protect such EPHI.

- m. Business Associate shall report to Covered Entity any Security Incident within 5 business days of becoming aware of such incident.
- n. Business Associate shall make its policies, procedures, and documentation relating to the security and privacy of protected health information, including EPHI, available to the Secretary of the U.S. Department of Health and Human Services and, at Covered Entity's request, to the Covered Entity for purposes of the Secretary determining Covered Entity's compliance with the HIPAA privacy and security regulations.

Permitted Uses and Disclosures by Business Associate

Except as otherwise limited in this Contract, Business Associate may use or disclose Protected Health Information to perform functions, activities, or services for, or on behalf of, Covered Entity as specified in this Contract, provided that such use or disclosure would not violate the Privacy Rule if done by Covered Entity or the minimum necessary policies and procedures of the Covered Entity.

Obligations of Covered Entity

Covered Entity shall notify Business Associate of any:

- a. Limitation(s) in its notice of privacy practices of Covered Entity in accordance with 45 CFR § 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of Protected Health Information.
- b. Changes in, or revocation of, permission by Individual to use or disclose Protected Health Information, to the extent that such changes may affect Business Associate's use or disclosure of Protected Health Information.
- c. Restriction to the use or disclosure of Protected Health Information that Covered Entity has agreed to in accordance with 45 CFR § 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of Protected Health Information.

Permissible Requests by Covered Entity

Covered Entity shall not request Business Associate to use or disclose Protected Health Information in any manner that would not be permissible under the Privacy Rule if done by Covered Entity.

Term and Termination

- a. Term. The Term of these provisions shall be concurrent with the term of the Contract, and shall terminate when all of the Protected Health Information provided by Covered Entity to Business Associate, or created or received by Business Associate on behalf of Covered Entity, is destroyed or returned to Covered Entity, or, if it is infeasible to return or destroy Protected Health Information, protections are extended to such information, in accordance with the termination provisions in this Section.
- b. Termination for Cause. Upon Covered Entity's knowledge of a material breach by Business Associate, Covered Entity shall either:
 - a. Provide an opportunity for Business Associate to cure the breach or end the violation and terminate this Contract if Business Associate does not cure the breach or end the violation within the time specified by Covered Entity;

- b. Immediately terminate this Contract if Business Associate has breached a material term of this Contract and cure is not possible; or
- c. If neither termination nor cure are feasible, Covered Entity shall report the violation to the Secretary.
- c. Effect of Termination.
 - a. Except as provided in paragraph (2) of this section, upon termination of this Contract, for any reason, Business Associate shall return or destroy all Protected Health Information received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity. This provision shall apply to Protected Health Information that is in the possession of subcontractors or agents of Business Associate. Business Associate shall retain no copies of the Protected Health Information.
 - b. In the event that Business Associate determines that returning or destroying the Protected Health Information is infeasible, Business Associate shall provide to Covered Entity notification of the conditions that make return or destruction infeasible. Upon determination that return or destruction of Protected Health Information is infeasible, Business Associate shall extend the protections of this Contract to such Protected Health Information and limit further uses and disclosures of such Protected Health Information to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such Protected Health Information.

Reservation of Right to Monitor Activities.

Covered Entity reserves the right to monitor the security policies and procedures of Business Associate.

**Specific Provisions for Use and Disclosures by Business Associate of PHI
Subject to 42 CFR Part 2.**

- (a) Covered Entity operates a program for treatment of alcohol or drug abuse, receives federal financial assistance in the operation of that program, and is required to comply with 42 CFR Part 2 pertaining to use and disclosure of patient information and patient records.
- (b) Business Associate is a "Qualified Service Organization" as that term is defined at 42 CFR 2.11.
- (c) Business Associate acknowledges that it will have access to records that are covered by 42 CFR Part 2. Business Associate agrees that it is fully bound by the provisions of 42 CFR Part 2, and will only use and disclose protected health information as permitted by those regulations. Business Associate will, if necessary, resist in judicial proceedings any effort to obtain access to patient records not permitted by 42 CFR Part 2.

Miscellaneous

- a. Regulatory References. A reference in this Contract to a section in the Privacy Rule means the section as in effect or as amended.
- b. Amendment. The Parties agree to take such action as is necessary to amend this Contract from time to time as is necessary for Covered Entity to comply with

the requirements of the Privacy Rule and the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

- c. Interpretation. Any ambiguity in this Contract shall be resolved to permit Covered Entity to comply with the Privacy Rule.

EXHIBIT D

OWNERSHIP DISCLOSURE

CONTRACTOR will provide the ownership disclosure statement referenced herein as “Attachment “A”, Information Regarding Officers, Owners and Stockholders” prior to the Effective Date of this agreement and on an annual basis, upon any change in information, and upon request, if required by law or by Trinity County Behavioral Health Services. Legal requirements include but are not limited to Title 22 CCR Section 51000.35, 42 USC Sections 1320 a-3 (3) and 1320 a-5 et seq., and 42 CFR Sections 455.104, 455.105 and 455.106.

- A. Pursuant to 42 C.F.R. § 455.104, all County subcontractors/network providers must disclose ownership information set forth in subsection B(1).
- B. The County's Provider must be required to submit updated disclosures to the County upon submitting the provider application, before entering into or renewing contracts, and within 35 days after any change in the Provider's ownership or upon request of the County.
 - a. Disclosures to be Provided:
 - i. The name and address of any person (individual or corporation) with an ownership or control interest in the Provider. The address for corporate entities shall include, as applicable, a primary business address, every business location, and a P.O. Box address;
 - ii. Date of birth and Social Security Number (in the case of an individual);
 - iii. Other tax identification number (in the case of a corporation with an ownership or control interest in the Provider, of five percent [5%] or more interest);
 - iv. Whether the person (individual or corporation) with an ownership or control interest in the Provider is related to another person with ownership or control interest in the same or any other Provider of the County as a spouse, parent, child, or sibling; or whether the person (individual or corporation) with an ownership or control interest in any subcontractor in which the Provider has a five percent [5%] or more interest is related to another person with ownership or control interest in the Provider as a spouse, parent, child, or sibling ;
 - v. The name of any other disclosing entity in which the Provider or subcontractor has an ownership or control interest; and
 - vi. The name, address, date of birth, and Social Security Number of any managing employee of the Provider.

Attachment A

Information Regarding Officers, Owners and Stockholders

List the names of the officers, owners, stockholders, or any relatives owning more than five percent (5%) of the stock issued by Contractor, and/or major creditors holding more than five percent (5%) of the debt of the Contractor. (Title 22, CCR, Section 53250).

I certify that all persons employed by this company and who own more than five percent (5%) of this company or own more than five percent (5%) of the stock issued by this company, are listed above. I further certify that all creditors holding more than five percent (5%) of the debt of this company are listed above.

Signature	Title	Date
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EXHIBIT E

REPORTS

Contractor shall submit to County the following listed reports. Contractor shall make further reports as may be reasonably requested by Director, the State and/or Federal government concerning Contractor's activities as they affect the services and obligations required by this Agreement. All reports must be submitted as prescribed by these Agreement or as otherwise reasonably requested by the Director.

A. Practitioner Information Report:

a. Practitioner ID Request Form

This form is applicable for those service rendering providers who will bill the County for Medi-Cal eligible professional services.

A complete Practitioner ID Request Form, which is available on the Trinity County Behavioral Health website, must be provided for all personnel for the first month of this Agreement, and thereafter, for new personnel immediately upon hire or changed information.

Each Practitioner ID Request form must be accompanied with a copy of current license and NPI provider registry date printout. Note that the practitioner's legal name must appear on both the current license and NPI printout. The NPI printout may be accessed at:
<https://nppes.cms.hhs.gov/NPPES/NPIRegistryHome.do>.

The Practitioner ID Request form and accompanying documentation must be submitted to ADMH for approval prior to first day of service. Submit these reports electronically via email to staff identified on the Practitioner ID Request Form.

B. Fiscal Year Annual Reports:

a. Certified Mental Health Cost Report

Due date: October 31, following the completion of a fiscal year.

b. Certified Audited Financial Reports

Due date: July 31, following the completion of two fiscal years, i.e., two hundred seventy (270) days following the above said due date for the Certified Mental Health Cost Report.

All annual reports, with the exception of Certified Mental Health Cost Report, shall be submitted electronically via email to staff identified on report request.

The Certified Mental Health Cost Report shall be sent via mail to:
Trinity County Behavioral Health Services
PO Box 1640
Weaverville, CA 96093
Attn: Cost Report

C. Below is a list of required hospitalization reports and documentation.

a. Required Reports/Documentation for Hospitalizations for Trinity County Medi-Cal Beneficiaries

- a. TAR and Face Sheet
- b. Signed and dated Discharge Summary
- c. Signed and dated History and Physical and/or Signed Psychiatric Evaluation
- d. Signed and dated MD/PA/NP Progress Notes
- e. Signed and dated RN/LVN/LPT Progress Notes
- f. Other progress notes that may be part of the chart
- g. Labs, including toxicology screen
- h. Medication record
- i. Copy of the 5150

These reports and documentations shall be due within fourteen (14) days after discharge and sent to:

Trinity County Behavioral Health Services
PO Box 1640
Weaverville, CA 96093
Attn: Medical Records

b. Required Reports/Documentation for Hospitalizations for Trinity County Indigent Beneficiaries

- a. Face Sheet
- b. HCFA form 1500 or equivalent
- c. Signed and dated Discharge Summary
- d. Signed and dated History and Physical and/or Signed Psychiatric Evaluation
- e. Signed and dated MD/PA/NP Progress Notes
- f. Signed and dated RN/LVN/LPT Progress Notes
- g. Other progress notes that may be part of the chart
- h. Labs, including toxicology screen
- i. Medication record
- j. Copy of the 5150

These reports and documentations shall be due within fourteen (14) days after discharge and sent to:

Trinity County Behavioral Health Services
PO Box 1640
Weaverville, CA 96093
Attn: Med Records

c. Required Reports/Documentation for Hospitalizations for Beneficiaries of the Trinity CSMP

- a. TAR and Face Sheet
- b. Signed and dated Discharge Summary
- c. Signed and dated History and Physical and/or Signed Psychiatric Evaluation
- d. Signed and dated MD/PA/NP Progress Notes

- e. Signed and dated RN/LVN/LPT Progress Notes
- f. Other progress notes that may be part of the chart
- g. Labs, including toxicology screen
- h. Medication record
- i. Copy of the 5150

These reports and documentations shall be due within fourteen (14) days after discharge and sent to:

Trinity County Behavioral Health Services
PO Box 1640
Weaverville, CA 96093
Attn: Med Records

EXHIBIT F

MEDI-CAL REQUIREMENTS

A. PROVIDER CERTIFICATION

- a. Individual, group, and organizational service providers who contract with County to provide Medi-Cal reimbursed services must be certified for participation in the Medi-Cal program. To receive/maintain Medi-Cal certification, providers must meet minimum standards as specified in Title 9, Division I, Chapter 11, Subchapter 1, Article 4, Section 1810.435. Included in the standards are specific areas of compliance including the requirement to meet the Quality Management Program Standards and any additional requirements established by the Mental Health Plan (MHP) as part of a credentialing or other evaluation process (Title 9, Division 1, Chapter 11, Subchapter 1, Article 4, Section 1810.435, (5), (6)). For organizational providers, the MHP certification process shall include an on-site review in addition to a review of required documentation. All providers are required to notify the MHP 45 days prior to any of the following: (1) organizational and/or corporate change; (2) change in provider's license to operate; (3) revocation of fire clearance; (4) change in Head of Service (group or organizational provider); (5) change of ownership, service location or physical plant; or (6) any proposed addition or deletion of treatment services.
- b. Any other provision of this Agreement notwithstanding, Contractor's certification, by both the State of California and the County, to participate in the Medi-Cal program is an essential prerequisite of this Agreement. Contractor represents and warrants that it is currently certified to participate in the Medi-Cal program, and that it will be and remain certified to participate in the Medi-Cal program throughout the term of this Agreement. Should Contractor not be certified to participate in the Medi-Cal program at any time during the term of this Agreement, County shall have no obligation to pay Contractor for any services rendered during that time, and County may in its discretion terminate this Agreement upon ten (10) days written notice to Contractor.
- c. Contractor is subject to DMH Letter No. 10-05 dated 9-3-10 and all direct service providers shall provide their professional degree, license, and National Provider Identifier (NPI) in accordance with the following:
 - i. MHP must ensure that both the Office of Inspector General's Exclusion List and the Medi-Cal List of Suspended or Ineligible Providers lists are checked, prior to Medi-Cal certification of any individual or organizational provider.
 - ii. MHPs shall not certify any individual or organizational provider as a Medi-Cal provider, or otherwise pay any provider with Medi-Cal funds, if the provider is listed on either the Federal Office of Inspector General's Exclusion List or on the Medi-Cal List of Suspended or Ineligible Providers, and that any such inappropriate payments or overpayments may be subject to recovery and/or be the basis for other sanctions by the appropriate authority.

- iii. MHPs shall also provide notice regarding the authority of the California Department of Health Care Services ("DHCS") to impose administrative sanctions to their providers or contractors within three months of receiving this notice.

B. BENEFICIARY ELIGIBILITY

Contractor shall maintain and implement policies and procedures to ensure a client is a Trinity County Medi-Cal beneficiary, track authorizations, and include only those service units with authorized daily transactions together with the beneficiary name for those units eligible for reimbursement. Contractor shall determine Medi-Cal eligibility and report any obligation and payment made of share of cost. Contractor shall provide copies of Medi-Cal swipes documenting beneficiary eligibility with monthly claims.

Beneficiaries will be checked weekly by Contractor to verify they are still entitled to Medi-Cal services. If a beneficiary is no longer authorized for service but is in an approved course of treatment, then Contractor shall notify the County in writing immediately. Service may be rendered on a one-time only basis if the beneficiary's status has changed since the last service. Additional services may be provided only with the Director's written authorization based on individual case treatment/service needs.

C. PATIENT RIGHTS

The Contractor, or any delegate performing the covenants of the Contractor pursuant to the terms of this Agreement, shall adopt and post in a conspicuous place a written policy on patient's rights in accordance with Title 22, Division 5, Chapter 1, Article 7, Sections 70707 of the California Code of Regulations and the Welfare and Institutions Code, Division 5, Part I, Chapter 2, Article 7, Section 5325.1.

- a. Contractor will comply with applicable laws and regulations for the Beneficiary Problem Resolution Processes in accordance with Title 42, Code of Federal Regulations (CFR), Chapter IV, Subchapter C, Part 438, Subpart F, "Beneficiary Problem Resolution Processes," and the Medi-Cal Specialty Mental Health Services Consolidation waiver renewal request as approved by the Centers for Medicare and Medicaid Services on April 24, 2003 and August 22, 2003, that enable beneficiaries to resolve concerns or complaints about any specialty mental health service-related issue.
- b. Contractor's beneficiary problem resolution processes shall also comply with the State Contracts.
- c. Informal complaints by beneficiaries with regard to Contractor's rendering of services pursuant to this Agreement may also be investigated by the County's or Contractor's Patients' Rights Advocate or Quality Improvement Program.
- d. Contractor shall distribute the following informational materials to all clients entering the County mental health system at the time of intake:
 - i. State DMH Beneficiary Handbook titled "Guide to Medi-Cal Mental Health Services" describing services, beneficiary rights,

- grievance/appeal process, advance directives, and general access related information.
- ii. If applicable, EPSDT notification to all Medi-Cal beneficiaries as required by the State Department Mental Health (DMH) Letter number O1-07.
- iii. Therapeutic Behavioral Services (TBS) notification to all eligible members of the class as required by the State Department of Mental Health (DMH) Letter number 01-07.
- iv. County Mental Health Plan Directory. This may be accessed at <https://www.trinitycounty.org/Behavioral-Health>.
- e. Contractor shall post the County's notices explaining beneficiary problem resolution processes in locations at all Contractor sites sufficient to ensure that the information is readily available to both beneficiaries and Contractor's staff. Contractor shall make County's beneficiary problem resolution process forms and self-addressed envelopes available for beneficiaries to pick up at all Contractor provider sites without the beneficiary having to make a verbal or written request to anyone.
- f. Grievances and appeals shall be resolved through the County's beneficiary problem resolution processes, or Contractor's comparable processes if such processes exist. Beneficiaries shall not be required to use or exhaust the Contractor's processes prior to using the County's beneficiary problem resolution processes.
- g. Contractor shall keep a log of all grievances and appeals, which shall contain:
 - i. Beneficiary's name
 - ii. Grievant or Appellant's Name, if different from Beneficiary
 - iii. Date of receipt of grievance or appeal
 - iv. Nature of the problem
 - v. Final disposition of the problem or documented reason why there is not a final disposition of the problem
 - vi. The date the decision was given to the Beneficiary and to grievant or appellant, if difference from Beneficiary
 Contractor shall forward the above information regarding any grievance to the County as it occurs.
- h. The County shall provide Contractor with samples of the materials required by the provisions of this subparagraph above. Contractor shall maintain adequate supplies of all such materials sufficient to meet all requirements of law.

D. MEDICAL NECESSITY CRITERIA

For clients to be served by Contractor, they must meet Medical Necessity Criteria as outlined in Title 9, Article 2, Section 1830.205, or Title 9, Article 2, Section 1830.210, California Code of Regulations. This information is in the Clinical Documentation Guide. Medical necessity, as defined in the above sections, must be documented clearly in each service provided to the client. If the client no longer meets medical necessity standards, services to the client must be terminated. Further, any services provided to individuals determined to not meet medical necessity will be

denied. The following documentation is recommended for submission with all Treatment Authorization Requests (TARs) to substantiate medical necessity:

- a. Psychiatric Admission History
 - i. Must be completed within 24 hours of admission.
 - ii. Must include reason for hospitalization and an included inpatient mental health diagnosis.
 - iii. Other components may include: History of Present Illness, Social History, Past Psychiatric History, Review of Systems, Mental Status Exam, and Assessment/Plan.
- b. History and Physical
 - i. Should be completed prior to or at time of admission for medical clearance/stability.
 - ii. Components may include: Reason for review, review of systems, vitals, physical exam, labs and diagnostics, assessment/plan, and if patient is cleared for psychiatric unit admission.
- c. Treatment Plan
 - i. Must be completed within 72 hours of admission; if a hospital stay is less than 72 hours, a treatment plan is not required.
 - ii. Must include a covered inpatient mental health diagnosis.
 - iii. Must include interventions and frequencies.
 - iv. Must be signed by all participants, including the patient.
- d. Progress Notes
 - i. Each note must meet medical necessity on its own.
 - ii. It is recommended that a physician's progress note be completed for each day of service; however, if no physician note is submitted, or does not independently meet medical necessity, it is necessary to review nursing and/or other staff notes to establish necessity.
- e. Discharge Summary
 - i. Must include a covered inpatient mental health diagnosis; the diagnosis on the discharge summary is used to establish medical necessity throughout the chart.
 - ii. If the diagnosis changes at any point during a hospitalization, the date(s) on which the change occurs should be documented with supporting clinical information.

E. PROGRAM INTEGRITY

a. Compliance Program

The Contractor shall implement and maintain a compliance program designed to detect and prevent fraud, waste and abuse that must include:

- i. Written policies, procedures, and standards of conduct that articulate the organization's commitment to comply with all applicable requirements and standards under this Agreement, including requirements of the State Contracts, and all applicable Federal and State requirements.
- ii. Compliance Officer (CO) who is responsible for developing and implementing policies, procedures, and practices designed to ensure compliance with the requirements of under this Agreement,

including requirements of the State Contracts, and all applicable Federal and State requirement, and who reports directly to the CEO and the Board of Directors (BoD).

- iii. A Regulatory Compliance Committee (RCC) on the BoD and at the senior management level charged with overseeing the organization's compliance program and its compliance with the requirements under this Agreement, including requirements of the State Contracts, and all applicable Federal and State requirements.
- iv. A system for training and education for the CO, the organization's senior management, and the organization's employees for the requirements under this Agreement, including requirements of the State Contracts, and all applicable Federal and State requirements.
- v. Effective lines of communication between the CO and the organization's employees.
- vi. Enforcement of standards through well-publicized disciplinary guidelines.
- vii. The establishment and implementation of procedures and a system with dedicated staff for routine internal monitoring and auditing of compliance risks, prompt response to compliance issues as they are raised, investigation of potential compliance problems as identified in the course of self-evaluation and audits, correction of such problems promptly and thoroughly (or coordination of suspected criminal acts with law enforcement agencies) to reduce the potential for recurrence, and ongoing compliance with the requirements under this Agreement, including requirements of the State Contracts, and all applicable Federal and State requirements. (42 C.F.R. §438.608(a)(l).)

b. Fraud Reporting Requirements

The Contractor shall implement and maintain arrangements or procedures designed to detect and prevent fraud, waste and abuse that include prompt reporting to the County about the following:

- i. Any potential fraud, waste, or abuse. (42 C.F.R. §438.608(a), (a)(7).)
- ii. All overpayments identified or recovered, specifying the overpayments due to potential fraud. (42 C.F.R. §438.608(a), (a)(2).)
- iii. Information about changes in a beneficiary's circumstances that may affect the beneficiary's eligibility, including changes in the beneficiary's residence or the death of the beneficiary. (42 C.F.R. §438.608(a)(3).)
- iv. Information about a change in a network provider's circumstances that may affect the network provider's eligibility to participate in the managed care program, including the termination of a provider. (42 C.F.R. §438.608(a)(4).)

If the Contractor identifies an issue or receives notification of a compliant concerning an incident of potential fraud, waste or abuse, in addition to

notifying the County, the Contractor shall conduct an internal investigation to determine the validity of the issue/complaint, and develop and implement corrective action, if needed.

The Contractor shall implement and maintain written policies for all employees of the Contractor, and of any subcontractor or agent, that provide detailed information about the False Claims Act and other Federal and state laws, including information about the rights of employees to be protected as whistleblowers. (42 CFR 438.608(a)(6).)

The Contractor shall implement and maintain arrangements or procedures that include provision for the Contractor's suspension of payments to a network provider where there is a credible allegation of fraud.

c. Service Verification

Pursuant to 42 CFR 438.605(a)(5), the Contractor shall implement and maintain arrangements or procedures to detect and prevent fraud, waste and abuse that include provisions to verify, by sampling or other methods, whether services that have been represented to have been delivered were received by beneficiaries and the application of such verification processes on a regular basis. Upon request, Contractor shall make this method and sample work available to the Director or his/her designee.

d. Required Disclosures

As delineated in Exhibit D of this Agreement, Contractor shall submit to the County, for the Contractor's organization, including its managing employees, agents and individual providers, information regarding five percent (5%) or more ownership interest, persons convicted of crimes and/or business transactions.

EXHIBIT G

TERMS AND CONDITIONS

A. COUNTY AUTHORITY; CONTRACTOR ELIGIBILITY

1. Contractor represents and warrants to the County that it has the necessary licensing, certification, training, experience, expertise, and competency to provide the services, goods, and materials that are described in this Agreement, at a cost to the County as herein specified; that it will be able to perform the herein described services at minimum cost to the County by virtue of its current and specialized knowledge of relevant data, issues, and conditions.
2. In the event that Contractor provides specialty mental health services to beneficiaries eligible for both Medicare and Medi-Cal (dual eligible), Contractor shall comply with policy guidance issued by the California Department of Health Care Services and other applicable regulations that govern the claiming and reimbursement of such services.

B. CULTURAL COMPETENCY

1. Cultural competence is defined as a set of congruent practice behaviors, attitudes, and policies that come together in a system, agency, or among consumer providers and professionals which enable that system, agency, or those professional and consumer providers to work effectively in cross-cultural situations.
2. Contractor recognizes that cultural competence is a goal toward which professionals, agencies, and systems should strive. Becoming culturally competent is a developmental process and incorporates at all levels the importance of culture, the assessment of cross-cultural differences, the expansion of cultural knowledge, and the adaptation of services to meet culturally unique needs. Providing medically necessary specialty behavioral health, substance abuse, and co-occurring disorder services in a culturally competent manner is fundamental in any effort to ensure success of high quality and cost-effective services. Offering those services in a manner that fails to achieve its intended result due to cultural and linguistic barriers is not cost effective.
3. Contractor shall assess the demographic make-up and population trends of its service area to identify the cultural and linguistic needs of the eligible beneficiary population. Such studies are critical to designing and planning for providing appropriate and effective behavioral health, substance abuse, and co-occurring disorder services.
4. Contractor shall provide cultural competency training on an annual basis to all staff. This training shall address the ethnic, cultural, and language needs of clients. Training can be provided by County on a space available basis or obtained by Contractor from an independent source(s).

Contractor shall provide the County with documentation of the cultural competency trainings by submitting the required reports as outlined in Exhibit D, Terms and Conditions.

5. Contractor shall implement practices and protocols that are inclusive and responsive to the needs of diverse cultural populations, including Lesbian, Gay, Bisexual, Transgender and Queer/Questioning (LGBTQ) individuals, families and communities.
6. Contractor shall adopt the National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care to improve health care quality and advance health equity. Refer to <http://minorityhealth.hhs.gov> (US Department of Health and Human Services Office of Minority Health).
7. Language Access and Translation Requirements
 - i. "Threshold Language" pursuant to the Dymally-Alatorre Bilingual Services Act and "Prevalent Language" pursuant to State contracts and 42 CFR. §438.10(a), means a language that has been identified as the primary language, as indicated on the Medi-Cal Eligibility System (MEDS), of 3,000 beneficiaries or five percent of the beneficiary population, whichever is lower, in County's Medi-Cal service area. (Cal. Govt. Code §7290-7299.8; 42 CFR. §438.10(a); 9 CCR §1810.4JO(a)(3).)
 - ii. Contractor shall comply with the linguistic requirements included herein.
 - iii. The Contractor shall provide all written materials for potential clients and clients in a font size no smaller than 12 point. (42 CFR. 438.10(d)(6)(ii).)
 - iv. The Contractor shall ensure its written materials are available in alternative formats, including large print, upon request of the potential client or client at no cost. Large print means printed in a font size no smaller than 18 point. (42 C.F.R. § 438.10(d)(3).)
 - v. The Contractor shall make its written materials that are critical to obtaining services, including, at a minimum, provider directories, beneficiary handbooks, appeal and grievance notices, denial and termination notices, and Contractor's behavioral health education materials, available in the prevalent non-English languages in the county. (42 CFR. § 438.10(d)(3).)
 - vi. The Contractor shall notify clients that written translation is available in prevalent languages free of cost and shall notify clients how to access those materials. (See 42 CFR § 438.10(d)(S)(i) & (iii); 9 CCR§ 1810.410(e)(4).)
 - vii. The Contractor shall include taglines in the prevalent non-English languages in the State of California, as well as large print, explaining the availability of written translation or oral interpretation to understand the information provided. (42 CFR. § 438.10(d)(2).)

- viii. The Contractor shall include taglines in the prevalent non-English languages in the State of California, as well as large print, explaining the availability of the toll-free and Teletypewriter Telephone/Text Telephone (TTY/TDY) telephone number of the Contractor's member/customer service unit. (42 CFR § 438.10(d)(3).)
- ix. The Contractor shall notify clients that written translation is available in prevalent languages free of cost and shall notify clients how to access those materials. (42 C.F.R. § 438.10(d)(5)(i), (iii); Cal. Code Regs., tit. 9, § 1810.410, subd. (e), para. (4).)
- x. The Contractor shall make oral interpretation and auxiliary aids and services, such as TTY/TDY and American Sign Language (ASL), available and free of charge for any language. Contractor shall notify clients that the service is available and how to access those services. (42 CFR. § 438.10(d).

C. CLINICAL REVIEW AND/OR PROGRAM EVALUATION

Contractor shall establish and maintain systems to review the quality and appropriateness of services rendered pursuant to this Agreement in accordance with applicable Federal, State and County laws, regulations, and directives.

Contractor shall permit, at any reasonable time, County, State and/or Federal government personnel designated by the Director to enter Contractor's premises for the purpose of making periodic inspections (including, but not limited to, examining and auditing clinical records) to determine the fiscal and clinical quality, appropriateness and effectiveness of the services being rendered. Contractor shall furnish the Director with such information as may be required to evaluate fiscal and clinical quality, appropriateness and effectiveness of the services being rendered.

Should a clinical review, program evaluation or chart review by the County, State and/or Federal government identify billed units of service or goods and/or services that are determined disallowable, the Contractor shall repay County for any amount determined disallowable. Method of repayment is detailed in Exhibit C.

D. ADMISSION POLICIES AND PATIENTS' RIGHTS

Contractor's admission policies (if applicable) shall be in writing and available to the public and shall include a provision that patients are accepted for care without discrimination as described in this Agreement.

Contractor shall adhere to and comply with all applicable State standards and requirements regarding timely access of Beneficiaries to care and services.

Contractor shall immediately notify the Director in writing whenever Contractor has reached its maximum lawful capacity to provide the services required by this Agreement in accordance with all applicable laws and regulations.

No provision of this Agreement shall be construed to replace or conflict with the duties of County patients' rights advocates described in Section 5520 of the California Welfare and Institutions Code.

E. DEBARMENT AND SUSPENSION CERTIFICATION

Contractor shall not permit any of its principals or affiliates, including but not limited to: officers, directors, partners, agents, principal investors, other person with management or supervisory responsibilities related to a covered transaction; or its affiliates, employees, contractors, subcontractors, volunteers, or five percent (5%) owners to provide services pursuant to this Agreement if such individual has been excluded or debarred from any Federal or State program.

Contractor shall verify that each of its principals or affiliates, including but not limited to officers, directors, partners, agents, principal investors, other person with management or supervisory responsibilities related to a covered transaction; or its affiliates, employees, contractors, subcontractors, volunteers, or five percent (5%) owners, is not excluded or debarred from participating in or being paid for participation in any Federal or State program within thirty (30) days of such person or entity becoming Contractor's officer, agent, employee, contractor, subcontractor, volunteer, or five percent (5%) owner, and thereafter not less frequently than once each year.

Contractor shall notify County, within twenty-four (24) hours of Contractor's knowledge, of any action taken by local, State or Federal agencies to exclude or bar Contractor, or any of its principals or affiliates, including but not limited to: officers, directors, partners, agents, principal investors, other person with management or supervisory responsibilities related to a covered transaction; or its affiliates, employees, contractors, subcontractors, volunteers, or five percent (5%) owners from any Federal or State program. Contractor shall also notify County within twenty-four (24) hours of any event or condition that occurs or which may arise which could lead to Contractor's, or any of its principals or affiliates, including but not limited to: officers, directors, partners, agents, principal investors, other person with management or supervisory responsibilities related to a covered transaction; or its affiliates, employees, contractors, subcontractors, volunteers, or five percent (5%) owners' exclusion or debarment from any Federal or State program.

Contractor shall provide County information as requested by the Director regarding the status of Contractor's principals or affiliates, including but not limited to: officers, directors, partners, agents, principal investors, other person with management or supervisory responsibilities related to a covered transaction; or its affiliates, employees, contractors, subcontractors, volunteers, or five percent (5%) owners regarding their participation, exclusion or debarment from any Federal or State program.

Any other provision of this Agreement notwithstanding, Contractor shall not be entitled to any compensation for any services provided pursuant to this Agreement by any of its principals or affiliates, including but not limited to:

officers, directors, partners, agents, principal investigators, other person with management or supervisory responsibilities related to a covered transaction; or affiliates, employees, contractors, subcontractors, volunteers, or five percent (5%) owners who has been excluded or debarred from any Federal or State program.

By signing this Agreement, the Contractor agrees to comply with applicable federal suspension and debarment regulations including, but not limited to 7 CFR Part 3017, 45 CFR 76, 40 CFR 32 or 34 CFR 85.

By signing this Agreement, the Contractor certifies to the best of its knowledge and belief, that it and its principals:

- i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
- ii. Have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- iii. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in Paragraph B(2) herein; and
- iv. Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State or local) terminated for cause or default.
- v. Shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under federal regulations (i.e., 48 CFR part 9, subpart 9.4), debarred, suspended, declared ineligible, or voluntarily excluded from participation in such transaction, unless authorized by the State.
- vi. Will include a clause entitled, "Debarment and Suspension Certification" that essentially sets for the provisions herein, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

If the Contractor is unable to certify to any of the statements in this certification, the Contractor shall submit an explanation to the Director.

The terms and definitions herein have the meanings set out in the Definitions and Coverage sections of the rules implementing Federal Executive Order 12549.

If the Contractor knowingly violates this certification, in addition to other remedies available to the Federal Government, the County may terminate this Agreement for cause or default.

F. FALSE CLAIMS ACT

The Contractor acknowledges that 31 USC Chapter 38 (Administrative Remedies for False Claims and Statements) applies to the Contractor's actions pertaining to this contract.

Contractor and its employees, contractors, and agents shall read, acknowledge receipt of, and comply with all provisions of the County's policies and procedures designed to detect and prevent fraud, waste, and abuse in the provision of medical assistance, in accordance with 42 USC 1396(a) (68) (section 6032 of the Deficit Reduction Act and the Federal False Claims Act (31 U.S.C. §§3729-3733). Failure to comply with any of these policies and procedures is a material breach of this contract and grounds for termination for cause.

Contractor shall certify, on an annual basis that it, and all its employees, contractors, and agents have read and understand the County's policies and procedures regarding the detection and prevention of fraud, waste, and abuse in the provision of medical assistance, as referenced above. This certification shall be submitted with the provider's annual cost report. In addition, at the time Contractor hires a new employee, contractor, or agent, Contractor will certify that individual has read and understands the County's policies and procedures regarding the detection and prevention of fraud, waste, and abuse in the provision of medical assistance.

G. COST SETTLEMENT

If the Contractor provides mental health services as defined in California Code of Regulations (CCR) Title 9 (whether Medi-Cal or non-Medi-Cal), Contractor shall provide County a Certified Annual Mental Health Cost Report. Contractor shall certify and submit a Cost Report covering the preceding County fiscal year of July 1 through June 30, in a form satisfactory to the Director and as prescribed by the State in the Cost Reporting Data Collection Manual and Short- Doyle/Medi-Cal cost report instructions. This Cost Report is due to the County no later than October 31 unless otherwise specified by the Director. In the event that this Agreement expires or is terminated on a date other than June 30, Contractor shall provide County such a Cost Report, covering the preceding period of July 1 through the date of expiration or termination no later than forty-five (45) days after the date of expiration or termination unless otherwise specified by the Director.

In the event that Contractor's per unit rates in the Cost Report are less than the rates paid by County, County may cost settle with Contractor. In the event of cost settlement, the County shall invoice Contractor for repayment upon County's final review of the annual Cost Report. Contractor shall remit payment to County within 45 days of invoice, unless an alternate repayment agreement is structured in writing and approved by the Director.

Contractor will be subject to Federal, State, or local audits at any time. Contractor and County will each be responsible for any audit errors or omissions on their part. The annual State Department of Health Care Services/Federal Audit may not occur until five years after close of fiscal year and not be settled until all Audit appeals are completed/closed.

Contractor may use unaudited financial statements as the basis of cost information for completion of the Cost Report. Contractor will forward a copy of the unaudited financial statements to County along with the completed Cost Report.

The Cost Report is subject to examination and audit by Federal, State, or local government, and their authorized representatives, to determine its compliance with this Agreement and any applicable laws and regulations.

County shall inform Contractor of any audit finding relevant to the Contractor. Contractor and County shall take any necessary actions to respond to, correct, and resolve the audit findings.

Should the County, State and/or Federal government, and their authorized representatives, disallow any paid goods and/or services, or determine that Contractor has misspent funds, or been overpaid based on the requirements of this Agreement and applicable laws and regulations, County shall demand repayment from Contractor for any amount determined disallowable.

Method of repayment, either due from the County to Contractor or vice versa, is detailed in Exhibit C.

H. ADVANCE DIRECTIVE

Contractor agrees to comply with the County's policies and procedures on advance directives.

EXHIBIT H

INFORMATION CONFIDENTIALITY AND SECURITY REQUIREMENTS

1. **Definitions.** For purposes of this Exhibit, the following definitions shall apply:

A. Public Information: Information that is not exempt from disclosure under the provisions of the California Public Records Act (Government Code sections 6250-6265) or other applicable state or federal laws.

B. Confidential Information: Information that is exempt from disclosure under the provisions of the California Public Records Act (Government Code sections 6250-6265) or other applicable state or federal laws.

C. Sensitive Information: Information that requires special precautions to protect from unauthorized use, access, disclosure, modification, loss, or deletion. Sensitive Information may be either Public Information or Confidential Information. It is information that requires a higher than normal assurance of accuracy and completeness. Thus, the key factor for Sensitive Information is that of integrity. Typically, Sensitive Information includes records of agency financial transactions and regulatory actions.

D. Personal Information: Information that identifies or describes an individual, including, but not limited to, their name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. **It is DHCS' policy to consider all information about individuals to be private, unless such information is determined to be a public record.** This information must be protected from inappropriate access, use, or disclosure and must be made accessible to data subjects upon request. Personal Information includes the following:

Notice-triggering Personal Information: Specific items of personal information (name plus Social Security number, driver license/California identification card number, or financial account number) that may trigger a requirement to notify individuals if it is acquired by an unauthorized person. For purposes of this provision, identity shall include, but not be limited to name, identifying number, symbol, or other identifying particular assigned to the individual, such as finger or voice print or a photograph. See Civil Code sections 1798.29 and 1798.82.

2. **Nondisclosure.** The Contractor and its employees, agents, or subcontractors shall protect from unauthorized disclosure any Personal Information, Sensitive Information, or Confidential Information (hereinafter identified as PSCI).

3. The Contractor and its employees, agents, or subcontractors shall not use any

PSCI for any purpose other than carrying out the Contractor's obligations under this Agreement.

4. The Contractor and its employees, agents, or subcontractors shall promptly transmit to the DHCS Program Contract Manager all requests for disclosure of any PSCI not emanating from the person who is the subject of PSCI.
5. The Contractor shall not disclose, except as otherwise specifically permitted by this Agreement or authorized by the person who is the subject of PSCI, any PSCI to anyone other than DHCS without prior written authorization from the DHCS Program Contract Manager, except if disclosure is required by State or Federal law.
6. The Contractor shall observe the following requirements:

A. Safeguards. The Contractor shall implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the PSCI, including electronic PSCI that it creates, receives, maintains, uses, or transmits on behalf of DHCS. Contractor shall develop and maintain a written information privacy and security program that includes administrative, technical and physical safeguards appropriate to the size and complexity of the Contractor's operations and the nature and scope of its activities, Including at a minimum the following safeguards:

1) Personnel Controls

- a. Employee Training.** All workforce members who assist in the performance of functions or activities on behalf of DHCS, or access or disclose DHCS PSCI, must complete information privacy and security training, at least annually, at Business Associate's expense. Each workforce member who receives information privacy and security training must sign a certification, indicating the member's name and the date on which the training was completed. These certifications must be retained for a period of six (6) years following contract termination.
- b. Employee Discipline.** Appropriate sanctions must be applied against workforce members who fail to comply with privacy policies and procedures or any provisions of these requirements, including termination of employment where appropriate.
- c. Confidentiality Statement.** All persons that will be working with DHCS PSCI must sign a confidentiality statement that includes, at a minimum, General Use, Security and Privacy Safeguards, Unacceptable Use, and Enforcement Policies. The statement must be signed by the workforce member prior to access to DHCS PSCI. The statement must be renewed annually. The Contractor shall retain each person's written confidentiality statement for DHCS inspection for a period of six (6) years following contract termination.
- d. Background Check.** Before a member of the workforce may access DHCS PSCI, a thorough background check of that worker must be conducted, with evaluation of the results to assure that there is no indication that the worker may present a risk to the security or integrity of confidential data or a risk for theft or misuse of confidential data. The Contractor shall retain each workforce member's background check documentation for a period of three (3) years

following contract termination.

2) Technical Security Controls

- a. **Workstation/Laptop Encryption.** All workstations and laptops that process and/or store DHCS PSCI must be encrypted using a FIPS 140-2 certified algorithm which is 128-bit or higher, such as Advanced Encryption Standard (AES). The encryption solution must be full disk encryption unless approved by the DHCS Information Security Office.
- b. **Server Security.** Servers containing unencrypted DHCS PSCI must have sufficient administrative, physical, and technical controls in place to protect that data, based upon a risk assessment/system security review.
- c. **Minimum Necessary.** Only the minimum necessary amount of DHCS PSCI required to perform necessary business functions may be copied, downloaded, or exported.
- d. **Removable Media Devices.** All electronic files that contain DHCS PSCI data must be encrypted when stored on any removable media or portable device (i.e. USB thumb drives, floppies, CD/DVD, smartphones, backup tapes etc.). Encryption must be a FIPS 140-2 certified algorithm which is 128-bit or higher, such as AES.
- e. **Anti-virus Software.** All workstations, laptops and other systems that process and/or store DHCS PSCI must install and actively use comprehensive anti-virus software solution with automatic updates scheduled at least daily.
- f. **Patch Management.** All workstations, laptops and other systems that process and/or store DHCS PSCI must have critical security patches applied, with system reboot if necessary. There must be a documented patch management process which determines installation timeframe based on risk assessment and vendor recommendations. At a maximum, all applicable patches must be installed within 30 days of vendor release.
- g. **User IDs and Password Controls.** All users must be issued a unique user name for accessing DHCS PSCI. Username must be promptly disabled, deleted, or the password changed upon the transfer or termination of an employee with knowledge of the password, at maximum within 24 hours. Passwords are not to be shared. Passwords must be at least eight characters and must be a non-dictionary word. Passwords must not be stored in readable format on the computer. Passwords must be changed every 90 days, preferably every 60 days. Passwords must be changed if revealed or compromised. Passwords must be composed of characters from at least three of the following four groups from the standard keyboard:
 - Upper case letters (A-Z)
 - Lower case letters (a-z)
 - Arabic numerals (0-9)
 - Non-alphanumeric characters (punctuation symbols)
- h. **Data Destruction.** When no longer needed, all DHCS PSCI must be cleared, purged, or destroyed consistent with NIST Special Publication 800-88,

Guidelines for Media Sanitization such that the PSCI cannot be retrieved. **System Timeout.** The system providing access to DHCS PSCI must provide an automatic timeout, requiring re-authentication of the user session after no more than 20 minutes of inactivity.

- i. **Warning Banners.** All systems providing access to DHCS PSCI must display a warning banner stating that data is confidential, systems are logged, and system use is for business purposes only by authorized users. User must be directed to log off the system if they do not agree with these requirements.
- j. **System Logging.** The system must maintain an automated audit trail which can identify the user or system process which initiates a request for DHCS PSCI, or which alters DHCS PSCI. The audit trail must be date and time stamped, must log both successful and failed accesses, must be read only, and must be restricted to authorized users. If DHCS PSCI is stored in a database, database logging functionality must be enabled. Audit trail data must be archived for at least 3 years after occurrence.
- l. **Access Controls.** The system providing access to DHCS PSCI must use role based access controls for all user authentications, enforcing the principle of least privilege.
- m. **Transmission Encryption.** All data transmissions of DHCS PSCI outside the secure internal network must be encrypted using a FIPS 140-2 certified algorithm which is 128-bit or higher, such as AES. Encryption can be end to end at the network level, or the data files containing PSCI can be encrypted. This requirement pertains to any type of PSCI in motion such as website access, file transfer, and E-Mail.
- n. **Intrusion Detection.** All systems involved in accessing, holding, transporting, and protecting DHCS PSCI that are accessible via the internet must be protected by a comprehensive intrusion detection and prevention solution.

3) Audit Controls

- a. **System Security Review.** All systems processing and/or storing DHCS PSCI must have at least an annual system risk assessment/security review which provides assurance that administrative, physical, and technical controls are functioning effectively and providing adequate levels of protection. Reviews should include vulnerability scanning tools.
- b. **Log Reviews.** All systems processing and/or storing DHCS PSCI must have a routine procedure in place to review system logs for unauthorized access.
- c. **Change Control.** All systems processing and/or storing DHCS PSCI must have a documented change control procedure that ensures separation of duties and protects the confidentiality, integrity and availability of data.

4) Business Continuity/ Disaster Recovery Controls

- a. **Emergency Mode Operation Plan.** Contractor must establish a documented plan to enable continuation of critical business processes

and protection of the security of electronic DHCS PSCI in the event of an emergency. Emergency means any circumstance or situation that causes normal computer operations to become unavailable for use in performing the work required under this Agreement for more than 24 hours.

- b. *Data Backup Plan.*** Contractor must have established documented procedures

to backup DHCS PSCI to maintain retrievable exact copies of DHCS PSCI. The plan must include a regular schedule for making backups, storing backups offsite, an inventory of backup media, and an estimate of the amount of time needed to restore DHCS PSCI, should it be lost. At a minimum, the schedule must be a weekly full backup and monthly offsite storage of DHCS data.

5) Paper Document Controls

- a. *Supervision of Data.*** DHCS PSCI in paper form shall not be left unattended at any time, unless it is locked in a file cabinet, file room, desk or office. Unattended means that information is not being observed by an employee who is authorized to access the information. DHCS PSCI in paper form shall not be left unattended at any time in vehicles or planes and shall not be checked in baggage on commercial airplanes.
- b. *Escorting Visitors.*** Visitors to areas where DHCS PSCI is contained shall be escorted and DHCS PSCI shall be kept out of sight while visitors are in the area.
- c. *Confidential Destruction.*** DHCS PSCI must be disposed of through confidential means, such as cross cut shredding and pulverizing.
- d. *Removal of Data.*** DHCS PSCI must not be removed from the premises of the Contractor except with express written permission of DHCS.
- e. *Faxing.*** Faxes containing DHCS PSCI shall not be left unattended and fax machines shall be in secure areas. Faxes shall contain a confidentiality statement notifying persons receiving faxes in error to destroy them. Fax numbers shall be verified with the intended recipient before sending the fax.
- f. *Mailing.*** Mailings of DHCS PSCI shall be sealed and secured from damage or inappropriate viewing of PSCI to the extent possible. Mailings which include 500 or more individually identifiable records of DHCS PSCI in a single package shall be sent using a tracked mailing method which includes verification of delivery and receipt, unless the

prior written permission of DHCS to use another method is obtained.

- B. Security Officer.** The Contractor shall designate a Security Officer to oversee its data security program who will be responsible for carrying out its privacy and security programs and for communicating on security matters with DHCS.

Discovery and Notification of Breach. Notice to DHCS:

- (1) To notify DHCS **immediately** upon the discovery of a suspected security incident that involves data provided to DHCS by the Social Security Administration. This notification will be **by telephone call plus email or fax** upon the discovery of the breach. (2) To notify DHCS **within 24 hours by email or fax** of the discovery of unsecured PSCI in electronic media or in any other media if the PSCI was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, any suspected security incident, intrusion or unauthorized access, use or disclosure of PSCI in violation of this Agreement and this Addendum, or potential loss of confidential data affecting this Agreement. A breach shall be treated as discovered by the contractor as of the first day on which the breach is known, or by exercising reasonable diligence would have been known, to any person (other than the person committing the breach) who is an employee, officer or other agent of the contractor..

Notice shall be provided to the DHCS Program Contract Manager, the DHCS Privacy Officer and the DHCS Information Security Officer. If the incident occurs after business hours or on a weekend or holiday and involves data provided to DHCS by the Social Security Administration, notice shall be provided by calling the DHCS EITS Service Desk. Notice shall be made using the "DHCS Privacy Incident Report" form, including all information known at the time. The contractor shall use the most current version of this form, which is posted on the DHCS Privacy Office website (www.dhcs.ca.gov, then select "Privacy" in the left column and then "Business Use" near the middle of the page) or use this link: <http://www.dhcs.ca.gov/formsandpubs/laws/priv/Pages/DHCSBusinessAssociatesOnly.aspx>

- C.** Upon discovery of a breach or suspected security incident, intrusion or unauthorized access, use or disclosure of PSCI, the Contractor shall take:
- 1) Prompt corrective action to mitigate any risks or damages involved with the breach and to protect the operating environment, and;
 - 2) Any action pertaining to such unauthorized disclosure required by applicable Federal and State laws and regulations.

- D. Investigation of Breach.** The Contractor shall immediately investigate such security incident, breach, or unauthorized use or disclosure of PSCI. If the initial report did not include all of the requested information marked with an asterisk, then within seventy-two (72) hours of the discovery, The Contractor shall submit an updated "DHCS Privacy Incident Report"

containing the information marked with an asterisk and all other applicable information listed on the form, to the extent known at that time, to the DHCS Program Contract Manager, the DHCS Privacy Officer, and the DHCS Information Security Officer.

- E. *Written Report.*** The Contractor shall provide a written report of the investigation to the DHCS Program Contract Manager, the DHCS Privacy Officer, and the DHCS Information Security Officer, if all of the required information was not included in the DHCS Privacy Incident Report, within ten (10) working days of the discovery of the breach or unauthorized use or disclosure. The report shall include, but not be limited to, the information specified above, as well as a full, detailed corrective action plan, including information on measures that were taken to halt and/or contain the improper use or disclosure.
- F. *Notification of Individuals.*** The Contractor shall notify individuals of the breach or unauthorized use or disclosure when notification is required under state or federal law and shall pay any costs of such notifications, as well as any costs associated with the breach. The DHCS Program Contract Manager, the DHCS Privacy Officer, and the DHCS Information Security Officer shall approve the time, manner and content of any such notifications.
- 7. *Audits and Inspections.*** From time to time, DHCS may inspect the facilities, systems, books and records of the Contractor to monitor compliance with the safeguards required in the Information Confidentiality and Security Requirements (ICSR) exhibit. Contractor shall promptly remedy any violation of any provision of this ICSR exhibit. The fact that DHCS inspects, or fails to inspect, or has the right to inspect, Contractor's facilities, systems and procedures does not relieve Contractor of its responsibility to comply with this ICSR exhibit.

EXHIBIT I

W-9 FOR COMPLETION

The W-9 form and instructions can be found at the following web address:

<https://www.irs.gov/pub/irs-pdf/fw9.pdf>

Form W-9 (Rev. October 2018) Department of the Treasury Internal Revenue Service		Request for Taxpayer Identification Number and Certification ► Go to www.irs.gov/FormW9 for instructions and the latest information.		Give Form to the requester. Do not send to the IRS.
Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.			
	2 Business name/disregarded entity name, if different from above			
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ► _____			4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
	5 Address (number, street, and apt. or suite no.) See instructions.		Requestor's name and address (optional)	
	6 City, state, and ZIP code			
7 List account number(s) here (optional)				
Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later. Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.				
Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.				
Sign Here		Date ►		
Signature of U.S. person ►				
General Instructions Section references are to the Internal Revenue Code unless otherwise noted. Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9 . Purpose of Form An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following. • Form 1099-INT (Interest earned or paid) • Form 1099-DIV (dividends, including those from stocks or mutual funds) • Form 1099-MISC (various types of income, prizes, awards, or gross proceeds) • Form 1099-B (stock or mutual fund sales and certain other transactions by brokers) • Form 1099-S (proceeds from real estate transactions) • Form 1099-K (merchant card and third party network transactions) • Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition) • Form 1099-C (canceled debt) • Form 1099-A (acquisition or abandonment of secured property) Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN. <i>If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What Is backup withholding, later.</i>				
Cat. No. 10231X		Form W-9 (Rev. 10-2018)		

EXHIBIT J

CA590 WITHHOLDING EXEMPTION CERTIFICATE

The CA Form 590 Withholding Exemption Certificate can be found at the following web address:

<https://www.ftb.ca.gov/forms/2024/2024-590.pdf>

TAXABLE YEAR	CALIFORNIA FORM
2024	590
Withholding Exemption Certificate	
<small>The payee completes this form and submits it to the withholding agent. The withholding agent keeps this form with their records.</small>	
Withholding Agent Information	
Name _____	
Payee Information	
Name _____	<input type="checkbox"/> SSN or ITIN <input type="checkbox"/> FEIN <input type="checkbox"/> CA Corp no. <input type="checkbox"/> CA SOS file no.
Address (apt./sta., room) _____	
City (If you have a foreign address, see instructions.) _____	State _____ ZIP code _____
Exemption Reason	
Check only one box.	
By checking the appropriate box below, the payee certifies the reason for the exemption from the California income tax withholding requirements on payment(s) made to the entity or individual.	
<input type="checkbox"/> Individuals — Certification of Residency: I am a resident of California and I reside at the address shown above. If I become a nonresident at any time, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.	
<input type="checkbox"/> Corporations: The corporation has a permanent place of business in California at the address shown above or is qualified through the California Secretary of State (SOS) to do business in California. The corporation will file a California tax return. If this corporation ceases to have a permanent place of business in California or ceases to do any of the above, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.	
<input type="checkbox"/> Partnerships or Limited Liability Companies (LLCs): The partnership or LLC has a permanent place of business in California at the address shown above or is registered with the California SOS, and is subject to the laws of California. The partnership or LLC will file a California tax return. If the partnership or LLC ceases to do any of the above, I will promptly inform the withholding agent. For withholding purposes, a limited liability partnership (LLP) is treated like any other partnership.	
<input type="checkbox"/> Tax-Exempt Entities: The entity is exempt from tax under California Revenue and Taxation Code (R&TC) Section 23701 _____ (insert letter) or Internal Revenue Code Section 501(c) _____ (insert number). If this entity ceases to be exempt from tax, I will promptly notify the withholding agent. Individuals cannot be tax-exempt entities.	
<input type="checkbox"/> Insurance Companies, Individual Retirement Arrangements (IRAs), or Qualified Pension/Profit-Sharing Plans: The entity is an insurance company, IRA, or a federally qualified pension or profit-sharing plan.	
<input type="checkbox"/> California Trusts: At least one trustee and one noncontingent beneficiary of the above-named trust is a California resident. The trust will file a California fiduciary tax return. If the trustee or noncontingent beneficiary becomes a nonresident at any time, I will promptly notify the withholding agent.	
<input type="checkbox"/> Estates — Certification of Residency of Deceased Person: I am the executor of the above-named person's estate or trust. The decedent was a California resident at the time of death. The estate will file a California fiduciary tax return.	
<input type="checkbox"/> Nonmilitary Spouse of a Military Servicemember: I am a nonmilitary spouse of a military servicemember and I meet the Military Spouse Residency Relief Act (MSRRA) requirements. See instructions for General Information E, MSRRA.	
CERTIFICATE OF PAYEE: Payee must complete and sign below.	
<small>Our privacy notice can be found in annual tax booklets or online. Go to ftb.ca.gov/privacy to learn about our privacy policy statement, or go to ftb.ca.gov/forms and search for 1131 to locate FTB 1131 EN-SP, Franchise Tax Board Privacy Notice on Collection. To request this notice by mail, call 800.338.0505 and enter form code 948 when instructed.</small>	
<small>Under penalties of perjury, I declare that I have examined the information on this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare under penalties of perjury that if the facts upon which this form are based change, I will promptly notify the withholding agent.</small>	
Type or print payee's name and title _____	Telephone _____
Payee's signature ► _____	Date _____

7061243

Form 590 2023

EXHIBIT K

RESTRICTIONS ON SALARIES

Contractor agrees that no part of any Federal Funds provided under this contract shall be used by Contractor or its subcontractors to pay the salary and wages of an individual at a rate in excess of Level I of the Executive Schedule. Salary and Wage schedules may be found at https://grants.nih.gov/grants/policy/salcap_summary.htm

Federal funds used to pay a salary in excess of the rate of basic pay level for Level I of the Executive Schedule shall be subject to disallowance. The amount disallowed shall be determined by subtracting the individual's salary from the Level I rate of basic pay and multiplying the result by the percentage of the individual's salary that was paid with Federal funds.

Contractor agrees to comply with the provisions of the Hatch Act (Title 5 USC, Sections 151-1508), which limit the political activity of employees whose principal employment activities are funded in whole or in part with Federal Funds.

Signature: _____

Date: _____

Name: _____

Title: _____

EXHIBIT L

DRUG FREE WORKPLACE REQUIREMENTS

Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

- A. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violation.
- B. Establish a Drug-Free awareness Program to inform employees about:
 - i. The dangers of drug abuse in the workplace; and
 - ii. The persons or organizations policy of maintaining a drug-free workplace; and
 - iii. Any available counseling, rehabilitation, and employee assistance
 - iv. Penalties that may be imposed upon employees for drug abuse violations.
- C. Provide that every employee who works on the proposed agreement will:
 - i. Receive a copy of the drug-free policy statement; and
 - ii. Agree to abide by the terms of the company statement as a condition of the employment agreement.

Failure to comply with these requirements may result in suspension of payments under the Contract or termination of the Contract or both, and Contractor may be ineligible for future award of any agreement with County if County determines that Contractor has made false certification or violated the certification by failing to carry out the requirements as noted above.

TRINITY COUNTY
Item Report 3.3

Meeting Date: 3/5/2024

Department:
Clerk of the Board

Contact:
Trent Tuthill

Phone:
530-623-1382

3.3 Minutes: January & February 2024

Requested Action:

Approve the regular meeting minutes of January 16 February 6 and February 20, 2024 and special meeting minutes of January 31 and February 13, 2024 as submitted by the Deputy Clerk.

Fiscal Impact:

No fiscal impact.

ATTACHMENTS:

Description

1/16/2024 minutes

1/31/2024 Special minutes

2/6/2024 minutes

2/13/2024 special minutes

2/20/2024 minutes

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA

MEETING MINUTES

January 16, 2024

Chairman

Supervisor Ric Leutwyler - District 1

Vice-Chairman

Supervisor Liam Gogan - District 3

Supervisor Jill Cox - District 2

Supervisor Heidi Carpenter-Harris- District 4

Supervisor Dan Frasier - District 5

Trent Tuthill - County Administrative Officer

Margaret E. Long - County Counsel

Ashley Piker - Deputy Clerk of the Board

The Trinity County Board of Supervisors welcomes you to its meetings which are regularly scheduled for the first and third Tuesday of each month, unless altered to accommodate a holiday, starting at 9:00 a.m. at 351 Main Street, Weaverville, California.

This Board Agenda contains a brief, general description of each item to be considered. Supporting documentation is available online at www.trinitycounty.org, at the County Administrative Office located at 11 Court Street, Room 230, Weaverville, CA, during normal business hours, and in the Public Packet at the rear of the Board Chambers during the meeting.

If you would like to receive notification via email that the agenda has been posted, please send your request to clerkoftheboard@trinitycounty.org.

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ZOOM INFORMATION

This meeting was available via Zoom.

Meeting called to order in open session at 9:00 AM

Pledge of Allegiance

Pledge was led by Supervisor Cox.

PRESENTATIONS

Health and Human Services

1.1 Did not receive a presentation from Health and Human Services Program Manager Jesse Ferguson and Staff Services Analyst Eugenio Tapia-Jensen about the California CalWORKs Outcomes and Accountability Review (Cal-OAR) and the goals and strategies identified during the CalWORKs System Improvement Plan (Cal-SIP).

1.2 Adopted a proclamation of appreciation which recognizes January 2024 as Eligibility Specialist recognition month.
Received comments from HHS Program Manager Tabatha Albers.

Motion: Jill Cox **Second:** Heidi C Harris **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Public Comment

Received comments from Patty Hymas, Tony Lench, and Matt Jefferson.

REPORTS/ANNOUNCEMENTS

2.1 I. Did not received report from Department Heads.
II. Received a report from County Administrative Officer Trent Tuthill.
III. Received reports from Members of the Board of Supervisors.
IV. Received reports from Ad Hoc:
A. Cannabis Ordinance

CONSENT CALENDAR

Agriculture

- 3.1 Appointed Angela Blanchard to the Agriculture Department/Division of Weights and Measures for the position of Agricultural Commissioner and Sealer of Weights and Measures, to serve a 4-year term commencing on January 1, 2024 and expiring on January 1, 2028.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Child Support Services

- 3.2 Approved amendment number 14 to the agreement with ANGELA'S CUSTODIAL SERVICE, extending the expiration date to January 31, 2025, and increasing the maximum cost by \$3,984 to provide janitorial services to the child support office at 850 B Main Street, Weaverville, CA.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Clerk of the Board

- 3.3 Adopted Resolution Number 2024-004 giving signature authorization on all federal contracts and other necessary documents for financial transactions and adopted Resolution Number 2024-005 giving signature authorization on all state contracts and other necessary documents for financial transactions.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

County Administrative Office

- 3.4 Approved an agreement with the Trinity County Chamber of Commerce for the County to provide funding to support the hiring of a Marketing Director to promote and advertise Trinity County.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.5 Approved an agreement with Trinity County Visitors and Development Bureau, Trinity County Arts Council, Weaverville Chamber of Commerce, Hayfork Chamber of Commerce, Humboldt Trinity Recreation Alliance and Trinity County Information Services to promote and advertise Trinity County as a tourist destination.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Health and Human Services

- 3.6** Approved an agreement with Mountain Communities Healthcare District (MCHD) to provide ambulatory/emergency medical services (EMS) in Zone 1 of Trinity County, and to provide transports from the Trinity County Jail and/or Juvenile Detention Facility to Trinity Hospital.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.7** Approved amendment number 1 to the agreement with Glenn County Community Action Department, extending the term to June 30, 2024 and increasing the maximum cost by \$43,500 to provide Contractor/Staffing to perform roles and responsibilities of the Lead Agency.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.8** Approved amendment number 2 to the agreement with the California Department of Public Health (CDPH) for the Women, Infants and Children (WIC) Program, increasing the caseload and funding allocation, and revising relevant exhibits.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

COUNTY MATTERS

County Administrative Office

4.1 Discussed and received board direction to prioritize the Cannabis Ordinance update items as outlined:

1. Update to 17.43.050
 - a. Waterboard enrollment date and associated conditions
 - b. CCV process and potential transition to administrative buffer reduction DUP process
2. Late Fee for License Renewal
3. Opt Outs – provide direction to staff on opt out requests and future process
4. Enforcement - introduce an enhanced enforcement section to provide greater clarity and more appropriate accountability for violations.
5. Definitions within 17.43
6. County Tax Cannabis Ordinance 1357 Review and Update
7. Notice Period – evaluate adjusting notice time frame from current 10 business day period to potentially a 15 day period
8. Updates to 17.42 and associated “tax or fine structure” adjustments

4.2 Received a presentation from the East Branch Property Owners regarding their October 8, 2021 opt out request and discuss the request. No action taken.

Received comments from Brent Guttermuth, Adrian Keys, Lisa Wright, Catherin Sidman, Lori Wills, Larry Alsten, and Dana Hauser.

4.3 Received a presentation from the Hetten Valley Property Owners regarding their September 17, 2020 opt out and discuss the request. No action taken.

Received comments from Suzie Toorpy, Catherin Sidman, Adrian Keys, Lori Wills, John Brower, Lisa Wright, Kristel Bell, Chriss Williams, Karla Avila, Amber Carman, Jeff Ghidlia, and Steve Lyon.

4.4 Receive a presentation from the Lewiston area Mountain View and Wilson Road Property Owners regarding their October 5, 2021 opt out and discuss the request. No action taken.

Received comments from Laural Edwards, Lousie Rockwood, Andy Wakefield, Adrian Keys, Larry Alsten, Catherin Sidman, Lori Wills, John Brower, Kristel Bell, Lisa Wright, Suzie Toorpy, Dana Hauser, Matt Jefferson, Karla Avila, Steve Lyon, Amber Carman, Jeff Ghidlia, Rohda Cain, Darrel Davis, Sue Leutwyler, and Brent Guttermuth.

Human Resources

- 4.5** Pursuant to Trinity County Code Section 2.60.410(A) authorized hiring Candidate No. 45852626 as a Deputy Sheriff II at Range S145 Step E in the Trinity County Sheriff's Office.

Received comment from CAO Trent Tuthill.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.6** Pursuant to Trinity County Code Section 2.60.410(A) authorized hiring Candidate No. 1592490 as a Principal Civil Engineer at Range M259 Step G in the Department of Transportation.

Received comments from CAO Trent Tuthill and Director of HR Laila Cassis.

Motion: Jill Cox **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.7** Took the following actions in the Probation Department effective January 1, 2024:
1. Approved the job descriptions, set the salary range and add to the alphabetical listing of classifications a Deputy Chief/Assistant Chief Probation Officer at range O248, Program Facilitator I at range G149 and Program Facilitator II at range G159; effective January 1, 2024.
 2. Modified the departmental listing of allocations for the Probation Department to add 1 Deputy Chief Probation Officer, 1 Deputy Chief/Assistant Chief Probation Officer, and replaced Probation Corrections Counselor I/II with Program Facilitator I/II; effective January 1, 2024.
 3. Pursuant to Trinity County Code Section 2.60.420, reclassified Employee ID No. 00887 from an Assistant Chief Probation Officer to a Deputy Chief/Assistant Chief Probation Officer at step F and reclassified Employee ID No. 02382 from a Supervising Deputy Probation Officer to a Deputy Chief Probation Officer at step B effective January 1, 2024; and
 4. Deleted from the Alphabetical Listing of Classifications and job descriptions the Assistant Chief Probation Officer upon incumbent's retirement, Supervising Deputy Probation Officer effective Jan 01, 2024, and Probation Corrections Counselor I/II effective January 1, 2024.

Received comments from Chief Probation Officer Ruby Fierro.

Motion: Heidi C Harris **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Planning and Zoning

- 4.8** Waived the reading of and enact Ordinance Number 1370 amending Trinity County Code Section 16.10.010 (D) pertaining to Designation of the Subdivision Review Committee, introduced January 3, 2024.

Motion: Dan Frasier **Second:** Jill Cox **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

CLOSED SESSION

- 5.1** Government Code Section 54954.5(f) - Conference with Labor Negotiators
County's Designated Representatives: Margaret Long, Laila Cassis and Suzie Hawkins
Employee Organizations: Deputy Sheriff's Association and HHS Unit

DSA- No reportable action taken

HHS - Direction given to Negotiators

ADJOURN

TRINITY COUNTY BOARD OF SUPERVISORS

Ric Leutwyler, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Trent Tuthill
Clerk of the Board of Supervisors

By:

Deputy

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA

SPECIAL MEETING MINUTES

January 31, 2024

Chairman

Supervisor Ric Leutwyler - District 1

Vice-Chairman

Supervisor Liam Gogan - District 3

Supervisor Jill Cox - District 2

Supervisor Heidi Carpenter-Harris- District 4

Supervisor Dan Frasier - District 5

Trent Tuthill - County Administrative Officer

Margaret E. Long - County Counsel

Ashley Piker - Deputy Clerk of the Board

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ZOOM INFORMATION

This meeting was available via zoom.

Meeting called to order in open session at 9:00 AM

Pledge of Allegiance

Pledge led by Supervisor Frasier.

COUNTY MATTERS

Board of Supervisors

- 1.1** Discussed and appointed Supervisor Cox's selection Ameilia Fleitz for Planning Commissioner District 2 to serve the remainder of the 4 year term.

Motion: Jill Cox **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Transportation

- 1.2** Introduced and waived the reading of an ordinance amending Trinity County Code Section 12.08 pertaining to Setbacks along Highways.

Received comments from Transportation Director Panos Kakkos, Naomi Goulette, Joe Taylor, and Veronica Kelly-Albiez.

Motion: Jill Cox **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

ADJOURN

TRINITY COUNTY BOARD OF SUPERVISORS

Ric Leutwyler, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Trent Tuthill
Clerk of the Board of Supervisors

By:

Deputy

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA

MEETING MINUTES

February 6, 2024

Chairman

Supervisor Ric Leutwyler - District 1

Vice-Chairman

Supervisor Liam Gogan - District 3

Supervisor Jill Cox - District 2

Supervisor Heidi Carpenter-Harris- District 4

Supervisor Dan Frasier - District 5

Trent Tuthill - County Administrative Officer

Margaret E. Long - County Counsel

Ashley Piker - Deputy Clerk of the Board

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ZOOM INFORMATION

This meeting was available via zoom.

Meeting called to order in open session at 9:00 AM

Pledge of Allegiance

Pledge was led by Supervisor Carpenter - Harris.

PRESENTATIONS

Cannabis

- 1.1 Received a presentation from Accela representatives Juan Raygoza and David Avila regarding Cannabis Program software.

Clerk of the Board

- 1.2 Received an update from U.S. Forest Supervisor Rachel Burkey regarding matters of interest in Trinity County.

Health and Human Services

- 1.3 Received a presentation from Health and Human Services Program Manager Jesse Ferguson and Staff Services Analyst Eugenio Tapia-Jensen and Employment Train Supervisor Maria Flores regarding the California CalWORKs Outcomes and Accountability Review (Cal-OAR) and the goals and strategies identified during the CalWORKs System Improvement Plan (Cal-SIP).

Public Comment

Received comments from John Hamilton and Veronica Kelly - Albiez.

REPORTS/ANNOUNCEMENTS

- 2.1 I. Received a report from Clerk/Recorder/Assesor Shanna White.
II. Recevied a report from County Administrative Officer Trent Tuthill.
III. Received reports from Members of the Board of Supervisors.
IV. Received reports from Ad Hocs:
A. Cannabis Ordinance

CONSENT CALENDAR

Behavioral Health Services

- 3.1** Approved amendment number 2 to the agreement with Rachaya Unnankas Hall, increasing the hourly rate for reimbursement and extending the term to June 30, 2026 to provide fiscal training and consultation.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.2** Approved amendment number 2 to the agreement with SacValley MedShare, to align the contract to auto-renew to provide the SacValley MedShare Health Information Exchange.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Board of Supervisors

- 3.3** *This item was pulled from the consent calendar and consider separately.*

Authorized the Chairman to sign a letter in opposition of AT&T's application for relief of carrier of last resort obligations.

Received comments from Tom Ballanco.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Clerk of the Board

- 3.4** Approved the regular meeting minutes of November 7, December 5, December 19, 2023 and January 3, 2024 as submitted by the Deputy Clerk.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Clerk/Recorder/Assessor

- 3.5** Adopted Resolution Number 2024-006 which authorizes the Elections Official to conduct and consolidate all federal, state and local elections in calendar year 2024.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Health and Human Services

3.6 *This item was pulled and considered seperatly.*

Adopted Resolution Number 2024-007 authorizing the County to direct a portion of the County of Trinity 2019, 2020, 2021, 2022, and 2023 Permanent Local Housing Allocations (PLHA) to a dedicated, interest-bearing reserve account for acquisition and renovation of real property for transitional housing.

Received comments from HHS Program Manager Jesse Ferguson, and Veronica Kelly - Albiez.

Motion: Heidi C Harris **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

3.7 Adopted Resolution Number 2024-008 which authorizes the Director of Emergency Services and/or the Deputy Director of Emergency Services and/or the Emergency Operations Manager to apply for disaster assistance and federal financial assistance.

Motion: Dan Frasier **Second:** Jill Cox **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

3.8 Adopted Resolution Number 2024-009 which authorizes the Director of the Office of Emergency Services, the Deputy Director of the Office of Emergency Services or the Emergency Operations Manager to apply for Federal Funding Assistance.

Motion: Dan Frasier **Second:** Jill Cox **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

3.9 Approved a budget adjustment for FY 23/24 for Health - Dept 4402 increasing Revenues and decreasing Transfers In by \$154,405, decreasing Services and Supplies by \$34,800 and increasing Other Charges by \$4,800 and Fixed Assets by \$30,000; and approved a budget adjustment for FY 23/24 for Realignment Health Services - Dept 8493 increasing Revenues and Services & Supplies by \$658,538 and decreasing Transfers Out by \$154,405.

Motion: Dan Frasier **Second:** Jill Cox **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

3.10 Approved a budget adjustment for FY 23/24 for Public Health Emergency Response (PHER) - Dept 8545 decreasing Revenues by \$31,342, Service & Supplies by \$32,517, Interfund Expense by \$1,825, and increasing Fixed Assets by \$3,000.

Motion: Dan Frasier **Second:** Jill Cox **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.11** Approved amendment number 7 to the agreement with David Herfindahl, M.D., extending the term to June 30, 2026 and increasing the maximum cost by \$100,800, to serve as the Trinity County Health Officer.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Human Resources

- 3.12** Approved the job description, set the salary range and add to the alphabetical listing of classification a Deputy Chief Probation Officer at range 0248, effective January 1, 2024.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Information Technology

- 3.13** Approved an agreement with Velocity Communications Inc. to provided 100 Mbps connection from County offices at the Hayfork Community Center to the main equipment room in Weaverville, CA.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Sheriff

- 3.14** Approved an agreement with Anderson Landfill, to utilize their services for destruction of eradicated cannabis.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Solid Waste

- 3.15** Approved an agreement with Redding Valley Tire, Inc. to provide various tire, repair and emergency roadside services for Solid Waste, Department of Transportation and Trinity Transit.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Transportation

- 3.16** Approved an agreement with VERO Communications Inc. for the sale of utility conduit adjacent to Lance Gulch Rd.

Motion: Dan Frasier **Second:** Jill Cox **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.17** Approved an agreement with Watkins Tree Service Inc. to provide removal of hazardous trees and branches from roadways and pedestrian areas along South Miner Street within the Sidney Gulch Tree Removal Project and authorized the County Administrative Officer to sign the agreement and any amendments up to 10% of the bid amount, provided the contract amount does not exceed available funds for the project.

Motion: Dan Frasier **Second:** Jill Cox **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

COUNTY MATTERS

Clerk of the Board

- 4.1** Denied adoption of a resolution confirming the continuance of a local health emergency due to hazardous material concerns resulting from the 2021 fires in Trinity County.

Received comment from OES Manager Mike Cottone.

Motion: Jill Cox **Second:** Dan Frasier **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.2** Adopted Resolution Number 2024-010 confirming the continuance of the local emergency due to drought conditions in the County of Trinity.

Received comments from OES manager Mike Cottone.

Motion: Jill Cox **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Gogan, Leutwyler

Nays: Frasier

Human Resources

- 4.3** Approved a master memorandum of understanding with the Deputy Sheriffs' Association establishing salaries and benefits.

Received comments from HR Director Laila Cassis.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Transportation

- 4.4** Waived the reading of and enacted Ordinance Number amending Trinity County Code Section 12.08 pertaining to Setbacks along Highways, introduced January 31, 2024.

Motion: Liam Gogan **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Cannabis

- 4.5** Adopted Resolution Number 2024-011 which extends, through April 30, 2024, the provisions of Resolution 2023-071 which authorized streamlined approval of Cannabis Licenses that require a Commercial Cannabis Variance.

Received comments from Cannabis Division Director Drew Plabani, Tracy Foster-Olstad, Donna Rinling, Mrs. Bell, Lisa Wright, Tammy Frasier, Veronica Kelly-Albiez, Catherin Sidman, Adrian Keys, and Tom Ballanco.

Motion: Liam Gogan **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.6** Continued the appeal hearing to uphold, modify, or overturn the Planning Commission's decision to deny the appeal of the Director's decision to approve a Commercial Cannabis License (CCL-771) for 10381 Ruth-Zenia Road, Hettenshaw, CA. (CCL Applicant: Severin Stoyanov, Smoking Green Valley, LLC; Appellant: Phillip Gilman) (Planning File P-23-19) to a future Board of Supervisors meeting date

Received comments from Cannabis Division Director Drew Plabani, Deputy County Counsel Amanda Urhammer, CAO Trent Tuthill, Lisa Wright, Mrs. Bell, Lauri Wills, Tom Ballanco, and Veronica Kelly - Abliez.

Motion: Dan Frasier **Second:** Jill Cox **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.7** Continued the appeal hearing to uphold, modify, or overturn the Planning Commission's decision to deny the appeal of the Director's decision to deny a Commercial Cannabis License renewal application (CCL-208) for 480 Oak Ranch Road, Lewiston, CA. (CCL Applicant: Stefan Monev, Appellant: Stefan Monev) (Planning File P-23-09) to a future Board of Supervisor's meeting date.

Received comments from Cannabis Division Director Drew Plabani, Tom Ballanco, Deputy County Counsel Amanda Urhammer, and Mrs. Bell.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.8** Changed the appointment of the Sierra Nevada Conservancy and appointed Supervisor Leutwyler as the sole representative for Trinity County.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

CLOSED SESSION

- 5.1** Government Code Section 54954.5(c) - Conference with Legal Counsel - Anticipated Litigation
No. of Cases: One

Direction given to staff.

- 5.2** Government Code Section 54954.5(c) - Conference with Legal Counsel - Existing Litigation.
Number of cases: one
- Carlson, et al. v. County of Trinity, et al. (Trinity County Superior Court Case No. 20CV136).

No reportable action taken.

ADJOURN

TRINITY COUNTY BOARD OF SUPERVISORS

Ric Leutwyler, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Trent Tuthill
Clerk of the Board of Supervisors

By:

Deputy

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA

SPECIAL MEETING MINUTES
February 13, 2024

Chairman
Supervisor Ric Leutwyler - District 1

Vice-Chairman
Supervisor Liam Gogan - District 3

Supervisor Jill Cox - District 2
Supervisor Heidi Carpenter-Harris- District 4
Supervisor Dan Frasier - District 5

Trent Tuthill - County Administrative Officer
Margaret E. Long - County Counsel
Ashley Piker - Deputy Clerk of the Board

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ZOOM INFORMATION

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Meeting called to order in open session at 9:00 AM

Supervisor Carpenter - Harris was absent due to being on County Matters in Washington DC.

Pledge of Allegiance

Pledge was led by Supervisor Frasier.

CONSENT CALENDAR

Received comments from Matthew Jefferson.

Health and Human Services

- 1.1** Ratified the Director of Emergency Services' proclamation and confirmed the existence of a local emergency in Trinity County due to the 2024 Early January Winter Storms.

Motion: Jill Cox **Second:** Liam Gogan **Carried**

Ayes: Cox, Frasier, Gogan, Leutwyler

Absent: C Harris

- 1.2** Ratified the Director of Emergency Services' declaration and confirmed the existence of a local emergency in Trinity County due to the 2024 Late January - Early February Winter Storms.

Motion: Jill Cox **Second:** Liam Gogan **Carried**

Ayes: Cox, Frasier, Gogan, Leutwyler

Absent: C Harris

ADJOURN

TRINITY COUNTY BOARD OF SUPERVISORS

Ric Leutwyler, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Trent Tuthill
Clerk of the Board of Supervisors

By:

Deputy

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
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351 Main Street
Weaverville, CA

MEETING MINUTES

February 20, 2024

Chairman

Supervisor Ric Leutwyler - District 1

Vice-Chairman

Supervisor Liam Gogan - District 3

Supervisor Jill Cox - District 2

Supervisor Heidi Carpenter-Harris- District 4

Supervisor Dan Frasier - District 5

Trent Tuthill - County Administrative Officer

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Ashley Piker - Deputy Clerk of the Board

The Trinity County Board of Supervisors welcomes you to its meetings which are regularly scheduled for the first and third Tuesday of each month, unless altered to accommodate a holiday, starting at 9:00 a.m. at 351 Main Street, Weaverville, California.

This Board Agenda contains a brief, general description of each item to be considered. Supporting documentation is available online at www.trinitycounty.org, at the County Administrative Office located at 11 Court Street, Room 230, Weaverville, CA, during normal business hours, and in the Public Packet at the rear of the Board Chambers during the meeting.

If you would like to receive notification via email that the agenda has been posted, please send your request to clerkoftheboard@trinitycounty.org.

Members of the public wishing to present documents to the Board of Supervisors during the meeting must submit ten (10) copies to the Deputy Clerk of the Board.

During the meeting the Trinity County Board of Supervisors may take action sitting as the Board of Supervisors and as the governing body of: The Trinity County Transportation Commission, the In-Home Supportive Services Authority, the Consolidated Transit Services Agency, the Trinity County Board of Equalization, the Trinity County Housing Authority and the Solid Waste Local Task Force.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the Deputy Board Clerk at the County Administrative Office three (3) full business days prior to the meeting at (530) 623-1382 or clerkoftheboard@trinitycounty.org.

ZOOM INFORMATION

This meeting was available via Zoom.

Meeting called to order in open session at 9:00 AM

Pledge of Allegiance

The pledge was led by Supervisor Cox.

Public Comment

Received comments from Adrian Keys, Lisa Wright, and Chriss Williams.

REPORTS/ANNOUNCEMENTS

- 1.1 I. Received reports from Deputy Director of Community Development Ed Prestley and County Counsel Margaret Long.
II. Received a report from County Administrative Officer Trent Tuthill.
III. Received reports from Members of the Board of Supervisors
IV. Received reports from Ad Hoc:
A. Cannabis Ordinance
B. Tribal Relations

CONSENT CALENDAR

Behavioral Health Services

- 2.1 Approved amendment number 2 to the agreement with CalMHSA, to amend the rates for services table in Exhibit F to include a Late Fee for Certification Renewal.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 2.2 Approved amendment number 2 to the agreement with Trinity County Office of Education, to extend the term to December 31, 2026, increase the maximum cost by \$445,830 and amend exhibits B & E to provide services outlined in the MHSA of 2019.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Board of Supervisors

- 2.3** Appointed Ana Wright as Board Members to the Superior California Economic Development District Board of Directors to represent Trinity County.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Clerk of the Board

- 2.4** Appointed to the Weaverville Architectural Review Committee Susan Marie for the position of Art Community Member to serve the remainder of 4 year term expiring November 1, 2026.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

District Attorney

- 2.5** Approved a budget adjustment for FY 23/24 for District Attorney - Dept. 2100 decreasing Services & Supplies and increasing Fixed Assets by \$7,000.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Health and Human Services

- 2.6** Approved an agreement with the California Department of Social Services to provide comprehensive case record review and quality assurance review services for Child Welfare and Probation departments.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 2.7** Approved an agreement with Power Up Electric to provide for the purchase and retrofit installation of a replacement Kohler Generator and Kohler 200 Amp Automatic Transfer Switch on the Health and Human Services campus.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 2.8** Approved a budget adjustment for FY 23/24 for HPP - Dept. 8543 decreasing Services & Supplies by \$43,649, and Interfund Expense by \$750, and increasing Other Charges by \$2,199 and Fixed Assets by \$42,200.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 2.9** Approved a budget adjustment for FY 23/24 for Tobacco - Dept. 4100 increasing Prior Period Revenue by \$75,000; and approved a budget adjustment for FY 23/24 for Tobacco Prop 56 - Dept. 4115 increasing Services & Supplies by \$65, and Prior Period Expense by \$75,000 and decreasing Interfund Expense by \$65.

Motion: Dan Frasier **Second:** Ric Leutwyler **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Planning and Zoning

- 2.10** Approved amendment number 1 to the agreement with Minter Harnish increasing maximum cost by \$148,010, updating exhibit A to include Housing Element in the scope of work and extending the term to December 31, 2025 to provided Trinity County General Plan update.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Sheriff

- 2.11** *This item was pulled from consent calendar and considered separately.*
Approved an agreement with the US Department of Justice Drug Enforcement Administration for Domestic Cannabis Eradication Suppression Program for 2024, and ratify the Sheriff's signature.
Received comments from CAO Trent Tuthill, Under Sheriff Bryan Ward, Office Manager Mary Treece, Lisa Wright, Catherin Sidman, and Rhoda Cain.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 2.12** Approved amendment number 5 to the agreement with Motorola Solutions, Inc., for a one year extension for server managed services from January 1, 2024 - December 31, 2024, as well as a one year renewal of maintenance and support for the Veeam backup software, the Vmware virtual software, and the Dell server that houses all of the software to provide Spillman Computer Aided Dispatch, Jail Management System, Records Management System, and Motorola APX two-way radios from June 24, 2024 - June 24, 2025.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 2.13** Approved an agreement with Neste Renewable Solutions US Inc. dba Mahoney Environmental Solutions LLC (MES), formerly known as Sequential to collect used cooking oil from the Trinity County Sheriff's Office Kitchen.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

PUBLIC HEARINGS

Solid Waste

3.1 Conducted a public hearing and adopted Resolution Number 2024-012 which establishes a schedule of fees for waste disposal and provides for appropriate exemptions and credits for the 2024-2025 annual solid waste parcel fee billing.

Received comments from Director of Solid Waste Diane Rader and CAO Trent Tuthill.

Motion: Jill Cox **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

COUNTY MATTERS

Clerk of the Board

4.1 Received a mid-year budget review for fiscal year 23/24.

Received comments from CAO Trent Tuthill, Deputy Director of Community Development Ed Prestley, Division Director of Cannabis Drew Plabani, Senior Financial Analyst Suzie Hawkins, Treasurer/Tax Collector Terri McBryer, Lisa Wright, Senior Building Inspector Cody Smith, Catherine Sidman, Chriss Williams, Rhoda Cain, Veronica Kelly-Albiez, John Brower, Dana Hauser.

Human Resources

4.2 Took the following actions to complete the creation of a Health and Human Services Bargaining Unit, effective January 1, 2024:

1. Approved a master Memorandum of Understanding with the Health and Human Services bargaining unit establishing classifications, salaries and benefits;
2. Approved the job description, set the salary range, add to the alphabetically listing of classifications, and allocated to Public Health a Health Services Program Manager I at range H213;
3. Approved a side letter agreement with the General Unit revising classifications covered by the MOU;
4. Approved a side letter agreement with the Management & Confidential Unit revising classifications covered by the MOU;
5. Adopted Resolution Number 2024-013 revising the Non-Rep Management employee classification;
6. Direct that the titles on the Health and Human Services allocation list be updated to reflect the changes within the MOU;
7. Adopted Resolution Number 2024-014 adopting a revised salary schedule and alphabetical listing of classifications; and
8. Pursuant to Trinity County Code Section 2.60.360, reclassify the following employee's:
 - Employee ID No. 01933 from a Program Manager I to a Human Services Program Manager I at Range H213, Step E;
 - Employee ID No. 01868 from an Administrative Clerk II to an Office Assistant II at Range H126, Step A; Employee ID No. 01539 from a Senior Accounting Technician to an Accounting Technician at H151, Step G; Employee ID No. 00869 from a Program Manager I to a Health Services Program Manager I at H213, Step F; Employee ID No. 02452 from a Program Manager II to a Human Services Program Manager II at H223, Step E; Employee ID No. 02177 from a Senior Administrative Clerk to an Office Assistant III at H131, Step F; Employee ID No. 02994 from a Senior Accounting Technician to an Accounting Technician at H151, Step A; Employee ID No. 02371 from a Business Manager to a Staff Services Manager at H208, Step E; Employee ID No. 02162 from a Program Manager I to a Human Services Program Manager I at H213, Step E; Employee ID No. 02251 from a Senior Administrative Clerk to an Office Assistant III at H131, Step F; Employee ID No. 02915 from a Senior Administrative Clerk to an Office Assistant III at H131, Step A; Employee ID No. 00738 from a Program Manager I to a Human Services Program Manager I at H213, Step F; Employee ID No. 03326 from an Administrative Clerk II to an Office Assistant II at H126, Step A; Employee ID No. 02383 from a Senior Administrative Clerk to an Office Assistant III at H131, Step E; Employee ID No. 01998 from an Accountant III to a Supervising Accountant at H194, Step C; Employee ID No. 02342 from a Senior Accounting Technician to an Accounting Technician at H151, Step E;

Motion: Jill Cox **Second:** Liam Gogan **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Board of Supervisors

- 4.3** Approved the Board's response to the Grand Jury Report: 2023 Civil Grand Jury - Mental Health Report.

Motion: Liam Gogan **Second:** Heidi C Harris **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

County Administrative Office

- 4.4** Discussed and received board direction regarding the ability for communities to establish (or remove) limitations on commercial cannabis operations and potential implications to the overall Cannabis Program.

Recommended that staff work with consultants to bring back to the board:

- Rough timeline and cost for developing an Overlay Zone
- Confirmation of value of Overlay Zone beyond completion of the General Plan
- Description of key componets and related requirements
- With guidance to bring back to the board as soon as possible

Receved comments from: CAO Trent Tuthill, Lauri Wills, Adrian Keys, Suzie Toorpe. Lisa Wright, Chriss Williams, Matthew Jefferson, Veronica Kelly - Albiez, Tom Ballanco, Andy Wakefield, Rhoda Cain, Catherin Sidman, Faith Wakefield, Dana Hauser, and John Brower.

CLOSED SESSION

- 5.1** Government Code Section 54954.5(c) - Conference with Legal Counsel - Anticipated Litigation
No of Cases: three

- Inmate Garbutt; incident at jail.
- Inmate Swain; incident at jail.
- Claim TRI23-0017; inmate Lewandowski, incident at jail.

No reportable action taken.

- 5.2** Government Code Section 54954.5(c) - Conference with Legal Counsel - Initiation of Litigation
No. of Cases: One (Cannabis Code Enforcement Fine/Fee Settlement Authority)

Direction given to staff.

- 5.3** Government Code Section 54954.5(f) - Conference with Labor Negotiators
County's Designated Representatives: TBD
Employee Organizations: General Unit

Vote 5-0

Appointed County Counsel Margert Long, Director of HR Laila Cassis, and
Senior Financial Analyst Suzie Hawkins.

- 5.4** Government Code Section 54954.5(e) - Public Employee Appointment: County
Counsel.

Direction given to staff.

ADJOURN

TRINITY COUNTY BOARD OF SUPERVISORS

Trent Tuthill, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Trent Tuthill
Clerk of the Board of Supervisors

By:

Deputy

TRINITY COUNTY
Item Report 3.4

Meeting Date: 3/5/2024

Department:
Clerk of the Board

Contact:
Trent Tuthill

Phone:
530-623-1382

3.4 ABC Application: On-Sale Beer and Wine for Cali Jays BBQ

Requested Action:

Find that the proposed license will meet the public convenience and necessity, and find no objection to the issuance of an On-Sale Beer and Wine Alcoholic Beverage License to Cali Jays BBQ LLC, for Cali Jays BBQ at 91 Trinity St, Hayfork, CA 96041.

Fiscal Impact:

No fiscal impact.

ATTACHMENTS:

Description
ABC Application

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
1900 CHURN CREEK RD
STE 215
REDDING, CA 96002
(530) 224-4830

File Number: **656693**
Receipt Number: **2870649**
Geographical Code: **5300**
Copies Mailed Date: **February 20, 2024**
Issued Date:

RECEIVEDBy: AP**FEB 23 2024**Trinity County
Administration and
Board of SupervisorsDISTRICT SERVING LOCATION: **REDDING**First Owner: **CALI JAYS BBQ LLC**Name of Business: **CALI JAYS BBQ**Location of Business: **91 TRINITY ST
HAYFORK, CA 96041**County **TRINITY**Is Premises inside city limits **No**Census Tract: **0003.00**Mailing Address:(If different
from
premises address) **PO BOX 942
HAYFORK, CA 96041**Type of license(s): **41**Dropping Partner: Yes ☐ No ☒

Transferor's license/name:

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
41 - On-Sale Beer And Wine - Eating	ORI	Y			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	02/20/24	\$1,065.00
Application Fee	FEDERAL FINGERPRINTS	NA	2	02/20/24	\$48.00
Application Fee	STATE FINGERPRINTS	NA	2	02/20/24	\$78.00
41 - On-Sale Beer And Wine - Ea	ANNUAL FEE	NA	0	02/20/24	\$530.00
Total					\$1,721.00

Have you ever been convicted of a felony? **No**Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the
Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of TRINITY

Date: February 20, 2024

Applicant Name(s)

CALI JAYS BBQ LLC

TRINITY COUNTY
Item Report 3.5

Meeting Date: 3/5/2024

Department:
County Administrative Office

Contact:
Trent Tuthill

Phone:
530-623-1382

3.5 Letter of Support - Assembly Bill 2902

Requested Action:

Approve the letter of support for Assembly Bill 2902.

Fiscal Impact:

Unknown

Summary:

This measure seeks to provide additional flexibility to local governments implementing the CalRecycle's SB 1383 organic waste diversion regulations.

Discussion:

CalRecycle's SB 1383 regulations impose many requirements on local agencies; are generally tailored to work within the solid waste collection system that exists in urban areas; and are often poorly suited to deal with the needs and challenges of lower-population and rural areas. The regulations provide very little flexibility to accommodate differing local needs, meaning the greatest implementation challenges and cost increases will likely occur in rural and sparsely populated areas of the state.

AB 2902 extends the existing rural exemption under which the state's 19 counties with fewer than 70,000 residents (and cities within those counties) are exempt from SB 1383's collection and procurement obligations. Those 19 counties are Lake; San Benito; Tehama; Tuolumne; Calaveras; Siskiyou; Amador; Lassen; Glenn; Del Norte; Colusa; Inyo; Plumas; Mariposa; Trinity; Mono; Modoc; Sierra; and Alpine. The bill also provides three years for rural jurisdictions that outgrow that population cap to come into full compliance with SB 1383.

AB 2902 also seeks to provide more flexibility for CalRecycle to consider granting additional "elevation waivers" for areas below 4,500' in elevation and where nearby bear populations pose a public safety and animal welfare risk. Other components of AB 2902 seek to increase local benefits from edible food recovery programs; sustain the use of organics for local animal feed practices; promote carbon farming; adjust procurement targets to exclude populations covered by exemptions; facilitate the development of smaller-scale community composting programs; and reinforce existing caselaw that local compost and mulch give aways as well as rebates are not a gift of public funds.

RCRC is also pleased to strongly support Assembly Bill 2902, authored by Assembly Member Jim Wood.

Alternatives Including Financial Implications:

Do not support the proposed AB 2902 and provide direction to staff.

CAO Recommendation:

Approve as requested

ATTACHMENTS:

Description

Letter of Support



TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613
PHONE (530) 623-1217 FAX (530) 623-8365

The Honorable Jim Wood
Member, California State Assembly
1021 O Street, Room 8320
Sacramento, CA 95814

RE: Assembly Bill 2902 – Trinity County Support

Dear Assembly Member Wood:

On behalf of Trinity County, we are pleased to support your Assembly Bill 2902, regarding organic waste management.

Assembly Bill 2902 provides additional flexibility to local governments implementing the state's SB 1383 organic waste diversion objectives, which requires the state to reduce landfill disposal of organic waste 75 percent by 2025. CalRecycle's implementing regulations impose many costly new requirements on local governments, predominately tailored to the solid waste collection system that exists in urban areas. The greatest implementation challenges and highest rate increases will occur in rural and sparsely populated areas of the state.

AB 2902 extends the existing rural exemption for the state's 19 counties with fewer than 70,000 residents (and cities within those counties)¹. Under CalRecycle's SB 1383 regulations, this rural exemption expires December 31, 2026 and cannot be extended. At that time, rural counties will have to comply with SB 1383's collection and procurement obligations, which are ill-suited for the remote and rural nature of those counties and will result in disproportionately high compliance costs relative to the amount of organic waste diverted or procured. Procurement will be particularly challenging for the eight rural border counties, as they are generally too small to support new composting facilities and would be barred from complying with the procurement obligations by using products from nearby out-of-state facilities. In light of these challenges, AB 2902 appropriately extends the current exemption. As such, rural jurisdictions will continue to be exempt from collection and procurement requirements, but will still have to implement SB 1383's edible food recovery, recycled paper procurement, and model water efficient landscaping requirements.

AB 2902 also provides compliance flexibility for another 12 smaller counties that generate less than 200,000 tons of solid waste annually.² Unfortunately, there is little flexibility built into the existing regulations to let lower population counties develop innovative alternative

¹ Lake, San Benito, Tehama, Tuolumne, Calaveras, Siskiyou, Amador, Lassen, Glenn, Del Norte, Colusa, Inyo, Plumas, Mariposa, Trinity, Mono, Modoc, Sierra, and Alpine Counties.

² El Dorado, Humboldt, Imperial, Kings, Mendocino, Madera, Napa, Nevada, Shasta, Yuba, Sutter, and Yolo Counties.

compliance pathways. Lower population counties have different organic waste profiles and management strategies that still result in diversion of organic waste, but in different ways than are contemplated in the regulations. AB 2902 creates a pathway for smaller counties to innovate and submit alternative organic waste management plans that cover unincorporated parts of the county to CalRecycle for approval.

AB 2902 also helps to avoid adverse interactions between human and bear populations by creating a pathway through which CalRecycle can allow higher elevation jurisdictions to dispose of food waste in trash cans where nearby bear populations pose a public safety and animal welfare risk. Finally, we appreciate that AB 2902 seeks to increase local benefits from edible food recovery programs, sustain the use of organics for local animal feed practices, and facilitate the development of smaller-scale community composting programs.

For these reasons, we are pleased to support AB 2902. If you should have any questions, please do not hesitate to contact me at rleutwyler@trinitycounty.org.

Sincerely,

Ric Leutwyler

cc: The Honorable Brian Dahle, Member, California State Senate
The Honorable Isaac Bryan, Chair, Assembly Natural Resources Committee
Rural County Representatives of California

TRINITY COUNTY

Item Report 3.6

Meeting Date: 3/5/2024

Department:
General Services

Contact:
Trent Tuthill

Phone:
(530) 623-1382

3.6 Budget Adjustment - General Services (Dept 1750)

Requested Action:

Approve a budget adjustment for FY 23/24 for General Services - Dept. 1750 increasing revenues and Services & Supplies by \$67,087.

Fiscal Impact:

Increase in General Fund appropriations in the amount of \$67,087.

Summary:

General Services has experienced higher than normal expenditures in Service & Supplies due to repairs to the County Courthouse Reroof Project water damages, and the remaining repairs for the Bandstand from fiscal year 22/23 insurance claim that were unable to be completed before fiscal year end. Trindel has already reimbursed the County for the bandstand expenses and the water damage remediation. Therefore, General Services would like to insure the operating budget will sustain the remaining months in fiscal year 23/24 with the reimbursements from insurance claims.

Alternatives Including Financial Implications:

Deny the budget adjustment and direct staff. If denied, the department will run out of operating funds as soon as April, leaving the department unable to fulfill tasks and accruing liabilities.

Departmental Recommendation:

It is the departments recommendation that the Board approves the budget adjustment, allowing General Services to maintain county buildings and grounds repairs, and maintenance obligations.

ATTACHMENTS:

Description

Budget Adjustment - Dept 1750

TRINITY COUNTY BUDGET ADJUSTMENT

2/29/2024

Department: General Services

Number: 1750

Justification for budget adjustment:



Increase in revenues-Recognize unanticipated revenue in insurance proceeds - 9253 for \$67,087 for repairs to the bandstand and courthouse water damage. Recongnize the additional expenses and increase Service & Supplies expenses in Maintenance of Structures - 2150 for \$67,087 to replace the funds expended under emergency repairs and not budgeted for.

Revenue Changes

Account Number	Description	Amount Budgeted	Revised Amount	Change
9253	Insurance Proceeds	-	67,087	67,087
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL REVENUE CHANGES				<u>67,087</u>

Expenditure Changes

Account Number	Description	Amount Budgeted	Revised Amount	Change
2150	Maintenance of Structure	50,000	117,087	67,087
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL EXPENDITURE CHANGES				<u>67,087</u>

Origin				
	Signature		Title	
Auditor	Auditor Review _____		Date Reviewed: <u>02</u> / <u>29</u> / <u>2024</u>	
	REQUIRES BOARD ACTION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
CAO	CAO Approval _____		Date: ____/____/____	
BOS	Approved by Board of Supervisors on: ____/____/____			
March 5, 2024 Page 108 of 909				
			BOS	AUD

TRINITY COUNTY

Item Report 3.7

Meeting Date: 3/5/2024

Department:
Health and Human Services

Contact:
Elizabeth Hamilton

Phone:
(530) 623-1265

3.7 Budget Adjustment: Welfare (Dept 5000) & Housing (Dept 8118)

Requested Action:

Approve a budget adjustment for FY 23/24 for Welfare - Dept. 5000 increasing Transfers Out by \$15,000 and approve a budget adjustment for FY 23/24 for Housing - Dept. 8118 increasing Transfers In by \$15,000, Services & Supplies by \$12,000 and Interfund Expense by \$3,000.

Fiscal Impact:

No impact to the General Fund; current cash balance in Welfare - Fund 111 is \$1,548,253; current cash balance in Housing - Fund 118 is \$-146,459.

Summary:

These budget adjustments are to account for revenues and expenditures that were not originally budgeted for.

Alternatives Including Financial Implications:

Deny the budget adjustments as presented, and give further direction to staff.

Departmental Recommendation:

It is the staff's recommendation that the Board approve the item as presented.

ATTACHMENTS:

Description

Budget Adjustment - 5000


Budget Adjustment - 8118

2/22/2024

This budget adjustment is to account for expenditures that were not originally budgeted for.

Account Number	Description	Amount Budgeted	Revised Amount	Change
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL REVENUE CHANGES				-

Account Number	Description	Amount Budgeted	Revised Amount	Change
5500	TRANSFER OUT	-	15,000	15,000
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL EXPENDITURE CHANGES				15,000

Origin	 <div style="display: flex; justify-content: space-between;"> Signature Accountant </div> <div style="display: flex; justify-content: space-between;"> Title </div>	
Auditor	Auditor Review _____ REQUIRES BOARD ACTION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date Reviewed: <u>2</u> / <u>27</u> / <u>2024</u>
CAO	CAO Approval _____	Date: _____ / _____ / _____
BOS	Approved by Board of Supervisors on: _____ / _____ / _____	

March 5, 2024 Page 110 of 909

_____ BOS
_____ AUD

TRINITY COUNTY BUDGET ADJUSTMENT

2/22/2024

Department: HOUSING

Number: 8118

Justification for budget adjustment:

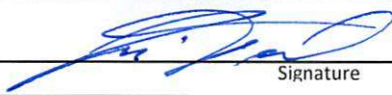
This budget adjustment is to account for revenues and expenditures that were not originally budgeted for.

Revenue Changes

Account Number	Description	Amount Budgeted	Revised Amount	Change
9800	TRANSFER IN	36,327	51,327	15,000
				-
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL REVENUE CHANGES				<u>15,000</u>

Expenditure Changes

Account Number	Description	Amount Budgeted	Revised Amount	Change
2260	OFFICE EXPENSES	50	550	500
2700	SPEC DEPT EXPNSE	-	11,500	11,500
2799	INTERFUND FUEL/ TRAVEL EXP	1,200	4,200	3,000
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL EXPENDITURE CHANGES				<u>15,000</u>

Origin			Accountant	
	Signature		Title	
Auditor	Auditor Review _____		Date Reviewed: <u>2</u> / <u>28</u> / 2024	
	REQUIRES BOARD ACTION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
CAO	CAO Approval _____		Date: ____ / ____ / ____	
BOS	Approved by Board of Supervisors on: ____ / ____ / ____			

TRINITY COUNTY

Item Report 3.8

Meeting Date: 3/5/2024

Department:
Health and Human Services

Contact:
Elizabeth Hamilton

Phone:
530-623-1265

3.8 Agreement: California Department of Social Services Adoptions (22-087)

Requested Action:

Approve amendment number 1 to the agreement with California Department of Social Services, updating exhibit A, A1, A2, and B to enter in to contract with CDSS to provide adoption services.

Fiscal Impact:

No impact to the General Fund; up to \$242,880 from the Child Welfare Allocation.

Summary:

Should the Board approve the amendment with the California Department of Social Services, Adoptions Bureau (CDSS), then Trinity County will remain compliant with Title 22 California Code of Regulations, Sections 35127 through 35239.

Discussion:

Adoption services are mandatory and vital to juvenile court cases. Trinity County Child Welfare Services unit does not have the staff or expertise to perform adoption services, the contract with the California Department of Social Services, Adoptions Bureau (CDSS) will ensure that Trinity County remains compliant with State mandates.

Annual fiscal impact is dictated by adoptions allocation, as described in County Fiscal Letter 11/12-2018.

Alternatives Including Financial Implications:

Reject the item as presented and provide further direction to staff.

Departmental Recommendation:

Rejection of the contract with the CDSS Adoptions Bureau for adoptions services will cause Trinity County to be out of compliance with State regulations. It is staff's recommendation that the Board approve the request as presented.

ATTACHMENTS:

Description

Original agreement

Amendment
Exhibit A
Exhibit A-1
Exhibit A-2
Exhibit B

STATE OF CALIFORNIA

AGREEMENT SUMMARY

STD 215 (Rev. 04/2020)

AGREEMENT NUMBER

22-5001

AMENDMENT NUMBER

☒ CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED

1. CONTRACTOR'S NAME County of Trinity Health and Human Services		2. FEDERAL I.D. NUMBER Government Entity
3. AGENCY TRANSMITTING AGREEMENT California Department of Social Services	4. DIVISION, BUREAU, OR OTHER UNIT Contracts and Purchasing Bureau	5. AGENCY BILLING CODE 068665
6a. CONTRACT ANALYST NAME Rachel Lynch	6b. EMAIL Rachel.Lynch@dss.ca.gov	6c. PHONE NUMBER (916) 267-9985
7. HAS YOUR AGENCY CONTRACTED FOR THESE SERVICES BEFORE? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If Yes, enter prior Contractor Name and Agreement Number) PRIOR CONTRACTOR NAME County of Trinity Health and Human Services PRIOR AGREEMENT NUMBER 19-5012		

8. BRIEF DESCRIPTION OF SERVICES

Provide adoption services to families and children in Trinity County.

9. AGREEMENT OUTLINE (Include reason for Agreement: Identify specific problem, administrative requirement, program need or other circumstances making the Agreement necessary; include special or unusual terms and conditions.)

The California Department of Social Services (CDSS) agrees to provide to Trinity County, agency adoption services under the authority of Welfare and Institutions Code (W&I Code), Section 16130 and in accordance with Title 22 California Code of Regulations (CCR), Section 35127.1 through 35231.

10. PAYMENT TERMS (More than one may apply)

- ☐ Monthly Flat Rate ☐ Quarterly ☐ One-Time Payment ☐ Progress Payment
☐ Itemized Invoice ☐ Withhold _____ % ☐ Advanced Payment Not To Exceed _____
☒ Reimbursement / Revenue _____ or _____ %
☐ Other (Explain) _____

11. PROJECTED EXPENDITURES

FUND TITLE	ITEM	FISCAL YEAR	CHAPTER	STATUTE	PROJECTED EXPENDITURES
<input checked="" type="checkbox"/> see attached					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					

OBJECT CODE	AGREEMENT TOTAL
OPTIONAL USE	AMOUNT ENCUMBERED BY THIS DOCUMENT \$0.00
	PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$0.00
I certify upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.	TOTAL AMOUNT ENCUMBERED TO DATE \$0.00
ACCOUNTING OFFICER'S SIGNATURE	ACCOUNTING OFFICER'S NAME (Print or Type)
	DATE SIGNED

STATE OF CALIFORNIA
AGREEMENT SUMMARY
 STD 215 (Rev. 04/2020)

AGREEMENT NUMBER

22-5001

AMENDMENT NUMBER

12. AGREEMENT

AGREEMENT	TERM FROM	TERM THROUGH	TOTAL COST OF THIS TRANSACTION	BID, SOLE SOURCE, EXEMPT
Original	07/01/2022	12/31/9999	\$404,800.00	Exempt
<input type="checkbox"/> <input checked="" type="checkbox"/> Amendment 1				
TOTAL			\$404,800.00	

13. BIDDING METHOD USED

- ☐ Request for Proposal (RFP) (Attach justification if secondary method is used)
 ☐ Use of Master Service Agreement
☐ Invitation for Bid (IFB)
 ☐ Exempt from Bidding (Give authority for exempt status)
 ☐ Sole Source Contract (Attach STD. 821)
☒ Other (Explain) Reimbursement Agreement. CDSS to provide agency adoption services, therefore no bidding is required.

Note: Proof of advertisement in the State Contracts Register or an approved form STD. 821, Contract Advertising Exemption Request, must be attached

14. SUMMARY OF BIDS (List of bidders, bid amount and small business status) (If an amendment, sole source, or exempt, leave blank)**15. IF AWARD OF AGREEMENT IS TO OTHER THAN THE LOWER BIDDER, EXPLAIN REASON(S) (If an amendment, sole source, or exempt, leave blank)****16. WHAT IS THE BASIS FOR DETERMINING THAT THE PRICE OR RATE IS REASONABLE?**

N/A - Reimbursement Agreement

17a. JUSTIFICATION FOR CONTRACTING OUT (Check one)

- ☐ Contracting out is based on cost savings per Government Code 19130(a). The State Personnel Board has been so notified.
 ☐ Contracting out is justified based on Government Code 19130(b). When this box is checked, a completed JUSTIFICATION - CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 547.60 must be attached to this document.
☒ Not Applicable (Interagency / Public Works / Other Reimbur)

17b. EMPLOYEE BARGAINING UNIT NOTIFICATION

- ☐ By checking this box, I hereby certify compliance with Government Code section 19132(b)(1).

AUTHORIZED SIGNATURE		SIGNER'S NAME (Print or Type) Rachel Lynch	DATE SIGNED
18. FOR AGREEMENTS IN EXCESS OF \$5,000: Has the letting of the agreement been reported to the Department of Fair Employment and Housing?		<input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	
19. HAVE CONFLICT OF INTEREST ISSUES BEEN IDENTIFIED AND RESOLVED AS REQUIRED BY THE STATE CONTRACT MANUAL SECTION 7.10?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A	
20. FOR CONSULTING AGREEMENTS: Did you review any contractor evaluations on file with the DGS Legal Office?		<input type="checkbox"/> None on file <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	
21. IS A SIGNED COPY OF THE FOLLOWING ON FILE AT YOUR AGENCY FOR THIS CONTRACTOR? A. Contractor Certification Clauses B. STD 204 Vendor Data Record		<input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	
		22. REQUIRED RESOLUTIONS ARE ATTACHED <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A	
		23. IS THIS A SMALL BUSINESS AND/OR A DISABLED VETERAN BUSINESS CERTIFIED BY DGS? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes SB/DVBE Certification Number:	

24. ARE DISABLED VETERANS BUSINESS ENTERPRISE GOALS REQUIRED? (If an amendment, explain changes if any)

- ☒ No (Explain below) ☐ Yes _____ % of Agreement

N/A - Reimbursement Agreement

25. IS THIS AGREEMENT (WITH AMENDMENTS) FOR A PERIOD OF TIME LONGER THAN THREE YEARS?

- ☐ No ☒ Yes (If Yes, provide justification below)

Evergreen receivable Agreement

I certify that all copies of the referenced Agreement will conform to the original agreement sent to the Department of General Services.

SIGNATURE INFO ONLY - EXEMPT FROM DGS REVIEW PER G.C. 30029. 7	NAME/TITLE (Print or Type)	DATE SIGNED
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STATE OF CALIFORNIA
AGREEMENT SUMMARY
 STD 215 (Rev. 05/2017)

AGREEMENT NUMBER	AMENDMENT NUMBER
22-5001	

JUSTIFICATION – CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 547.60

In the space provided below, the undersigned authorized state representative documents, with specificity and detailed factual information, the reasons why the contract satisfies one or more of the conditions set forth in Government Code section 19130(b). Please specify the applicable subsection. Attach extra pages if necessary.

This is a receivable contract where CDSS is to provide agency adoption services for Trinity County under authority of Welfare and Institutions Code, section 16130 and in accordance with Title 22 California Code of Regulations, sections 35127.1 through 35231. Therefore, Government Code section 19130 is not implicated.

The undersigned represents that, based upon his or her personal knowledge, information or belief the above justification correctly reflects the reasons why the contract satisfies Government Code section 19130(b).

SIGNATURE <i>Laurel Cima Coates</i>	NAME/TITLE (PRINT OR TYPE) Laurel Cima, Branch Chief	DATE SIGNED <i>2-7-22</i>
PHONE NUMBER (916) 651-8089	STREET ADDRESS 744 P Street, MS 8-12-31	
EMAIL laurel.cima@dss.ca.gov	CITY Sacramento	STATE CA
		ZIP 95814

Budget Review Sheet

To: Rachel Lynch
Contract Officer

Assignment #: _____

Contract #: 22-5001

From: Olivia Thomas
Budget Bureau Phone No. 654-8713Form 704 Form 944
Date Received: _____Form 704 Form 944
Date Due: _____

Contracting Parties: County of Trinity Health and Human Services

Subject: Provide agency adoption services to families and children in Trinity County

FUNDING INFORMATION

Contract Term: 7/1/2022 - until cancelled

Contract Amount: \$404,800.00

FISCAL Coding/Funding Information											Fiscal Year					
Ref	Fund	Fund Title	Fund Type	Account	Alt Account	Program	PC Bns	Project	Reporting Structure	Service Location	22-23 Chp __/22, Stat 2022	23-24 Chp __/23, Stat 2023	24-25 Chp __/24, Stat 2024	25-26 Chp __/25, Stat 2025	26-27 Chp __/26, Stat 2026	Total
001	0001	General	General	5340580	5340580000	9999	5180	5180659011	51802521	42550	\$ 80,960.00	\$ 80,960.00	\$ 80,960.00	\$ 80,960.00	\$ 80,960.00	\$ 404,800.00
																\$ -
																\$ -
																\$ -
																\$ -
																\$ -
																\$ -
Total Funding											\$ 80,960.00	\$ 80,960.00	\$ 80,960.00	\$ 80,960.00	\$ 80,960.00	\$ 404,800.00

<input checked="" type="checkbox"/> Acceptable as is	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Additions/Revisions	<input type="checkbox"/> No Impact to my area
Payment Terms: <input checked="" type="checkbox"/> Itemized Invoice <input type="checkbox"/> Monthly Flat Rate <input type="checkbox"/> Quarterly <input type="checkbox"/> Progress Payment <input type="checkbox"/> Advanced Payment not to Exceed (x or x%)			
<input type="checkbox"/> Monthly Flat Rate <input type="checkbox"/> Reimbursement /Revenue <input type="checkbox"/> One-Time Payment <input type="checkbox"/> Withhold "X"%" <input type="checkbox"/> Other (explain)			

Comments This is an evergreen contract, funding remains \$80,960 annually.

Form 944 Final Signature: Vianey Garcia

Date: 3/21/22

☐ Copy of Review Response to Analyst☐ Copy of Contract to Analyst

EXHIBIT A
(Standard Agreement)

I. SCOPE OF WORK

The California Department of Social Services, (hereinafter referred to as the CDSS) agrees to provide to County of Trinity, Health and Human Services, (hereinafter referred to as County), Agency adoption services under the authority of Welfare and Institutions Code (W&IC) Section 16130 and in accordance with Title 22 California Code of Regulations (CCR) Sections 35127.1 through 35231. The CDSS shall provide the following adoption services:

- A. Consult and review of children in out of home care who need permanence through adoption.
- B. Assess and provide a written analysis of the adoptability of a child pursuant to W&IC Sections 361.5, 366.21, 366.22 or 366.25.
- C. Inform caregivers and birth families of provisions and availability of kinship adoptions, post adoption contact Agreements, and related services.
- D. Provide relinquishment services for birth/legal parents who are considering the option of adoption.
- E. Complete the adoptions final report for the Interstate Compact on the Placement of Children (ICPC) when the adoption shall be finalized in a California court, when applicable.
- F. Make preliminary assessments and written reports concerning the prospective adoptive parents for the W&IC Section 366.26 hearing. The CDSS shall provide testimony for contested hearings regarding the reports as requested by the County Counsel.
- G. Match and place children for adoption with a licensed or approved caregiver.
- H. Review and provide medical and social background information concerning a child and their birth parents to adoptive parents at the time of the adoptive placement.
- I. Retain adoption case management responsibility until finalization of the adoption or dismissal of dependency.
 - (1) After a court order terminating parental rights to the child, and once the CDSS assumes exclusive care and control of the child, the County may use the CDSS Adoption Specialist's in-person visit as a county contact if the visit meets the requirements contained in ACL 19-87 and the California Code of

Regulations, Child Welfare Services Manual of Policies and Procedures,
Division 31-320.

- J. Supervise adoptive placements until finalization and provide post adoptive placement services to families.
- K. Establish and assess for Adoption Assistance Program (AAP) eligibility and benefits pursuant to governing laws and the County programs regarding AAP eligibility (i.e., W&IC Sections 16115-16123 and Title 22 CCR Section 35325 et seq).
- L. Provide other appropriate and necessary adoption services as needed.

II. THE CDSS AND COUNTY AGREE TO COORDINATE EFFORTS IN THE FOLLOWING AREAS:

- A. Promote permanence for children who are in out of home care.
- B. Exchange information about dependent children and keep each other informed of general progress in cases involving children in out of home placement and changes that may affect the casework provided by the other Party. This exchange may include, but is not limited to, any information (e.g., complaints, concerns, licensing or Resource Family Approval (RFA) written directive violations) that would reflect the suitability of the prospective adoptive family or their ability to provide appropriate care for a child.
- C. Keep each other informed of general progress in the case and changes that may affect the casework provided by the other Party, including potential placement changes.
- D. Notify the other Party before taking any action that may have the potential to disrupt or terminate placement unless events are of an emergency nature or are so serious that immediate action is required to protect the child from harm.
- E. Establish mutually agreed upon timelines for joint reviews, referrals and reports required by the CDSS, County, or the juvenile court.
- F. Provide written materials or reports required to carry out effective adoption planning and to meet the mandates of the juvenile court.
- G. Work jointly and share responsibilities to recruit and train an adequate pool of families to serve the permanency needs of children.
- H. Ensure payment of AAP benefits in compliance with Title 22 CCR Section 35325 et seq.

- I. Use the Child Welfare Services/Case Management System (CWS/CMS) or the Child Welfare Services/California Automated Response and Engagement System (CWS/CARES) to record information and case activities for dependent children and foster families.
- J. Provide other appropriate and necessary coordination as needed.
- K. Services for the child before a permanent plan is determined.
 - 1. The County and the CDSS Shall:
 - a. Jointly assess the child pursuant to W&IC Section 361.5(g) and before the filing date of a report recommending that Family Reunification (FR) services not be provided.
 - b. Jointly assess the child approximately 90 days before the 6-month and 12-month review hearings required by W&IC Section 366.21, the 18-month review hearing required by W&IC Section 366.22, and the 24-month review hearing required by W&IC Section 366.25, as appropriate.
 - c. Jointly assess relatives and/or other potential caregivers that are being considered as permanency resources for a child prior to placement or as soon thereafter as possible. Both the CDSS and the County shall comply with all home approval and placement statutes and regulations that are applicable to each agency.
 - 2. The County Shall:
 - a. Complete the RFA application approvals.
 - b. Refer children in out of home care for a joint assessment prior to FR services being terminated.
 - c. Identify and search for all of the child's presumed and alleged parents and document search efforts, including, but not limited to, providing the CDSS with current and past marital history including dates and places of marriage and divorce. Also, obtain birth records on the child as soon as possible.
 - d. Determine whether the child is Native American and whether the Indian Child Welfare Act is applicable. If the child has possible Indian ancestry, the County shall complete process of notifying all possible tribes and documenting this in court.

- e. Share with the CDSS background information as it is obtained about the child, including developmental history, psychological and family health history.
- f. Advise the birth parent of the option of forgoing FR services and/or relinquishing parental rights. Contact the CDSS if the parent indicates an interest in relinquishment or would like additional information about relinquishment or adoption.
- g. Provide a written referral to the CDSS when FR services are not ordered (W&IC Section 361.5), when FR services are terminated due to an order by the court (W&IC Section 360 if applicable, or Sections 366.21, 366.22 or 366.25), or when a referral is made for the child before termination of services. Provide all necessary documents to the CDSS, in order to carry out adoption services, including the RFA written report when the child is placed with an approved Resource Family.
- h. Until otherwise notified by the CDSS, provide child abuse and neglect reports and information concerning prospective adoptive parents when requested by the CDSS.
- i. Until otherwise notified by the CDSS, provide Department of Justice criminal record clearance(s) of the prospective adoptive parent(s) and other adults residing in the home when requested by the CDSS.
- j. Work with the CDSS to prepare a report for the W&IC Section 366.26 hearing. The County social worker's portion of the report shall include:
 - (1) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.
 - (2) A review of the amount and nature of contact between the child and parent(s) since placement.
 - (3) A summary of current search efforts for any absent parent.
 - (4) Documentation of the relationship of the child to any caretaker, the duration and character of the relationship, the motivation for seeking adoption, and a statement from the child about placement and permanence (unless the child is unable to give a meaningful response, in which case the child's condition should be stated).
 - (5) A preliminary assessment of the eligibility and commitment of any identified prospective caretaker to provide permanence for the

child. The assessment shall contain a social history, including screening for criminal records and prior referrals for child abuse or neglect; the capability to meet the child's needs; and an understanding of the legal and financial rights and responsibilities of an adoption.

- k. Provide or purchase Psychological Evaluations and Competency Statements in cases where they are required by statute, regulation, or court order.
- l. Retain case management responsibility until finalization of the adoption or dismissal of dependency.
 - (1) After a court order terminating parental rights to the child, and once the CDSS assumes exclusive care and control of the child, the County may use the CDSS Adoption Specialist's in-person visit as a county contact if the visit meets the requirements contained in ACL 19-87 and the California Code of Regulations, Child Welfare Services Manual of Policies and Procedures, Division 31-320.
- m. Send notice of hearing, the social worker's court report, and the judge's court orders to the CDSS' Adoptions Regional Office for W&IC Sections 360, 361.5(g), 366.21, 366.22, 366.25, and 366.26 hearings, as applicable, and any subsequent hearings. Send notice of any appeals filed concerning juvenile court actions, and the appellate court's decisions, to the CDSS.
- n. Prepare a court report every six months for the juvenile court to identify progress towards the goal of adoption. Attach the adoption status report provided by the CDSS.
- o. Determine the child's Title IV-E (federal) eligibility and provide AAP payments as directed by the CDSS to adopting parents. The County shall provide Notice of Action and AAP reassessment forms as required.
- p. Send all court orders to the CDSS within 30 calendar days after the date of the court hearing.
- q. Transfer primary assignment on the CWS/CMS or the CWS/CARES application to the CDSS' Adoptions Regional Office before closing CWS services case.

3. The CDSS Shall:

- a. Assess the child with the County pursuant to W&IC Section 361.5 (g) as soon as practically possible, and before the filing date of the report recommending FR services not be provided.
- b. Assess the child with the County approximately 90 days before the 6-month and 12-month review hearings required by W&IC Section 366.21, the 18-month review hearing required by W&IC Section 366.22, and the 24-month review hearing required by W&IC Section 366.25, as applicable.
- c. Prior to placement, or as soon thereafter as possible, review with the County the assessment of relatives and/or other potential caregivers that are being considered as a placement resource for a child where successful FR is unlikely.
- d. Consult with the County social worker about the possibility of parental relinquishment of the child. If the parent expresses an interest in pursuing adoption, the adoption worker shall discuss relinquishment with the parent. If a relinquishment is taken, the CDSS shall provide written notice to the juvenile court, the relinquishing parent(s) attorney, the child's attorney and the County.
- e. Interview the birth parent whenever possible to advise him or her of the availability of a post adoption Agreement and to secure medical/social background information concerning the child and birth parent. The birth parent shall be advised that adoption records are kept permanently, and of the opportunity to place information in the adoptions case files after finalization of the adoption. They shall also be informed of the procedures for sharing information or having contact after the adoptee becomes an adult.
- f. Provide assessment of the child before the W&IC Section 366.26 hearing. This assessment may include a review of the case record, discussions with the County social worker, contacts with the child, the present caretaker, and any other collateral persons involved with the child.
- g. Work with the County to prepare a report for the W&IC Section 366.26 hearing. The CDSS report shall be submitted to the County 21 calendar days before the hearing, and shall include:
 - (1) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

- (2) The relationship of the child to any siblings, identified prospective adoptive parents, the duration and character of the relationships, the potential for a post adoption contact Agreement, the motivation for seeking adoption, and a statement from the child about placement and the adoption (unless the child is unable to give a meaningful response, in which case the child's condition should be stated).
 - (3) An analysis of the likelihood that the child shall be adopted if parental rights are terminated.
- h. Be available for contested W&IC Section 366.26 hearings to present expert testimony regarding the child's adoptability and other relevant information.
- i. If the juvenile court identifies adoption as a permanent goal, it can, without terminating parental rights, order the CDSS to locate an adoptive home for the child within 180 days. This applies only to a child whom the court determines is difficult to place for adoption and there is no identified adoptive family. During the 180 days period, the CDSS shall contact other private and public adoption agencies about the availability of the child for adoption.
- j. Provide information concerning adoption to prospective adoptive parents including the availability of, and requirements for, post adoption contact Agreements, pursuant to Family Code Section 8616.5.
- k. Prepare the child for adoption. (This may or may not include a placement change).
- l. Coordinate efforts with ICPC to establish and maintain adoptive placements for dependent children who are placed out of state.
- m. Place the child for adoption. Placing a child for adoption may include both moving a child to an adoptive home and, signing adoption placement documents or signing documents to change the child's current foster placement status to adoption.
- n. Promptly notify the County of the date of adoptive placement and the date foster care payment is discontinued. These events may not necessarily occur on the same date.
- o. Establish AAP eligibility of the child, determine and negotiate benefits, duration, and review and reassess AAP benefits as needed. Prepare

the AAP paperwork, including payment instructions to the County. The duration and amount of all AAP benefits must comply with State regulations.

- p. Assume exclusive care and control of the child, for the purpose of supervising the adoptive placement pursuant to W&IC Section 366.26(j), until finalization of the adoption.
- q. Prepare and present a report to the court in the county in which the Adoption Request was filed with a recommendation concerning the adoption. If the Adoption Request includes a post adoption contact Agreement, the CDSS shall address in its' report whether the post adoption contact Agreement is in the child's best interest.
- r. Confirm in writing to the County that the adoption is finalized and request dependency be dismissed. The CDSS is not authorized to provide the County with a copy of the final decree of adoption. .
- s. Document case management activities in CWS/CMS or CWS/CARES pursuant to state guidelines.
- t. Conduct other appropriate and necessary permanency planning activities as needed.
- u. When appropriate, the CDSS may decide to participate in case appellate work, including, but not limited to, filing appeal briefs.
- v. Pursuant to Title 22 CCR § 89179(a), the adoption agency shall maintain adequate case records.

L. Services for the child after a permanent plan is determined.

- 1. The County and the CDSS Shall:
 - a. Jointly assess each child in long-term foster care, no less than 45 days before the 12-month review of the permanent plan pursuant to W&IC Section 366.3(d).
 - b. Prior to placement, or as soon thereafter as possible, jointly review the assessment of relatives and/or other potential caregivers that are being considered as potential placement resources for a child.
- 2. Responsibility for responding to requests for adoption records shall rest with the Party in possession of the records as specified in this Scope of Work.

3. The County Shall:

- a. Refer the child to the CDSS for an adoption assessment when indicated pursuant to a joint review.
- b. Provide a written referral packet for accepted referrals within five (5) working days, including all necessary documents for the adoption agency to carry out its functions. Only documents not previously submitted shall be needed.
- c. Make a secondary assignment on the CWS/CMS or CWS/CARES application to the CDSS' Adoptions Regional Office "in-box caseload" at the time of referral for adoption services.

4. The CDSS Shall:

- a. Assign an Adoptions Specialist for each child for an adoption assessment pursuant to this joint review.
- b. For each child accepted for study, a written assessment of the child's potential for adoption shall be provided 21 calendar days before an annual court review hearing.
- c. Provide case progress reports to the County 21 calendar days prior to each 6-month review following the W&IC Section 366.26 hearing until such time as the adoption is finalized or the case is referred to the County because adoption is no longer the plan for the child.

The case progress report may include:

- (1) A summary of contacts.
- (2) Adjustment of the child to the adoptive home.
- (3) Specific circumstances or problems that affect the child or the placement.
- (4) Progress made in the adoption process.
- (5) Steps needed to complete the adoption.

III. CONFLICT RESOLUTION REGARDING CASE MANAGEMENT

The County and the CDSS shall use customary and available problem-solving methods and resources in efforts to resolve differences. Any disagreements or conflicts regarding a case shall be resolved as follows:

- A. The primary social workers from the County and the CDSS shall meet and confer to resolve differences.
- B. If the primary social workers are unable to resolve differences, the County supervisor and the CDSS supervisor and primary social workers shall meet and confer to resolve differences.
- C. If the supervisors and social workers are unable to resolve differences, the County Program Manager and the CDSS' Adoptions Regional Office Manager and their respective supervisors and social workers shall meet and confer to resolve differences.
- D. If issues that are regulatory or statutory in nature cannot be resolved adequately at the local level through the above procedures, the matter in dispute shall be referred in writing to the appropriate state administrative office(s) for clarification and direction.

IV: PROJECT REPRESENTATIVE

The Project Representatives during the term of this Agreement shall be:

Marta Platt
California Department of Social Services
Adoptions Policy and Support Bureau
744 P Street, MS 8-12-521
Sacramento, CA 95814
916 653-5900
marta.platt@dss.ca.gov

Michael Cottone
County of Trinity
Health and Human Services
P.O. Box 399
Weaverville, CA 96093
530 623-8254
mcottone@trinitycounty.org

Changes to the project representative information may be made 15 days in advance by written notice to the other Party and shall not require an amendment to this Agreement.

EXHIBIT B
GENERAL TERMS AND CONDITIONS

1. Indemnification

a. Claims Arising from Acts or Omissions of the County of Trinity

The County of Trinity (hereinafter collectively referred as the County), hereby agrees to defend and indemnify the California Department of Social Services, its agents, officers, and employees (hereinafter collectively referred to as the CDSS), from any claim, action or proceeding against the CDSS, arising out of acts or omissions of the County in the performance of this Contract. At its discretion, the CDSS may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve the County of any obligation imposed by this Contract. The CDSS shall notify the County promptly of any claim, action or proceeding and cooperate fully.

b. Claims Arising from Acts or Omissions of the California Department of Social Services

The CDSS, hereby agrees to defend and indemnify the County, its agents, officers, and employees, from any claim, action, or proceeding against the County arising out of the acts or omissions of the CDSS in the performance of this Contract. At its discretion, the County may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve the CDSS of any obligation imposed by this Contract. The County shall notify the CDSS promptly of any claim, action or proceeding and cooperate fully.

2. Relationship of the Parties

The CDSS is acting as a contractor for the delivery of the services; this is not a joint venture Agreement between the Parties. It is understood by both Parties that this Contract does not create an employer-employee relationship between the Parties. Each Party agrees that it shall not enter into Agreements or make representations or promises on behalf of the other Party.

3. Insurance Requirements

The CDSS is a self-insured public entity, which possesses the ability to cover liabilities, including general, professional, motor vehicle, and workers' compensation liabilities arising from or connection with the performance of services under this Contract by CDSS, its employees, officers, or directors. Evidence of self-insurance is provided with Exhibit C, incorporated herein by reference.

The CDSS' self-insurance for liabilities (Exhibit D) from the use of motor vehicles includes owned, non-owned, and hired vehicles used by CDSS' employees in the performance of services. Evidence of self-insurance is provided with Exhibit D, incorporated herein by reference.

4. Maintenance of Records

The Parties shall keep and maintain an accurate record of the referrals to the CDSS' Adoptions Regional Office. The CDSS and the County shall keep a copy of all invoices presented to the County on a quarterly basis which must include the weekly number of the open active child cases and the open active family cases. All such records shall be made available to the County, its authorized representative, or officials of the State of California for review and audit during normal business hours, upon reasonable advance notice.

5. Retention of Records for Audit Purposes

The CDSS shall maintain and preserve all records related to this Contract for a period of three years from the close of the fiscal year in which final payment is made. Such records shall be maintained for a three-year period or retained for a longer duration, if an audit involving the records is then pending. The obligation to insure the maintenance of the records beyond the initial three-year period shall only arise if notice is provided to the CDSS of the commencement of the audit prior to the expiration of the three-year period.

6. Title to Documents; Copyrights

Excluding records, reports, or documents containing personal or confidential information, all reports and other materials collected or produced by the CDSS pursuant to this Contract are the property of the CDSS and shall not be subject to any copyright claimed by the County, its employees, subcontractors or agents. However, the County may use for administrative purposes completed materials developed or produced by the CDSS. Incomplete documents or projects may not be used without the prior written consent of the CDSS.

Records, reports, or documents containing personal or confidential information shall not be used for any commercial purpose and shall not be copyrighted by either Party, including the employees, officers, directors, or agents of each Party.

7. Conflict of Interest

The Parties agree to enforce the requirements of the California Government Code, Sections 1090 through 1099 and Sections 87100 through 87105, including regulations promulgated by the California Fair Practices Commission, to prevent a public officer or employee, including a subcontractor, from participating in an activity that would constitute a conflict of interest.

8. Compliance with Applicable Laws

The Parties shall comply with all applicable federal, state and local laws now, or hereafter, in force, and with any applicable regulations, in performing the work and providing the service specified in this Contract. This obligation includes, without limitation, the acquisition, and maintenance of any permits, licenses, or other

entitlements necessary to perform the duties imposed expressly or impliedly under this Contract.

9. Change in Statutes or Regulations

If there is a change of statute or regulations applicable to the performance of this Contract, both Parties agree to be governed by the new provisions, unless either Party gives notice to terminate pursuant to the terms of this Contract or identifies through written correspondence that the changes in law require negotiation of the responsibilities or terms of the Contract.

10. Time is of the Essence

Time is of the essence for the performance of the services of this Contract. Each Party shall promptly perform the services and responsibilities described in the Contract and promptly comply with each term and condition.

11. Time

Each of the Parties to this Contract shall devote such time to the performance of the services pursuant to this Contract as may be reasonably necessary for the satisfactory performance of the obligations of this Contract. Neither Party shall be considered to be in default of this Contract to the extent the performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the Party.

12. Modification

No modification or waiver of any provisions of this Contract or its attachments shall be effective unless such waiver or modification shall be in writing, signed by both Parties.

13. Nondiscrimination

The Parties shall not discriminate in the employment of persons necessary to perform this Contract on any legally impermissible basis, including on the basis of the race, color, national origin, ancestry, religion, age, sex, or disability of such person. In the provision of services each Party shall be responsible for the actions of its employees, directors or officers so that employees and applicants for employment and any member of the public are free from any unlawful discrimination. The Parties warrant and represent that each is aware and shall follow: 1) the Federal Civil Rights Act of 1964 (Act) and all amendments, administrative rules and regulations issued pursuant to this Act; and 2) the Fair Employment and Housing Act (Government Code Section 12900 et. seq.) and the regulations promulgated to enforce the Fair Employment and Housing Act. The Parties agree to include the non-discrimination and compliance provision of this paragraph in all subcontracts to perform services under this Contract.

14. Bankruptcy

The Parties shall immediately notify the other in the event that either ceases conducting business in the normal manner or becomes insolvent, makes a general assignment for

the benefit of creditors, suffers or permits the appointment of a receiver for its business on assets, or avails itself of, or becomes subject to, any proceeding under the Federal Bankruptcy Act or any other statute of any state relating to insolvency or protection of the rights of creditors.

15. Prohibition Against Assignment and Delegation of Duties

Except as specifically authorized within the Contract, no rights may be assigned and no duties under this Contract may be delegated by the Parties without the prior written consent of the other, and any attempted assignment or delegation without such consent shall be void.

16. Negotiated Contract

This Contract has been arrived at through negotiation between the Parties. Neither Party is to be deemed the Party which prepared this Contract within the meaning of California Civil Code Section 1654.

17. Severability

Should any provision herein be found or deemed to be invalid, this Contract shall be construed as not containing such provision. All other provisions which are otherwise lawful shall remain in full force and effect. To this end, the provisions of this Contract are declared to be severable.

18. Entire Contract

This Contract is the entire Agreement of the Parties for the performance of services. There are no understandings or Agreements pertaining to this Contract except as are expressly stated in writing in this Contract or in any document attached hereto or incorporated by reference. It is the intention of the Parties hereto that this Contract shall supersede any prior Agreements, discussions, commitments, representations, Agreements, written, or oral, between the Parties.

19. Budget Statement

Assembly Bill (AB) 118 (Chapter 40, Statutes of 2011) and ABX1 16 (Chapter 13, Extraordinary Session, Statutes of 2011) realigned the funding for Agency adoptions from the CDSS to the local governments and redirected specific tax revenues to fund these services. AB 118 and ABX1 16 realigned a total of \$6 million general fund to the counties who have not had a licensed public adoption agency. As stated in County Fiscal Letter (CFL) Number 11/12-18 dated September 16, 2011, the county specific distribution of the \$6 million general fund was based on a percent to total of each county's specific combined 12-year average of child and family referrals to the CDSS' Adoptions Regional Offices that have been providing Agency adoption services to these counties.

a. Invoicing

In consultation with the County Welfare Directors Association, for those counties opting to contract directly with CDSS to continue the Agency adoption services, CDSS shall invoice each on a weekly cost per case basis of \$62 based on the county specific distribution provided in CFL No. 11/12-18. The CDSS shall invoice the County quarterly the total cost for each active child case and each family case referred to the CDSS' Adoptions Regional Office for adoption services. This rate would be claimed up to but not exceeding Eighty Thousand, Nine Hundred and Sixty Dollars (\$80,960.00), the amount of the allocation received by the County in any Fiscal Year.

20. Term of Contract

Subject to earlier termination as provided for in number 21 below, the term of this Contract shall commence on July 1, 2022 and continue in full force and effect for five (5) years, hereinafter referred to as the "Initial Term". Thereafter, this Contract shall automatically renew for successive three (3) year periods unless either Party notifies the other Party in writing at least sixty (60) days prior to the end of the Initial Term, or any renewal thereof, that it does not wish to extend this Contract. The Initial Term and any renewal are collectively referred to as the "Contract Term."

To ensure that the Contract continues to reflect current law and services being provided through the Initial Term and renewals, it is the intent of the Parties that the terms and conditions of the Contract be reviewed and, where necessary, amended at the end of the Initial Term and upon each subsequent renewal without allowing the Contract to terminate or expire.

21. Termination

Either Party may terminate this Contract, with or without cause, with 120 days' advance written notice. In order to terminate this Contract, the terminating Party shall give advance written notice to the other Party. The termination notice shall be made as specified in number 22 below. In the event of termination, the County shall pay the CDSS for all work satisfactorily performed prior to the effective date of the termination.

22. Notice

Notices to the Parties in connection with the administration of this Contract shall be given to the Parties' Project Representative personally, by regular mail, or by facsimile transmission as more particularly specified in this paragraph. Notices shall be deemed given on:

- a. The day the notice is personally delivered to the Party's Project Representative as specified in the Exhibit A, Scope of Work, page 9, Section IV.
- b. Five days after the date the notice is deposited in the United States mail, addressed to a Party's Project Representative as indicated in Section IV, with first-class postage fully prepaid; or

- c. On the day the notice is transmitted by facsimile to the facsimile number specified as specified in Section IV, provided that an original of such notice is deposited in the United States mail, addressed to the Party's Project Representative as specified in Section IV, on the same day as the facsimile transmission is made.

23. Partial Invalidity

Should any part, term, portion, or provision of this Contract Agreement be finally decided by a court of competent jurisdiction to be in conflict with any law of the United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the Agreement which the Parties intended to enter into in the first place.

24. Responsibility of Project Representatives

All matters concerning the administration of this Contract, which are within the responsibility of the Parties shall be under the direction of, or shall be submitted to, the respective Project Representative or the Party's employee specified, in writing, by the Project Representative. A Party may, in its sole discretion, change its designation of its Project Representative upon providing written notice to the other Party at least 15 days prior to such change. The Project Representatives for Parties are specified in the Exhibit A, Scope of Work, Page 9, in Section IV.

25. Waiver

Waiver by either Party of a breach of any covenant of this Contract shall not be construed to be a continuing waiver of any subsequent breach. A Party's receipt of consideration with knowledge of the other's violation of a covenant does not waive the Party's right to enforce any covenant of this Contract. However, neither Party shall waive any provision of this Contract unless the waiver is not against public policy or current laws, in writing, signed by a representative of each Party with the authority to sign, and signed by all Parties.

26. Authority and Capacity

Each Party and each Party's signatory warrant and represent that each has full authority and capacity to enter into this Contract in accordance with all requirements of law. The Parties also warrant that any signed amendment or modification to the Contract shall comply with all requirements of law, including capacity and authority to amend or modify the Contract.

27. Binding on Successors

All of the conditions, covenants, and terms identified in this Contract apply to any successor or assignee of the Parties to this Contract with each assignee or successor held jointly and severally liable under this Contract. However, no assignment or

subcontract of either Party is permitted, except with the prior written authorization of the other Party.

28. Cumulative Remedies

All of the various rights, powers, and remedies of the Parties shall be construed as cumulative, and no one of them exclusive of any other or of any other legal or equitable remedy which a Party might otherwise have in the event of a breach or default of any condition, covenant, or term by the other Party. The exercise of any single right, option, election, power, or remedy shall not in any way, impair any other right, option, election, power or remedy until all duties and obligations imposed shall have been full performed.

29. Independent Advice

Each Party represents and warrants that in executing this Contract it does so with full knowledge of the rights and duties it may have with respect to the other Party. Each Party also warrants and represents that it has received independent legal advice from its attorney with respect to the matters set forth in this Contract and the rights and duties arising out of this Contract, or that such Party willingly foregoes any such consultation.

30. No Reliance on Representations

Each Party warrants and represents that it is not relying and has not relied upon any representation or statement made by the other Party with respect to the facts involved or its rights or duties. Each Party understands and agrees that the facts relevant, or believed to be relevant to this Contract, have been independently verified. Each Party further understands that it is responsible for verifying the representations of law or fact provided by the other Party.

31. Information Subject to a Business Associate Agreement

The Parties agree to identify for the other Party protected health information in the adoption records that was provided through a business associate agreement of a covered entity, as required by 42 U.S.C 1320d and its implementing regulations at 45 CFR Parts 142, 160, 162, and 164, collectively referred to as the Health Insurance Portability and Accountability Act Privacy Rule.

32. Conflicting Disclosure Laws

The Parties agree to follow the requirements of the law for the disclosure of confidential adoption records. When in doubt as to whether a record in its possession should be disclosed or withheld, each Party agrees to contact its Legal Counsel for direction.

33. Confidentiality

The CDSS and County staff shall comply with the provision of W&IC Section 10850 and Family Code Section 9200 et seq. to assure that all applications and records concerning individuals made or kept by any officer or agency in connection with the administration of any service under this Contract shall be kept confidential. The CDSS and the County

shall maintain the confidentiality of all information and records in accordance with current laws, regulations and policies. Exchange of information shall be for the purpose of promoting the best interests of the child and the administration of the program.

The County and CDSS' Adoptions Regional Office shall each maintain their own confidentiality regulations and guidelines to review and follow. The location of those guidelines shall be made known to all employees. The CDSS and the County agree to inform all of its employees, agents, and subcontractors of the confidentiality provisions and further agree that any person knowingly and intentionally violating the provisions of said laws is guilty of a misdemeanor.

34. Mailing of Confidential Information

The Parties may use the United States Postal Service to deliver records containing personal or confidential information to the other provided that the record(s) are double enveloped with the interior envelope identified as confidential with the name of the recipient of the mail on the interior envelope. Additionally, each shall require that the records being delivered shall only be delivered to the addressee with an acknowledgement of receipt. The Party sending the records is responsible for obtaining a copy of the signed receipt and maintaining it.

35. Transporting Records

The Parties agree that all records containing personal or confidential information shall be transported in a secure manner. When using a third Party who is not a Party to this Contract to transport records to the other Party, the Parties each agree to notify the other before sending records to the other containing personal or confidential information, as defined in law. Notice may be provided electronically, but receipt of the message must be confirmed before commencing the transport of the records to the other Party. Additionally, except for personal delivery by a representative of the Parties a bonded courier service shall be used. The records shall be securely double-enveloped or boxed with the interior envelope or box identified as confidential and properly addressed to the intended recipient/employee. Upon delivery, the courier shall obtain a signed acknowledgement of receipt from the entity receiving the documents. The Party sending the records is responsible for obtaining a copy of the signed receipt and maintaining it.

36. Form 700

All employees and managers required to file an annual Form 700 pursuant to the Conflict of Interest Code and/or Government Code, Section 87200 do so with the CDSS' Central Office located at 744 P Street, MS 8-12-31, Sacramento, CA 95814.

37. Venue

It is agreed by the Parties to this Contract that, unless expressly waived by the CDSS, any action brought to enforce any of the provisions of this Contract for declaratory relief shall be filed in and remain in a court of competent jurisdiction in the County of Sacramento in the State of California.

38. Controlling Law

The validity, interpretation and performance of this Contract shall be construed under the laws of the State of California, or when applicable federal law.

39. Captions

The captions of this Contract are for convenience in reference only and the words contained in the captions shall in no way be held to explain, modify, amplify or aid in the interpretation, construction, or meaning of the provisions of this Contract.

40. Definitions

"Shall" and "will" and "agrees" are mandatory. "May" is permissive.

41. Identifying Agreed Upon Changes to the Contract Agreement

The Parties agree that every amendment shall identify in typed print strike-through the words of the Contract Agreement to be deleted by the amendment and no longer applicable to the Contract Agreement; and new words added by the amendment shall be identified in bold font and underlined. For a subsequent amendment, the words deleted by the prior amendment with the strike-through shall not be included; and the words previously bolded in the prior amendment shall no longer be bolded.

Amendments to the Contract Agreement may be made in whole or in part, as appropriate and selected by the Parties.

IN WITNESS WHEREOF, the Parties hereunto have executed this Contract on the date written below.

COUNTY OF TRINITY:

CONTRACTOR:

By: Michael V. Frasier
Dan Frasier, Chairman
Trinity County Board of Supervisors

By: Marissa Enos
Marissa Enos, Chief
California Department of Social
Services
Contracts & Purchasing Bureau

Date: 6/9/2022

Date: 6/23/2022

Approved as to form.

RISK MANAGEMENT APPROVAL

By: [Signature]
Margaret E. Long
County Counsel

By: [Signature]
Shelly Nelson, Director
Human Resources/Risk
Management



Governor Gavin Newsom

**STATE OF CALIFORNIA
PUBLIC LIABILITY AND WORKERS' COMPENSATION INSURANCE
FISCAL YEAR JULY 1, 2022 / JUNE 30, 2023**

To Whom It May Concern:

In accordance with Government Code section 11007.4, the State of California has elected to be self-insured for liability exposures. Under this form of insurance, the State and its employees acting in the course and scope of their employment are insured for tort liability arising out of official State business. All claims against the State of California based on tort liability should be presented as a government claim to the Government Claims Program, P.O. Box 989052 MS 414, West Sacramento, CA 95798-9052. (Gov. Code section 900, et. seq.) Internet link:

<https://www.dgs.ca.gov/ORIM/Services/Page-Content/Office-of-Risk-and-Insurance-Management-Services-List-Folder/File-a-Government-Claim>

The State of California has also elected to be insured for its motor vehicle liability exposures through the State Motor Vehicle Liability Self-Insurance Program (VELSIP). This program provides liability coverage arising out of the operations of motor vehicles used by state employees for official state business (California Vehicle Code Sections 17000 and 17001). Motor vehicle liability claims against the State of California should be presented to the Office of Risk and Insurance Management, P.O. Box 989052 MS-403, West Sacramento, CA 95798-9052, (800) 900-3634, claims@dgs.ca.gov. If your motor vehicle liability claim is not resolved within six months from the date of loss, California law requires you to file a formal claim with the Government Claims Program, P.O. Box 989052 MS 414, West Sacramento, CA 95798-9052. (Gov. Code section 900, et. seq.) Internet link:

<https://www.dgs.ca.gov/ORIM/Services/Page-Content/Office-of-Risk-and-Insurance-Management-Services-List-Folder/File-a-Government-Claim>

The State of California has a Master Agreement with the State Compensation Insurance Fund regarding workers' compensation benefits for all state employees, as required by the Labor Code.

Sincerely,

Devon Lima-Mitchell

Devon Lima-Mitchell
Insurance Analyst
Office of Risk and Insurance Management
Department of General Services
Phone: (279) 799-3856
Fax: (916) 376-5275
Devon.LimaMitchell@dgs.ca.gov

To request updated letter of self-insurance, please submit to riskmanagement@dgs.ca.gov



Governor Gavin Newsom

**STATE OF CALIFORNIA
AUTOMOBILE LIABILITY / PHYSICAL DAMAGE
FISCAL YEAR JULY 1, 2022 / JUNE 30, 2023**

To Whom It May Concern:

Please accept this letter as certification that the State of California has elected to be self-insured for liability and physical damage arising out of the ownership, maintenance, and operation of land motor vehicles.

Under this program, the Office of Risk and Insurance Management administers liability claims arising out of the operation of the vehicle. Physical Damage to such vehicle may be reimbursed by the Employing State Agency in accordance with State Administrative Manual (SAM) sections 2420 and 4116.

Sincerely,

Devon Lima-Mitchell

Devon Lima-Mitchell
Insurance Analyst
Office of Risk and Insurance Management
Department of General Services
Phone: (279) 799-3856
Fax: (916) 376-5275
Devon.LimaMitchell@dgs.ca.gov

To request updated letter of self-insurance, please submit to riskmanagement@dgs.ca.gov

Office of Risk and Insurance Management | State of California | Government Operations Agency
707 3rd Street, 1st Floor | West Sacramento, CA 95605 | t 916.376.5300 f 916.376.5277

AMENDMENT NO. 1
TO
California Department of Social Services Adoptions
(NO. 22-087)
BETWEEN
THE COUNTY OF TRINITY
AND
California Department of Social Services

WHEREAS, a Contract was entered into the 1st day of July, 2022 ("Contract") by and between the COUNTY OF TRINITY ("County"), and **California Department of Social Services** ("Contractor"), to provide **Adoption Services** and

WHEREAS, the Contract provides for a termination date of December 31st, 9999; and

WHEREAS, the parties wish to:

1. Replace Exhibit A with amended Exhibit A (Standard Agreement Agency Adoption Services); and
2. Add Exhibit A-1 (Standard Agreement Resource Family Approval Family Evaluations); and
3. Add Exhibit A-2 (Standard Agreement Resource Family Approval Home Health and Safety Assessments); and
4. Replace Exhibit B with amended Exhibit B (General Terms and Conditions);

WHEREAS, the Contract provides for amendments;

NOW, THEREFORE, the parties hereto agree to the following:

1. Replace Exhibit A with amended Exhibit A (Standard Agreement Agency Adoption Services); and
2. Add Exhibit A-1 (Standard Agreement Resource Family Approval Family Evaluations); and
3. Add Exhibit A-2 (Standard Agreement Resource Family Approval Home Health and Safety Assessments); and

4. Replace Exhibit B with amended Exhibit B (General Terms and Conditions);

In all other respects, the terms of the Contract are affirmed.

[signature page to follow]

IN WITNESS WHEREOF, the parties hereby have caused this Amendment No. 1 to be executed on this 1st day of March, 2024.

COUNTY OF TRINITY:

CONTRACTOR:

By: _____
Ric Leutwyler, Chairman
Trinity County Board of Supervisors
Date: _____

By: _____
Name: _____
Title.: _____
Date: _____

Approved as to form:

Risk Management Approval

By: _____
Margaret E. Long
County Counsel

By: _____
Laila Cassis, Director
Human Resources/Risk Management

EXHIBIT A
(Standard Agreement)

I. SCOPE OF WORK

The California Department of Social Services, (hereinafter referred to as the CDSS) agrees to provide to County of Trinity, Health and Human Services, (hereinafter referred to as County), agency adoption services under the authority of Welfare and Institutions Code (WIC) section 16130 and in accordance with Title 22 California Code of Regulations (CCR) sections 35127.1 through 35231. The CDSS will provide the following adoption services:

- A. Consult and review of children in out of home care who need permanence through adoption.
- B. Assess and provide a written analysis of the adoptability of a child pursuant to ~~W&IC~~ WIC sections 361.5, 366.21, 366.22 or 366.25.
- C. Inform caregivers and birth families of provisions and availability of kinship adoptions, post adoption contact agreements, and related services.
- D. Provide relinquishment services for birth/legal parents who are considering the option of adoption.
- E. Complete the adoptions final report for the Interstate Compact on the Placement of Children (ICPC) when the adoption will be finalized in a California court, when applicable.
- F. Make preliminary assessments and written reports concerning the prospective adoptive parents for the WIC section 366.26 hearing. The CDSS will provide testimony for contested hearings regarding the reports as requested by the County Counsel.
- G. Match and place children for adoption with a licensed or approved caregiver.
- H. Review and provide medical and social background information concerning a child and their birth parents to adoptive parents at the time of the adoptive placement.
- I. Retain adoption case management responsibility until finalization of the adoption or dismissal of dependency.
 - (1)** When the CDSS has exclusive care and control of the child, pursuant to a court order or contract with a County, the County Social Worker shall continue to visit with the child every month while the CDSS Adoptions Specialist is required to visit with the child at least every 90 days.
 - (2)** After a court order terminating parental rights to the child, and once the CDSS assumes exclusive care and control of the child, the County may use the CDSS Adoption Specialist's in-person visit as a county contact if the visit meets the requirements contained in ACL 19-87 and the CDSS Manual of Policies and Procedures (MPP), Division 31-320. This means that approximately every three (3) months, the County may rely on the contact made by the CDSS for visitation

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CDSS/County of Trinity Health and Human Services

compliance purposes, if the requirements contained in ACL 19-87 and MPP 31-320 are met.

- J. Supervise adoptive placements until finalization and provide post adoptive placement services to families.
- K. Establish and assess for Adoption Assistance Program (AAP) eligibility and benefits pursuant to governing laws and the County programs regarding AAP eligibility (i.e., WIC sections 16115-16123 and Title 22 CCR section 35325 et seq).
- L. Provide other appropriate and necessary adoption services as needed.

II. THE CDSS AND COUNTY AGREE TO COORDINATE EFFORTS IN THE FOLLOWING AREAS:

- A. Promote permanence for children who are in out of home care.
- B. Exchange information about dependent children and keep each other informed of general progress in cases involving children in out of home placement and changes that may affect the casework provided by the other Party. This exchange may include, but is not limited to, any information (e.g., complaints, concerns, licensing or Resource Family Approval (RFA) written directive violations) that would reflect the suitability of the prospective adoptive family or their ability to provide appropriate care for a child.
- C. Keep each other informed of general progress in the case and changes that may affect the casework provided by the other Party, including potential placement changes.
- D. Notify the other Party before taking any action that may have the potential to disrupt or terminate placement unless events are of an emergency nature or are so serious that immediate action is required to protect the child from harm.
- E. Establish mutually agreed upon timelines for joint reviews, referrals and reports required by the CDSS, County, or the juvenile court.
- F. Provide written materials or reports required to carry out effective adoption planning and to meet the mandates of the juvenile court.
- G. Work jointly and share responsibilities to recruit and train an adequate pool of families to serve the permanency needs of children.
- H. Ensure payment of AAP benefits in compliance with Title 22 CCR section 35325 et seq.
- I. Use the Child Welfare Services/Case Management System (CWS/CMS) or the Child Welfare Services/California Automated Response and Engagement System (CWS/CARES) to record information and case activities for dependent children and foster families.
- J. Provide other appropriate and necessary coordination as needed.
- K. Services for the child before a permanent plan is determined.

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CDSS/County of Trinity Health and Human Services

1. The County and the CDSS Will:
 - a. Jointly assess the child pursuant to WIC section 361.5(g) and before the filing date of a report recommending that Family Reunification (FR) services not be provided.
 - b. Jointly assess the child approximately 90 days before the 6-month and 12-month review hearings required by WIC section 366.21, the 18-month review hearing required by WIC section 366.22, and the 24-month review hearing required by WIC section 366.25, as appropriate.
 - c. Jointly assess relatives and/or other potential caregivers that are being considered as permanency resources for a child prior to placement or as soon thereafter as possible. Both the CDSS and the County will comply with all home approval and placement statutes and regulations that are applicable to each agency.
2. The County Will:
 - a. Complete the RFA application approvals.
 - b. Refer children in out of home care for a joint assessment prior to FR services being terminated.
 - c. Identify and search for all of the child's presumed and alleged parents and document search efforts, including, but not limited to, providing the CDSS with current and past marital history including dates and places of marriage and divorce.
 - (1) Obtain birth records on the child as soon as possible.
 - d. Determine whether the child is Native American and whether the Indian Child Welfare Act is applicable. If the child has possible Indian ancestry, the County will complete the process of notifying all possible tribes and documenting this in court. All required forms are to be completed pursuant to CA Rule of Court 5.481; 25 C.F.R. §23.107(c); Family Code sections 177(a) and 180; Probate Code sections 1459.5(b) and 1460.2; and WIC sections 224.2 and 224.3. The county shall provide, to the CDSS, copies of the court filed Judicial Council forms: ICWA-010(A) (Indian Child Inquiry Attachment), ICWA-030 (Notice of Child Custody Proceeding for Indian Child) and ICWA-020 (Parental Notification of Indian Status).
 - (1) Inquiry should be thoroughly documented in the case file and on the ICWA-010(A) form.
 - (2) When there is reason to know the child is or may be an Indian child, the ICWA-030 form shall be completed.
 - i. There is "reason to know" the child is an Indian child whenever anyone informs the court or agency that the child is an Indian

child, the residence or domicile of the child or parents or Indian custodian is on a reservation or in an Alaska Native village, anyone informs the court or agency that it has information indicating the child is an Indian child, the child is or has been under the jurisdiction of a tribal court, or the child or parent(s) possess an identification card indicating membership or citizenship in an Indian tribe. The ICWA-030 form must be completed anytime there is reason to know the child is an Indian child, even if a Tribe confirms informally that a child is eligible for membership.

- (3) Parents or guardians must complete the ICWA-020 form at their first court appearance).
 - i. If the parent, Indian custodian, or guardian does not appear at the first hearing, or is unavailable at the initiation of a proceeding, the court must order the person or entity that has the inquiry duty pursuant to the CA Rule of Court 5.481(a)(3) to use reasonable diligence to find and inform the parent, Indian custodian, or guardian that the court has ordered the parent, Indian custodian, or guardian to complete the ICWA-020 form.
- e. Share with the CDSS background information as it is obtained about the child, including developmental history, psychological and family health history.
- f. Advise the birth parent of the option of forgoing FR services and/or relinquishing parental rights. Contact the CDSS if the parent indicates an interest in relinquishment or would like additional information about relinquishment or adoption.
- g. Provide a written referral to the CDSS when FR services are not ordered (WIC section 361.5), when FR services are terminated due to an order by the court (WIC section 360, if applicable, or sections 366.21, 366.22 or 366.25), or when a referral is made for the child before termination of services. Provide all necessary documents to the CDSS, in order to carry out adoption services, including the RFA written report when the child is placed with an approved Resource Family.
- h. Until otherwise notified by the CDSS, provide a written summary of the Department of Justice criminal record clearance(s) for all prospective adoptive parent(s) and all other adults residing in the home, when requested by the CDSS.
- i. Work with the CDSS to prepare a report for the WIC section 366.26 hearing. The County social worker's portion of the report will include:
 - (1) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

- (2) A review of the amount and nature of contact between the child and parent(s) since placement.
 - (3) A summary of current search efforts for any absent parent.
 - j. Provide or purchase Psychological Evaluations and Competency Statements in cases where they are required by statute, regulation, or court order.
 - k. Retain case management responsibility until finalization of the adoption or dismissal of dependency.
 - (1) When the CDSS has exclusive care and control of the child, pursuant to a court order or contract with a County, the County Social Worker shall continue to visit with the child every month while the CDSS Adoptions Specialist is required to visit with the child at least every 90 days.
 - (2) After a court order terminating parental rights to the child, and once the CDSS assumes exclusive care and control of the child, the County may use the CDSS Adoption Specialist's in-person visit as a county contact if the visit meets the requirements contained in ACL 19-87 and the California Code of Regulations, Child Welfare Services Manual of Policies and Procedures MPP, Division 31-320. This means that approximately every three (3) months, the County may rely on the contact made by the CDSS for visitation compliance purposes, if the requirements contained in ACL 19-87 and MPP 31-320 are met.
 - l. Send notice of hearing, the social worker's court report, and the judge's court orders to the CDSS' Adoptions Regional Office for WIC-sections 360, 361.5(g), 366.21, 366.22, 366.25, and 366.26 hearings, as applicable, and any subsequent hearings. Send notice of any appeals filed concerning juvenile court actions, and the appellate court's decisions, to the CDSS.
 - m. Prepare a court report every six months for the juvenile court to identify progress towards the goal of adoption. Attach the adoption status report provided by the CDSS.
 - n. Determine the child's Title IV-E (federal) eligibility and provide AAP payments as directed by the CDSS to adopting parents. The County shall provide Notice of Action and AAP reassessment forms as required.
 - o. Send all court orders to the CDSS within 30 calendar days after the date of the court hearing.
 - p. Transfer primary assignment on the CWS/CMS or the CWS/CARES application to the CDSS' Adoptions Regional Office before closing CWS services case.
3. The CDSS Will:

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CDSS/County of Trinity Health and Human Services

- a. Assess the child with the County pursuant to WIC-section 361.5(g) as soon as practically possible, and before the filing date of the report recommending FR services not be provided.
- b. Assess the child with the County approximately 90 days before the 6-month and 12-month review hearings required by WIC-section 366.21, the 18-month review hearing required by WIC-section 366.22, and the 24-month review hearing required by WIC-section 366.25, as applicable.
- c. Prior to placement, or as soon thereafter as possible, review with the County the assessment of relatives and/or other potential caregivers that are being considered as a placement resource for a child where successful FR is unlikely.
 - (1) Provide a preliminary assessment of the eligibility and commitment of any identified prospective caretaker to provide permanence for the child. The assessment will contain a social history, including screening for criminal records and prior referrals for child abuse or neglect; the capability to meet the child's needs; and an understanding of the legal and financial rights and responsibilities of an adoption.
- d. Consult with the County social worker about the possibility of parental relinquishment of the child. If the parent expresses an interest in pursuing adoption, the adoption worker will discuss relinquishment with the parent. If a relinquishment is taken, the CDSS will provide written notice to the juvenile court, the relinquishing parent(s) attorney, the child's attorney and the County.
- e. Interview the birth parent whenever possible to advise him or her of the availability of a post adoption agreement and to secure medical/social background information concerning the child and birth parent. The birth parent will be advised that adoption records are kept permanently, and of the opportunity to place information in the adoptions case files after finalization of the adoption. They will also be informed of the procedures for sharing information or having contact after the adoptee becomes an adult.
- f. Provide assessment of the child before the ~~W&IC~~ **WIC**-section 366.26 hearing. This assessment may include a review of the case record, discussions with the County social worker, contacts with the child, the present caretaker, and any other collateral persons involved with the child.
 - (1) Provide documentation of the relationship of the child to any caretaker, the duration and character of the relationship, the motivation for seeking adoption, and a statement from the child about placement and permanence (unless the child is unable to give a meaningful response, in which case the child's condition should be stated).
- g. Work with the County to prepare a report for the WIC-section 366.26 hearing. The CDSS report will be submitted to the County 21 calendar days before the hearing, and shall include:

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CDSS/County of Trinity Health and Human Services

- (1) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.
 - (2) The relationship of the child to any siblings, identified prospective adoptive parents, the duration and character of the relationships, the potential for a post adoption contact agreement, the motivation for seeking adoption, and a statement from the child about placement and the adoption (unless the child is unable to give a meaningful response, in which case the child's condition should be stated).
 - (3) An analysis of the likelihood that the child will be adopted if parental rights are terminated.
- h. Be available for contested WIC-section 366.26 hearings to present expert testimony regarding the child's adoptability and other relevant information.
 - i. If the juvenile court identifies adoption as a permanent goal, it can, without terminating parental rights, order the CDSS to locate an adoptive home for the child within 180 days. This applies only to a child **for** whom the court determines is difficult to place for adoption and there is no identified adoptive family. During the 180 days period, the CDSS shall contact other private and public adoption agencies about the availability of the child for adoption.
 - j. Provide information concerning adoption to prospective adoptive parents including the availability of, and requirements for, post adoption contact agreements, pursuant to Family Code section 8616.5.
 - k. Prepare the child for adoption. (This may or may not include a placement change.)
 - l. Coordinate efforts with ICPC to establish and maintain adoptive placements for dependent children who are placed out of state.
 - m. Place the child for adoption. Placing a child for adoption may include both moving a child to an adoptive home and, signing adoption placement documents or signing documents to change the child's current foster placement status to adoption.
 - n. Promptly notify the County of the date of adoptive placement and the date foster care payment is discontinued. These events may not necessarily occur on the same date.
 - o. Establish AAP eligibility of the child, determine and negotiate benefits, duration, and review and reassess AAP benefits as needed. Prepare the AAP paperwork, including payment instructions to the County. The duration and amount of all AAP benefits must comply with State regulations.
 - p. Assume exclusive care and control of the child, for the purpose of supervising the adoptive placement pursuant to WIC-section 366.26(j), until finalization of the adoption.

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CDSS/County of Trinity Health and Human Services

- q. Prepare and present a report to the court in the county in which the Adoption Request was filed with a recommendation concerning the adoption. If the Adoption Request includes a post adoption contact agreement, the CDSS will address in its report whether the post adoption contact agreement is in the child's best interest.
 - r. Confirm in writing to the County that the adoption is finalized. The CDSS is not authorized to provide the County with a copy of the final decree of adoption.
 - s. Document case management activities in CWS/CMS or CWS/CARES pursuant to state guidelines.
 - t. Conduct other appropriate and necessary permanency planning activities as needed.
 - u. When appropriate, the CDSS may decide to participate in case appellate work, including, but not limited to, filing appeal briefs.
 - v. Pursuant to Title 22 CCR sections§ 89179(a), the adoption agency shall maintain adequate case records.
 - w. Provide post permanency services using the federal Adoption and Legal Guardianship (ALG) incentive payments program funds.
- L. Services for the child after a permanent plan is determined.
- 1. The County and the CDSS Will:
 - a. Jointly assess each child in long-term foster care, no less than 45 days before the 12-month review of the permanent plan pursuant to WIC-section 366.3(d).
 - b. Prior to placement, or as soon thereafter as possible, jointly review the assessment of relatives and/or other potential caregivers that are being considered as potential placement resources for a child.
 - 2. Responsibility for responding to requests for adoption records shall rest with the Party in possession of the records as specified in this Scope of Work.
 - 3. The County Will:
 - a. Refer the child to the CDSS for an adoption assessment when indicated pursuant to a joint review.
 - b. Provide a written referral packet for accepted referrals within five (5) working days, including all necessary documents for the adoption agency to carry out its functions. Only documents not previously submitted will be needed.

- c. Make a secondary assignment on the CWS/CMS or CWS/CARES application to the CDSS' Adoptions Regional Office "in-box caseload" at the time of referral for adoption services.

4. The CDSS Will:

- a. Assign an Adoptions Specialist for each child for an adoption assessment pursuant to this joint review.
- b. For each child accepted for study, a written assessment of the child's potential for adoption will be provided 21 calendar days before an annual court review hearing.
- c. Provide case progress reports to the County 21 calendar days prior to each 6-month review following the WIC-section 366.26 hearing until such time as the adoption is finalized or the case is referred to the County because adoption is no longer the plan for the child.

The case progress report may include:

- (1) A summary of contacts.
- (2) Adjustment of the child to the adoptive home.
- (3) Specific circumstances or problems that affect the child or the placement.
- (4) Progress made in the adoption process.
- (5) Steps needed to complete the adoption.

III. CONFLICT RESOLUTION REGARDING CASE MANAGEMENT

The County and the CDSS will use customary and available problem-solving methods and resources in efforts to resolve differences. Any disagreements or conflicts regarding a case will be resolved as follows:

- A. The primary social workers from the County and the CDSS will meet and confer to resolve differences.
- B. If the primary social workers are unable to resolve differences, the County supervisor and the CDSS supervisor and primary social workers will meet and confer to resolve differences.
- C. If the supervisors and social workers are unable to resolve differences, the County Program Manager and the CDSS' Adoptions Regional Office Manager and their respective supervisors and social workers will meet and confer to resolve differences.
- D. If issues that are regulatory or statutory in nature cannot be resolved adequately at the local level through the above procedures, the matter in dispute will be referred in writing to the appropriate state administrative office(s) for clarification and direction.

IV: PROJECT REPRESENTATIVE

The project representatives during the term of this agreement will be:

Marta Platt
California Department of Social
Services
Adoption Policy and Support
Bureau
744 P Street, MS 8-12-521
Sacramento, CA 95814
916 651-8089
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Health and Human Services
P.O. Box 399
Weaverville, CA 96093
530 623-8254
mcottone@trinitycounty.org

Changes to the project representative information may be made 15 days in advance by written notice to the other Party and shall not require an amendment to this Agreement.

**EXHIBIT A-1
(Standard Agreement)**

I. SCOPE OF WORK

The California Department of Social Services, (hereinafter referred to as the CDSS) agrees to provide to County of Trinity, (hereinafter referred to as County), Resource Family Approval (RFA) services pursuant to California Welfare and Institutions Code (WIC) section 16519.5 et seq. California Government Code section 30029.7, subdivision (a)(3) allows for the County and the CDSS to enter into an agreement for the CDSS to provide services or activities related to RFA. The County and the CDSS have identified certain services or activities to be provided by the CDSS to expedite the delivery of services to children and nonminor dependents who reside or may reside in a Resource Family home. The CDSS shall provide Family Evaluation services on behalf of the County, in part or in full.

- A. The CDSS will adhere to the requirements specified in WIC section 16519.5 and the current RFA Written Directives (WD): Definitions, 3-01; Forms, 3-02; RFA Program Requirements, 4-02(g); County Reporting Requirements, 4-03; Confidentiality, 4-04; Implementation of Resource Family Approval Program by a County, 4-05; and Family Evaluation, 6-05.

- (1) WD means the written processes, standards, and requirements issued by the CDSS to implement the RFA Program. The WD have the same force and effect as regulations, ensures the same standards for RFA are applied statewide, and the county implementation of policies or procedures do not conflict with or attempt to supersede the WD.

- a. WD Version 8 was used as a reference in creating this agreement. The WD may be revised by the CDSS during the term of this Agreement and all revised versions shall be in effect from the date of revision.

II. THE CDSS AND COUNTY AGREE TO COORDINATE EFFORTS IN THE FOLLOWING AREAS:

- A. Exchange information about Resource Family applicants and keep each Party informed of general progress in the Family Evaluation, and changes that may affect the evaluation.

- (1) This exchange may include, but is not limited to, any information (e.g. complaints, concerns, adverse actions) that would reflect the suitability of the prospective Resource Family.

- B. As needed, communicate the general progress of the Family Evaluation that may affect the work provided by each Party, which includes the potential inability to complete the evaluation.

- C. Establish mutually agreed upon timelines for the completion of the Family Evaluation.

- D. Comply with the applicable laws and the RFA WD relevant to Family Evaluations.

E. Provide other appropriate and necessary coordination as needed.

1. The County Will:

- a. Refer Resource Family applicants to the appropriate CDSS' Regional Office (RO) for a Family Evaluation.
- b. Provide, in a timely manner, all necessary documents to the RO, using a secure or encrypted format, or a secure file transfer protocol.
- c. In the case of an Indian child, notify the Tribal representative(s) of the referral to the RO for a Family Evaluation. In the referral form to the RO, provide the Tribal representative(s) the RO contact information.
- d. Provide all necessary documents as they become available to the RO to conduct a Family Evaluation, to include, but not limited to, RFA applications, home health and safety assessment, training records, health history screening results, personal letters of references, whether criminal record clearances or exemptions were granted or denied, substantiated reports of child abuse and neglect, Department of Motor Vehicles records, and employment verifications.
- e. Notify Resource Family applicants that the County may share confidential information with the CDSS to conduct a Family evaluation and that the CDSS will perform the evaluation for the County.
- f. The County shall retain the closed Family Evaluation file in accordance with the retention policies as set forth in Article 10, section 10-05 of the RFA WD. Access to a copy of the Family Evaluation file shall be made available to the CDSS upon request in the event of audit, or as required or permitted by law.
- g. For each request of the Family Evaluation file, as noted in subsection (e) above, the County shall provide a copy of the file within 10 business days, unless the request is identified as urgent. The County shall use its best efforts to provide a copy within the period identified by the CDSS for an urgent request.

2. The CDSS Will:

- a. Within five business days, the Adoptions Supervisor will assign the Family Evaluation to a CDSS Adoptions Specialist.
- b. Conduct an evaluation of Resource Family applicants according to the WD 6-05: Family Evaluation. The evaluation is to be initiated within two weeks of being assigned.
- c. Conduct a separate face-to-face interview of all persons living in the home as specified in RFA WD 6-05(a)(2).
- d. In the case of an Indian child, collaborate with the Tribal representative(s) to schedule mutually agreeable dates and times for any in-person assessments and

document all contacts and attempted contacts with the Tribal representative(s) as specified in RFA WD 6-05(a), including informing the Tribal representative of the outcomes, verbally or in writing, of any interview or meeting for which the Tribal representative was unable to participate.

- e. Request approval from the County to refer an applicant for a psychological evaluation, drug and alcohol assessment or testing, counseling, or other services during the evaluation as necessary.
 - (1) Associated costs of the services of the referrals shall be the responsibility of the County and paid by the County outside this Agreement to the applicable service provider.
- f. Prepare a written Family Evaluation that includes an evaluation of the information obtained during the evaluation of the Resource Family applicant, including a risk assessment, and recommendations that RFA be approved or denied based on information gathered through the evaluation.
- g. Provide the County with the written Family Evaluation report within 60 days of receipt of the referral, with priority for completed evaluations for relatives with emergency placements, unless further information is needed to complete the evaluation.
- h. Ensure all records provided to the CDSS by the County and all information obtained and used to conduct a Family Evaluation are kept confidential as specified in RFA WD 4-04: Confidentiality.
- i. Provide a copy of the Family Evaluation file upon request of the County staff responsible for the provision of RFA services.
- j. Provide an Adoptions Specialist to testify as to the Family Evaluation if the results of an evaluation are at issue during an administrative hearing.
- k. Absent pending litigation or other good cause identified by the CDSS shall retain the records of the Family Evaluation for 90 days after an evaluation is provided to the County.
 - (1) Thereafter, the original Family Evaluation file shall be securely delivered to the County and a copy shall be made and maintained by the CDSS for five years pursuant to the RFA WD 10-05: Resource Family File.

III. CONFLICT RESOLUTION

The County and the CDSS will use customary and available problem-solving methods and resources in efforts to resolve differences. Any disagreements or conflicts regarding a case will be resolved as follows:

- A. The primary social workers from the County and the CDSS will meet and confer to resolve differences.

- B. If the primary social workers are unable to resolve differences, the County supervisor and the CDSS supervisor and primary social workers will meet and confer to resolve differences.
- C. If the supervisors and social workers are unable to resolve differences, the County Program Manager and the CDSS' Adoptions Regional Office Manager and their respective supervisors and social workers will meet and confer to resolve differences.
- D. If issues that are regulatory or statutory in nature cannot be resolved adequately at the local level through the above procedures, the matter in dispute will be referred in writing to the appropriate state administrative office(s) for clarification and direction.

1. Conflict of Interest:

- a. The Adoptions Specialist conducting Family Evaluations shall be instructed to avoid a conflict of interest or the appearance of a conflict of interest.
- b. The Adoptions Specialist shall be directed to RFA WD 4-02(g) to identify any conflict of interest.

- (1) If there exists an appearance of a conflict of interest or an actual conflict of interest, the Adoptions Specialist shall report the conflict to their supervisor, who may transfer responsibility for the Family Evaluation to another Adoptions Specialist.

IV: PROJECT REPRESENTATIVE

The project representatives during the term of this agreement will be:

Marta Platt
California Department of Social
Services
Adoption Policy and Support
Bureau
744 P Street, MS 8-12-521
Sacramento, CA 95814
916 651-8089
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Michael Cottone
County of Trinity
Health and Human Services
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Weaverville, CA 96093
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mcottone@trinitycounty.org

Changes to the project representative information may be made 15 days in advance by written notice to the other Party and shall not require an amendment to this Agreement.

**EXHIBIT A-2
(Standard Agreement)**

I. SCOPE OF WORK

The California Department of Social Services, (hereinafter referred to as the CDSS) agrees to provide to County of Trinity, (hereinafter referred to as County), Resource Family Approval (RFA) services pursuant to California Welfare and Institutions Code (WIC) section 16519.5 et seq. California Government Code section 30029.7, subdivision (a)(3) allows for the County and CDSS to enter into an agreement for the CDSS to provide services or activities related to RFA. The County and the CDSS have identified certain services or activities to be provided by the CDSS to expedite the delivery of services to children and nonminor dependents who reside or may reside in a Resource Family home. The CDSS shall provide Home Health and Safety Assessment services on behalf of the County, in part or in full.

- A. The CDSS will adhere to the requirements specified in WIC section 16519.5 and the current RFA Written Directives (WD): 6-02: Home Environment Assessment, paragraph (a)(2); Form: Resource Family Home Health and Safety Assessment Checklist (RFA-03) and required summary.

- (1) WD means the written processes, standards, and requirements issued by the CDSS to implement the RFA Program. The WD have the same force and effect as regulations, ensures the same standards for RFA are applied statewide, and the county implementation of policies or procedures do not conflict with or attempt to supersede the WD.

- a. WD Version 8 was used as a reference in creating this agreement. The WD may be revised by the CDSS during the term of this Agreement and all revised versions shall be in effect from the date of revision.

II. THE CDSS AND COUNTY AGREE TO COORDINATE EFFORTS IN THE FOLLOWING AREAS:

- A. Exchange information about Resource Family applicants and keep each Party informed of general progress in the Home Health and Safety Assessment, and changes that may affect the assessment.

- (1) This exchange may include, but is not limited to, any information (e.g. complaints, concerns, adverse actions) that would reflect the suitability of the prospective Resource Family.

- B. As needed, communicate the general progress of the Home Health and Safety Assessment that may affect the work provided by each Party, which includes the potential inability to complete the assessment within 60 days.
- C. Establish mutually agreed upon timelines for the completion of the Home, Health, and Safety Assessment when such cannot be completed within 60 days.
- D. Comply with the applicable laws and the RFA WD relevant Home Health and Safety Assessments.

E. Provide other appropriate and necessary coordination as needed.

1. The County Will:

- a. Refer Resource Family applicants to the appropriate CDSS' Regional Office (RO) for a Home Health and Safety Assessment.
- b. Provide, in a timely manner, all necessary documents to the RO, using a secure or encrypted format, or a secure file transfer protocol.
- c. Notify Resource Family applicants that the CDSS will perform the Home, Health, and Safety Assessment for the County.
- d. In the case of an Indian child, notify the Tribal representative of the Home Health and Safety Assessment referral to the RO. Provide the Tribal representative contact information to the RO, and a copy of the RFA 03 form for review.
- e. Conduct the background checks and related activities as described in the RFA WD: 6-03A.
- f. For items identified as incomplete or "Follow Up Needed" on the RFA 03 form, the County shall be responsible for verifying completion prior to approval of the Resource Family.
- g. The County shall retain the closed Home Health and Safety Assessment file in accordance with the retention policies set forth in the RFA WD: Article 10,10-05.
 - (1) A copy of the Home Health and Safety Assessment section of the Resource Family file shall be made available to the CDSS upon request due to a review or audit, or as required by law, or court order.
 - (2) For each request of the Home Health and Safety Assessment, the County shall provide a copy within 10 business days, unless the request is identified as urgent. The County shall use its best efforts to provide a copy within the period identified by the CDSS for an urgent request.

2. The CDSS Will:

- a. Within five business days, the Adoptions Supervisor will assign the Home Health and Safety Assessment to a Adoptions Specialist.
- b. Conduct a Home Health and Safety Assessment according to the RFA WD: 6-02(a)(2). The assessment is to include a health and safety assessment of the home and grounds, outdoor activity space, storage areas of the applicant's home, and a completed Resource Family Home Health and Safety Assessment Checklist (RFA-03) form. The determination of compliance with certain sections of Article 11 of the RFA WD and if applicable, 11.1-07: Additional Home and Grounds Requirements for Specialized Resource Families.

- c. In the case of an Indian child, collaborate with the Tribal representative to schedule mutually agreeable dates and times for any in-person assessments and document all contacts and attempted contacts with the Tribal representative as specified in the RFA WD: 6-02(b), including informing the Tribal representative of the outcomes, verbally or in writing, of any interview or meeting for which the Tribal representative was unable to participate.
- d. Prepare a summary of the Home Health and Safety Assessment in a written format that includes an evaluation of the information obtained of the assessment of the resource family applicant's home and property, e.g., if there are items that needed to be repaired or purchased.
- e. The CDSS will provide the County the written summary report and the completed original RFA-03 form, within 60 days of receipt of the referral from the County.
- f. Ensure all records provided to the CDSS by the County, and all information obtained and used to conduct a Home Health and Safety Assessment are kept confidential as specified in the RFA WD 4-04: Confidentiality.
- g. Provide for a copy of the Home Health and Safety Assessment file upon request of the County staff responsible for the provision of RFA services.
- h. Provide an Adoptions Specialist to testify as to the Home Health and Safety Assessment if the results of an assessment are at issue during an administrative hearing.
- i. Absent pending litigation or other good cause identified by the CDSS shall retain the records of Home Health and Safety Assessment for 90 days after an assessment is provided to the County. Thereafter, the original Home Health and Safety Assessment file shall be securely delivered to the County. A copy shall be made and maintained by the CDSS for five years, pursuant to RFA WD 10-05: Resource Family File.

III. CONFLICT RESOLUTION

The County and the CDSS will use customary and available problem-solving methods and resources in efforts to resolve differences. Any disagreements or conflicts regarding a case will be resolved as follows:

- A. The primary social workers from the County and the CDSS will meet and confer to resolve differences.
- B. If the primary social workers are unable to resolve differences, the County supervisor and the CDSS supervisor and primary social workers will meet and confer to resolve differences.
- C. If the supervisors and social workers are unable to resolve differences, the County Program Manager and the CDSS' Adoptions Regional Office Manager and their respective supervisors and social workers will meet and confer to resolve differences.

- D. If issues that are regulatory or statutory in nature cannot be resolved adequately at the local level through the above procedures, the matter in dispute will be referred in writing to the appropriate state administrative office(s) for clarification and direction.

1. Conflict of Interest:

- a. The Adoptions Specialist conducting Home Health and Safety Assessment shall be instructed to avoid a conflict of interest or the appearance of a conflict of interest.
- b. The Adoptions Specialist shall be directed to RFA WD 4-02(g) to identify any conflict of interest.

- (1) If there exists an appearance of a conflict of interest or an actual conflict of interest, the Adoptions Specialist shall report the conflict to their supervisor, who may transfer responsibility for the Home Health and Safety Assessment to another Adoptions Specialist.

IV: PROJECT REPRESENTATIVE

The project representatives during the term of this agreement will be:

Marta Platt
California Department of Social
Services
Adoption Policy and Support
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744 P Street, MS 8-12-521
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Michael Cottone
County of Trinity
Health and Human Services
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Weaverville, CA 96093
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mcottone@trinitycounty.org

Changes to the project representative information may be made 15 days in advance by written notice to the other Party and shall not require an amendment to this Agreement.

EXHIBIT B
GENERAL TERMS AND CONDITIONS

1. Indemnification

a. Claims Arising from Acts or Omissions of the County of Trinity

The County of Trinity (hereinafter collectively referred as the County), hereby agrees to defend and indemnify the California Department of Social Services, its agents, officers, and employees (hereinafter collectively referred to as the CDSS), from any claim, action or proceeding against the CDSS, arising out of acts or omissions of the County in the performance of this Contract. At its discretion, the CDSS may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve the County of any obligation imposed by this Contract. The CDSS shall notify the County promptly of any claim, action or proceeding and cooperate fully.

b. Claims Arising from Acts or Omissions of the California Department of Social Services

The CDSS, hereby agrees to defend and indemnify the County, its agents, officers, and employees, from any claim, action, or proceeding against the County arising out of the acts or omissions of the CDSS in the performance of this Contract. At its discretion, the County may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve the CDSS of any obligation imposed by this contract. The County shall notify the CDSS promptly of any claim, action or proceeding and cooperate fully.

2. Relationship of the Parties

The CDSS is acting as a contractor for the delivery of the services; this is not a joint venture agreement between the Parties. It is understood by both Parties that this Contract does not create an employer-employee relationship between the Parties. Each Party agrees that it shall not enter into agreements or make representations or promises on behalf of the other Party.

3. Insurance Requirements

The CDSS is a self-insured public entity, which possesses the ability to cover liabilities, including general, professional, motor vehicle, and workers' compensation liabilities arising from or connection with the performance of services under this Contract by CDSS, its employees, officers, or directors. Evidence of self-insurance is provided with Exhibit C, incorporated herein by reference.

The CDSS' self-insurance for liabilities (Exhibit D) from the use of motor vehicles includes owned, non-owned, and hired vehicles used by CDSS' employees in the performance of services. Evidence of self-insurance is provided with Exhibit D, incorporated herein by reference.

4. Maintenance of Records

The Parties shall keep and maintain an accurate record of the referrals to the CDSS' Adoptions Regional Office. The CDSS and the County shall keep a copy of all invoices presented to the County on a quarterly basis which must include the weekly number of the open active child cases and the open active family cases. All such records shall be made available to the

County, its authorized representative, or officials of the State of California for review and audit during normal business hours, upon reasonable advance notice.

5. Retention of Records for Audit Purposes

The CDSS shall maintain and preserve all records related to this Contract for a period of three years from the close of the fiscal year in which final payment is made. Such records shall be maintained for a three-year period or retained for a longer duration, if an audit involving the records is then pending. The obligation to insure the maintenance of the records beyond the initial three-year period shall only arise if notice is provided to the CDSS of the commencement of the audit prior to the expiration of the three-year period.

6. Title to Documents; Copyrights

Excluding records, reports, or documents containing personal or confidential information, all reports and other materials collected or produced by the CDSS pursuant to this Contract are the property of the CDSS and shall not be subject to any copyright claimed by the County, its employees, subcontractors or agents. However, the County may use for administrative purposes completed materials developed or produced by the CDSS. Incomplete documents or projects may not be used without the prior written consent of the CDSS.

Records, reports, or documents containing personal or confidential information shall not be used for any commercial purpose and shall not be copyrighted by either Party, including the employees, officers, directors, or agents of each Party.

7. Conflict of Interest

The Parties agree to enforce the requirements of the California Government Code, Sections 1090 through 1099 and Sections 87100 through 87105, including regulations promulgated by the California Fair Practices Commission, to prevent a public officer or employee, including a subcontractor, from participating in an activity that would constitute a conflict of interest.

8. Compliance with Applicable Laws

The Parties shall comply with all applicable federal, state and local laws now, or hereafter, in force, and with any applicable regulations, in performing the work and providing the service specified in this Contract. This obligation includes, without limitation, the acquisition, and maintenance of any permits, licenses, or other entitlements necessary to perform the duties imposed expressly or impliedly under this Contract.

9. Change in Statutes or Regulations

If there is a change of statute or regulations applicable to the performance of this Contract, both Parties agree to be governed by the new provisions, unless either Party gives notice to terminate pursuant to the terms of this Contract or identifies through written correspondence that the changes in law require negotiation of the responsibilities or terms of the Contract.

10. Time is of the Essence

Time is of the essence for the performance of the services of this Contract. Each Party shall promptly perform the services and responsibilities described in the Contract and promptly comply with each term and condition.

11. Time

Each of the Parties to this Contract shall devote such time to the performance of the services pursuant to this Contract as may be reasonably necessary for the satisfactory performance of the obligations of this Contract. Neither Party shall be considered to be in default of this Contract to the extent the performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the Party.

12. Modification

No modification or waiver of any provisions of this Contract or its attachments shall be effective unless such waiver or modification shall be in writing, signed by both Parties.

13. Nondiscrimination

The Parties shall not discriminate in the employment of persons necessary to perform this Contract on any legally impermissible basis, including on the basis of the race, color, national origin, ancestry, religion, age, sex, or disability of such person. In the provision of services each Party shall be responsible for the actions of its employees, directors or officers so that employees and applicants for employment and any member of the public are free from any unlawful discrimination. The Parties warrant and represent that each is aware and shall follow: 1) the Federal Civil Rights Act of 1964 (Act) and all amendments, administrative rules and regulations issued pursuant to this Act; and 2) the Fair Employment and Housing Act (Government Code Section 12900 et. seq.) and the regulations promulgated to enforce the Fair Employment and Housing Act. The Parties agree to include the non-discrimination and compliance provision of this paragraph in all subcontracts to perform services under this Contract.

14. Bankruptcy

The Parties shall immediately notify the other in the event that either ceases conducting business in the normal manner or becomes insolvent, makes a general assignment for the benefit of creditors, suffers or permits the appointment of a receiver for its business on assets, or avails itself of, or becomes subject to, any proceeding under the Federal Bankruptcy Act or any other statute of any state relating to insolvency or protection of the rights of creditors.

15. Prohibition Against Assignment and Delegation of Duties

Except as specifically authorized within the Contract, no rights may be assigned and no duties under this Contract may be delegated by the Parties without the prior written consent of the other, and any attempted assignment or delegation without such consent shall be void.

16. Negotiated Contract

This Contract has been arrived at through negotiation between the Parties. Neither Party is to be deemed the Party which prepared this Contract within the meaning of California Civil Code Section 1654.

17. Severability

Should any provision herein be found or deemed to be invalid, this Contract shall be construed as not containing such provision. All other provisions which are otherwise lawful shall remain in full force and effect. To this end, the provisions of this Contract are declared to be severable.

18. Entire Contract

This Contract is the entire agreement of the Parties for the performance of services. There are no understandings or agreements pertaining to this Contract except as are expressly stated in writing in this Contract or in any document attached hereto or incorporated by reference. It is the intention of the Parties hereto that this Contract shall supersede any prior agreements, discussions, commitments, representations, agreements, written, or oral, between the Parties.

19. Budget Statement

Agency Adoption Services

Assembly Bill (AB) 118 (Chapter 40, Statutes of 2011) and ABX1 16 (Chapter 13, Extraordinary Session, Statutes of 2011) realigned the funding for Agency adoptions from the CDSS to the local governments and redirected specific tax revenues to fund these services. AB 118 and ABX1 16 realigned a total of \$6 million general fund to the counties who have not had a licensed public adoption agency. As stated in County Fiscal Letter (CFL) Number 11/12-18 dated September 16, 2011, the county specific distribution of the \$6 million general fund was based on a percent to total of **share of open cases as of July 2011 within each county's specific combined 12-year average of child and family referrals to the CDSS' Adoptions Regional Offices that have been providing** **had provided** Agency adoption services to these counties.

Adoption and Legal Guardianship Incentive Payments

The Adoption and Legal Guardianship (ALG) Incentive Payments program provides payment of adoption incentive funds to counties for increasing the number of children adopted from the public foster care system as well as incentive payments for exits from foster care to legal guardianship. This funding is allocated to counties for the following categories: adoptions, guardianship, pre-adolescent adoption and guardianship, older child adoption and guardianship. The provisions in Welfare and Institutions Code section 16131.5 (b) and (c) states the department, when it serves or acts as the adoption agency for a county, shall use adoption and guardianship incentive payment funds to improve or sustain legal permanency outcomes for older children.

- **The adoption incentive payments received upon appropriation by the Legislature in the annual Budget Act or another statute, shall be allocated by the State Department of Social Services to the department for a county in which the department serves or acts as an adoption agency for a county, based on documented increases in legal permanency outcomes for older children achieved by each county, as determined by the department and in consultation with counties.**
- **As stated in CFL 22/23-86 a total of \$372,655 is set aside from the allocations of counties that contract with CDSS to conduct post adoption services on their behalf.**

Resource Family Approval Family Evaluations and Home Health and Safety Assessments

During the term of this Agreement, and as the State Budget Act allows, the CDSS and the County may approve increases in the service levels for Resource Family Approval (RFA) Family Evaluations and Home Health and Safety assessment services and activities

provided by the CDSS and increase the amount that the County shall pay the CDSS from the County's General Fund RFA allocation and the LRF.

- **If the State Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the RFA program, the RFA services stated in this Agreement shall be of no further force and effect. In this event, the CDSS shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.**
- **If funding for any fiscal year is reduced or deleted by the State Budget Act for purposes of this program, the CDSS shall have the option to either cancel the RFA services stated in this Agreement with no liability occurring to the State or offer an Agreement amendment to Contractor to reflect the reduced amount.**

It is mutually understood between the parties that this Agreement may have been written before ascertaining the availability of Congressional appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays which would occur if the Agreement were executed after that determination was made.

- **The RFA services stated in this Agreement are valid and enforceable only if sufficient funds are made available to the State by the United States Government for the term of this Agreement for the purposes of the RFA program. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms, or funding of RFA services stated in this Agreement in any manner.**
- **It is mutually agreed that if the Congress does not appropriate sufficient funds for the RFA services stated in this Agreement shall be amended to reflect any reduction in funds.**
- **The CDSS, at its option, may terminate the RFA services stated in this Agreement upon 30-day's notice, or to amend the RFA services stated in this Agreement to reflect any reduction in Federal funds.**

a. **Agency Adoption Services** Invoicing

In consultation with the County Welfare Directors Association, for those counties opting to contract directly with CDSS to continue the agency adoption services, CDSS will invoice each on a weekly cost per case basis of \$62 based on the county specific distribution provided in CFL No. 11/12-18. **If a specific distribution was not listed for the county, the weekly cost will be \$62 per case.** The CDSS will invoice the County quarterly the total cost for each active ~~child case and each family case~~ **adoption case** referred to the CDSS' Adoptions Regional Office for adoption services. This rate would be claimed up to but not exceeding Eighty Thousand, Nine Hundred and Sixty Dollars (\$80,960.00), the amount of the allocation received by the County **or amount negotiated by the county without an allocation** in any Fiscal Year.

b. **Resource Family Approval Family Evaluations Invoicing**

- i. **The CDSS shall provide quarterly invoices in arrears for each quarter in which the Family Evaluation services were completed. The quarterly invoices shall include for each completed Family Evaluation the non-federal cost per case rate.**

- ii. The CDSS shall track each Family Evaluation and invoice for the non-federal share of \$2,020.00 per each Family Evaluation. The estimated cost to complete each Family Evaluation is \$2,748.00. The federal funds share is \$728.00. The CDSS shall not invoice for the amount of the services involving the federal funds share. The non-federal share of costs for each fiscal year will be subject to change based on the applicable federal discount rate for that year.
 - iii. The County shall pay the CDSS quarterly for the completed Family Evaluations. For payment the County will draw down funds from the General Fund RFA allocation. Once the total RFA allocation is exceeded, the County will use its Local Revenue Fund (LRF) for subsequent payment(s).
 - iv. If it is determined by the CDSS that the average family evaluation greatly exceeds the estimated hours, the CDSS shall provide the documentation regarding the number of hours to the County. For any extension of this Agreement or subsequent agreement for these services the amount paid to the CDSS may be increased for the next fiscal year(s).
 - v. If the Exhibit A-1 identifies that the CDSS will provide only a portion of the County's Family Evaluations, the cost of the Family Evaluation shall be the same as identified in (b) (ii), above.
- c. Resource Family Approval Home Health and Safety Assessments Invoicing
- i. The CDSS shall provide quarterly invoices in arrears for each quarter in which the Home Health and Safety Assessments services were completed. The quarterly invoices shall include, for each open Home Health and Safety Assessment, the non-federal cost per case rate.
 - ii. The CDSS shall track each Home Health and Safety Assessment and invoice for the non-federal share of cost of \$569.00 per each Home Health and Safety Assessment. The estimated cost to complete each Home, Health and Safety Assessment is \$774.00. The federal funds share is \$205.00. The CDSS shall not invoice for the amount of the services involving the federal funds share. The non-federal share of costs for each fiscal will be subject to change based on the applicable federal discount rate for that year.
 - iii. The County shall pay the CDSS quarterly. For payment the County will draw down funds from the General Fund RFA allocation. Once the total RFA allocation is exceeded, the County will use its Local Revenue Fund (LRF) for subsequent payment(s).
 - iv. If it is determined by the CDSS that the average Home Health and Safety Assessment greatly exceeds the estimated hours, the CDSS shall provide the documentation regarding the number of hours to the County. For any extension of this Agreement or subsequent agreement for these services the amount paid to CDSS may be increased for the next fiscal year(s).
 - v. If the Exhibit A-2 identifies that the CDSS will provide only a portion of the County's Home Health and Safety Assessments, the cost of the Home Health and Safety Assessments shall be the same as identified in (c)(ii), above.

- d. **The County shall be responsible for payment of the Resource Family Approval Family Evaluations and Home Health and Safety assessment services and activities provided by the CDSS in accordance with rates stated in (b) and (c) from the following sources and in the following order:**
- **General Fund Resource Family Approval allocation (if such exists in the State Budget);**
 - **The County's 2011 Realignment LRF;**
 - **Other County funds.**
- e. **If the County receives services in excess of \$750,000 in federal assistance, Invoices shall include the CFDA number: 93.658 and the CFDA Program Title: Resource Family Approval.**

20. Term of Contract

Subject to earlier termination as provided for in number 21 below, the term of this Contract shall commence on July 1, 2022 and continue in full force and effect for five (5) years, hereinafter referred to as the "Initial Term". Thereafter, this Contract shall automatically renew for successive three (3) year periods unless either Party notifies the other Party in writing at least sixty (60) days prior to the end of the Initial Term, or any renewal thereof, that it does not wish to extend this Contract. The Initial Term and any renewal are collectively referred to as the "Contract Term."

To ensure that the Contract continues to reflect current law and services being provided through the Initial Term and renewals, it is the intent of the Parties that the terms and conditions of the Contract be reviewed and, where necessary, amended at the end of the Initial Term and upon each subsequent renewal without allowing the Contract to terminate or expire.

21. Termination

Either Party may terminate this Contract, with or without cause, with 120 days' advance written notice. In order to terminate this Contract, the terminating Party shall give advance written notice to the other Party. The termination notice shall be made as specified in number 22 below. In the event of termination, the County shall pay the CDSS for all work satisfactorily performed prior to the effective date of the termination.

22. Notice

Notices to the Parties in connection with the administration of this Contract shall be given to the Parties' Project Representative personally, by regular mail, or by facsimile transmission as more particularly specified in this paragraph. Notices will be deemed given on:

- a. The day the notice is personally delivered to the Party's Project Representative as specified in the Exhibits A, A-1, A-2 Scope of Work, page 9, Section IV.
- b. Five days after the date the notice is deposited in the United States mail, addressed to a Party's Project Representative as indicated in Section IV, with first-class postage fully prepaid; or
- c. On the day the notice is transmitted by email to the email address as specified in Section IV, provided that an original of such notice is deposited in the United States mail,

addressed to the Party's Project Representative as specified in Section IV, on the same day as the email is sent.

23. Partial Invalidity

Should any part, term, portion, or provision of this Contract agreement be finally decided by a court of competent jurisdiction to be in conflict with any law of the United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions will be deemed severable and will not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the agreement which the Parties intended to enter into in the first place.

24. Responsibility of Project Representatives

All matters concerning the administration of this Contract, which are within the responsibility of the Parties shall be under the direction of, or shall be submitted to, the respective Project Representative or the Party's employee specified, in writing, by the Project Representative. A Party may, in its sole discretion, change its designation of its Project Representative upon providing written notice to the other Party at least 15 days prior to such change. The Project Representatives for Parties are specified in the Exhibits A, A-1, A-2 Scope of Work, ~~Page 9, in~~ Section IV.

25. Waiver

Waiver by either Party of a breach of any covenant of this Contract will not be construed to be a continuing waiver of any subsequent breach. A Party's receipt of consideration with knowledge of the other's violation of a covenant does not waive the Party's right to enforce any covenant of this Contract. However, neither Party shall waive any provision of this Contract unless the waiver is not against public policy or current laws, in writing, signed by a representative of each Party with the authority to sign, and signed by all Parties.

26. Authority and Capacity

Each Party and each Party's signatory warrant and represent that each has full authority and capacity to enter into this Contract in accordance with all requirements of law. The Parties also warrant that any signed amendment or modification to the Contract shall comply with all requirements of law, including capacity and authority to amend or modify the Contract.

27. Binding on Successors

All of the conditions, covenants, and terms identified in this Contract apply to any successor or assignee of the Parties to this Contract with each assignee or successor held jointly and severally liable under this Contract. However, no assignment or subcontract of either Party is permitted, except with the prior written authorization of the other Party.

28. Cumulative Remedies

All of the various rights, powers, and remedies of the Parties shall be construed as cumulative, and no one of them exclusive of any other or of any other legal or equitable remedy which a Party might otherwise have in the event of a breach or default of any condition, covenant, or term by the other Party. The exercise of any single right, option, election, power, or remedy

shall not in any way, impair any other right, option, election, power or remedy until all duties and obligations imposed shall have been full performed.

29. Independent Advice

Each Party represents and warrants that in executing this Contract it does so with full knowledge of the rights and duties it may have with respect to the other Party. Each Party also warrants and represents that it has received independent legal advice from its attorney with respect to the matters set forth in this Contract and the rights and duties arising out of this Contract, or that such Party willingly foregoes any such consultation.

30. No Reliance on Representations

Each Party warrants and represents that it is not relying and has not relied upon any representation or statement made by the other Party with respect to the facts involved or its rights or duties. Each Party understands and agrees that the facts relevant, or believed to be relevant to this Contract, have been independently verified. Each Party further understands that it is responsible for verifying the representations of law or fact provided by the other Party.

31. Information Subject to a Business Associate Agreement

The Parties agree to identify for the other Party protected health information in the adoption records that was provided through a business associate agreement of a covered entity, as required by 42 U.S.C 1320d and its implementing regulations at 45 CFR Parts 142, 160, 162, and 164, collectively referred to as the Health Insurance Portability and Accountability Act Privacy Rule.

32. Conflicting Disclosure Laws

The Parties agree to follow the requirements of the law for the disclosure of confidential adoption records. When in doubt as to whether a record in its possession should be disclosed or withheld, each Party agrees to contact its Legal Counsel for direction.

33. Confidentiality

The CDSS and County staff will comply with the provision of W&IC Section 10850 and Family Code Section 9200 et seq. to assure that all applications and records concerning individuals made or kept by any officer or agency in connection with the administration of any service under this Contract will be kept confidential. The CDSS and the County will maintain the confidentiality of all information and records in accordance with current laws, regulations and policies. Exchange of information will be for the purpose of promoting the best interests of the child and the administration of the program.

The County and CDSS' Adoptions Regional Office will each maintain their own confidentiality regulations and guidelines to review and follow. The location of those guidelines shall be made known to all employees. The CDSS and the County agree to inform all of its employees, agents, and subcontractors of the confidentiality provisions and further agree that any person knowingly and intentionally violating the provisions of said laws is guilty of a misdemeanor.

34. Mailing of Confidential Information

The Parties may use the United States Postal Service to deliver records containing personal or confidential information to the other provided that the record(s) are double enveloped with the

interior envelope identified as confidential with the name of the recipient of the mail on the interior envelope. Additionally, each shall require that the records being delivered shall only be delivered to the addressee with an acknowledgement of receipt. The Party sending the records is responsible for obtaining a copy of the signed receipt and maintaining it.

35. Transporting Records

The Parties agree that all records containing personal or confidential information shall be transported in a secure manner. When using a third Party who is not a Party to this Contract to transport records to the other Party, the Parties each agree to notify the other before sending records to the other containing personal or confidential information, as defined in law. Notice may be provided electronically, but receipt of the message must be confirmed before commencing the transport of the records to the other Party. Additionally, except for personal delivery by a representative of the Parties a bonded courier service shall be used. The records shall be securely double-enveloped or boxed with the interior envelope or box identified as confidential and properly addressed to the intended recipient/employee. Upon delivery, the courier shall obtain a signed acknowledgement of receipt from the entity receiving the documents. The Party sending the records is responsible for obtaining a copy of the signed receipt and maintaining it.

36. Form 700

All employees and managers required to file an annual Form 700 pursuant to the Conflict of Interest Code and/or Government Code, Section 87200 do so with the CDSS' Central Office located at 744 P Street, MS 8-12-34 521, Sacramento, CA 95814.

37. Venue

It is agreed by the Parties to this Contract that, unless expressly waived by the CDSS, any action brought to enforce any of the provisions of this Contract for declaratory relief shall be filed in and remain in a court of competent jurisdiction in the County of Sacramento in the State of California.

38. Controlling Law

The validity, interpretation and performance of this Contract shall be construed under the laws of the State of California, or when applicable federal law.

39. Captions

The captions of this Contract are for convenience in reference only and the words contained in the captions shall in no way be held to explain, modify, amplify or aid in the interpretation, construction, or meaning of the provisions of this Contract.

40. Definitions

"Shall" and "will" and "agrees" are mandatory. "May" is permissive.

41. Identifying Agreed Upon Changes to the Contract Agreement

The Parties agree that every amendment shall identify in typed print strike-through the words of the Contract agreement to be deleted by the amendment and no longer applicable to the Contract agreement; and new words added by the amendment shall be identified in bold font and underlined. For a subsequent amendment, the words deleted by the prior amendment with the strike-through shall not be included; and the words previously bolded in the prior amendment shall no longer be bolded.

Amendments to the Contract agreement may be made in whole or in part, as appropriate and selected by the Parties.

TRINITY COUNTY
Item Report 3.9

Meeting Date: 3/5/2024

Department:
Health and Human Services

Contact:
Elizabeth Hamilton

Phone:
530-623-1265

3.9 Resolution: Appoint Local Area Advisors

Requested Action:

Approve a resolution appointing Local Area Advisors for the communities of Post Mountain and Burnt Ranch.

Fiscal Impact:

No fiscal impact.

Discussion:

The Trinity County Board of Supervisors (BOS) authorized the formation of Local Area Advisors (LAA) in 2009 (Resolution 2009-058, August 4, 2009). The Local Area Advisors are recommended by the Director of the Office of Emergency Services, appointed by BOS, and serve at the pleasure of the BOS on behalf of the Citizens of Trinity County.

The LAA is available to assist local, USFS Ranger Districts and Incident Management Teams (IMT) in providing local knowledge, landscape overviews, historical perspectives, social dynamics, political realities and ramifications, economic implications, and local area citizens' concerns of an incidents' effect on Trinity County and population of affected communities. The LAA will remain independent of the IMT and will serve to represent the citizens of affected communities.

Alternatives Including Financial Implications:

Decline to approve a resolution appointing Local Area Advisors for Post Mountain and Burnt Ranch and provide direction to staff.

Departmental Recommendation:

It staff's recommendation that the Board approve a resolution appointing Local Area Advisors for Post Mountain and Burnt Ranch.

ATTACHMENTS:

Description

Advertisements

Local Area Advisor Post Mountain

Local Area Advisor Burnt Ranch

Resolution- Local Area Advisor

Trinity County Seeks Local Area Advisors

Local Area Advisors (LAA)s are volunteers recommended by the Director of Emergency Services and appointed by Trinity County Board of Supervisors (BOS) and serve at the pleasure of the BOS on behalf of the Citizens of Trinity County. During wildfires, LAAs are available to assist local agencies, USFS Ranger Districts, and Incident Management Teams in providing:

- Local knowledge.
- Landscape overviews.
- Historical perspectives.
- Social dynamics.
- Political realities and ramifications.
- Economic implications.
- Local area citizen's concerns of an incidents effect on Trinity County and population of affected communities LAAs remain independent of the IMT and will serve to represent the citizens of affected communities.

LAAs will attend cooperators meetings to advocate and inquire for the protection of the values of Trinity County Citizens. Trinity County Fire Safe Council is assisting Trinity County OES with the identification and nomination of interested individuals. Trinity County OES will nominate a primary and alternate LAA for each community in Trinity County. Nominees must be willing and able to participate in zoom and/or in person meetings during wildfire incidents, have local knowledge of previous fire activity within the community and past fuel break locations, have the support of local, state, or federal fire chiefs to participate in this capacity, and be able to navigate tense situations with respect for all partners. Applications will close April 15.

If you are interested in applying, please complete the application form here by April 30th:

<https://forms.gle/a7rJHHk4bZYEkg97>

LOCAL AREA ADVISORS NEEDED

Searching for primary and secondary advisors for each community in Trinity County.

Duties

Represent your community in a respectful manner at cooperators meetings during wildfire and emergency incidents.



Apply today!



 Apply by April 30th, 2022 at firesafetrinity.org or scan the QR code

Neighborhood Ambassador Program

Trinity County Fire Safe Council is developing a Neighborhood Ambassador Program to identify a point of contact in local neighborhoods to coordinate workshops and workdays for Firewise and Fire Safe activities. We will identify a primary and secondary contact for each neighborhood. Neighborhood Ambassadors will complete an initial interview and orientation with the Trinity County Fire Safe Council Coordinator. Annual commitment is to attend one Trinity County Fire Safe Council Meeting and organize/co-lead one neighborhood Firewise event or workday a year. Trinity County Fire Safe Council leaders will support and contribute to development of events and workdays.

If you live within Trinity County and are interested in the Neighborhood Ambassador program, please reach out to Amelia Fleitz at afleitz@tcrd.net. Apply at this link: <https://forms.gle/GAfUHXgr2utUGggF8>

Neighborhood Ambassadors Needed

Trinity County Fire Safe Council is seeking a point of contact for individual neighborhoods to coordinate workshops and workdays for Fire Safe and FireWise activities.

Annual Responsibilities:

Attend 1 Fire Safe Council Meeting
Co-host 1 Neighborhood Event

Apply today!

If you are interested in applying to be a
Neighborhood Ambassador, visit firesafetrinity.org
or scan the QR code below:





Trinity County Fire Safe Council

May 5 at 8:00 AM

...

Trinity County seeks Local Area Advisors

Local Area Advisors (LAAs) are volunteers recommended by the Director of Emergency Services and appointed by Trinity County Board of Supervisors (BOS) and serve at the pleasure of the BOS on behalf of the Citizens of Trinity County. During wildfires, LAAs are available to assist local agencies, USFS Ranger Districts, and Incident Management Teams in providing:

- Local knowledge
- Landscape overviews
- Historical perspectives
- Social dynamics
- Political realities and ramifications
- Economic implications
- Local area citizen's concerns of an incidents effect on Trinity County and population of affected communities

LAAs remain independent of the Incident Management Team and will serve to represent the citizens of affected communities. LAAs will attend cooperators meetings to advocate and inquire for the protection of the values of Trinity County Citizens.

Trinity County Fire Safe Council is assisting Trinity County OES with the identification and nomination of interested individuals. Trinity County OES will nominate a primary and alternate LAA for each community in Trinity County. Nominees must be willing and able to participate in zoom and/or in person meetings during wildfire incidents, have local knowledge of previous fire activity within the community and past fuel break locations, have the support of local, state, or federal fire chiefs to participate in this capacity, and be able to navigate tense situations with respect for all partners. #FireSafeTrinity

Apply today here: <https://forms.gle/a7rJl-8k4bZYEdg97>

#WildfirePreparedness #WildfirePreparednessDay #WildfirePreparednessWeek

LOCAL AREA ADVISORS NEEDED

Apply today!

Searching for primary and secondary advisors for each community in Trinity County.

Duties:

Represent your community in a respectful manner at cooperators meetings during wildfire and emergency incidents.



Apply today at www.firesafetrinity.org

5

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Write a comment...

👍 🗨️ 📷 📺

Press Enter to post.

Trinity County Local Area Advisors

Local Area Advisors (LAA)s are volunteers recommended by the Director of Emergency Services and appointed by Trinity County Board of Supervisors and serve at the pleasure of the BOS on behalf of the Citizens of Trinity County.

LAA[s] are available to assist local, USFS Ranger Districts, and Incident Management Teams in providing:

- Local knowledge
- Landscape overviews
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- Social dynamics
- Political realities and ramifications
- Economic implications
- Local area citizen's concerns of an incidents effect on Trinity County and population of affected communities

LAA[s] remain independent of the Incident Management Team and will serve to represent the citizens of affected communities. LAA[s] will attend cooperators meetings to advocate and inquire for the protection of the values of Trinity County Citizens.

Trinity County Fire Safe Council is assisting Trinity County OES with the identification and nomination of interested individuals. Trinity County OES will nominate a primary and alternate LAA for each community in Trinity County. Nominees must be willing and able to participate in zoom and/or in person meetings during wildfire incidents, have local knowledge of previous fire activity within the community and past fuel break locations, have the support of local, state, or federal fire chiefs to participate in this capacity, and be able to navigate tense situations with respect for all partners.

Rolling Applications with a monthly review.

Email *

Name *

First and last name

John Porritt

Phone number *

[REDACTED]

[REDACTED]

Community you would like to represent? *

- ☐ Coffee Creek
- ☐ Trinity Center
- ☐ Lewiston
- ☐ Weaverville
- ☐ Junction City
- ☐ Douglas City
- ☐ Big Bar/Big Flat
- ☐ Cedar Flat
- ☐ Hawkins Bar
- ☐ Denny
- ☐ Salyer
- ☐ Hayfork
- ☐ Hyampom
- ☐ Wildwood
- ☐ Forest Glen
- ☐ Mad River
- ☐ Ruth
- ☐ Zenia
- ☐ Kettenpom
- ☐ Hettenshaw Valley
- ☐ South Fork Mountain
- ☐ South Fork Trinity River

☒ Other: Post Mountain

Do you live in the community you propose to represent? *

- ☒ Yes, full time
- ☐ Yes, seasonally
- ☐ No

Do you have access to stable internet? *

- ☒ Yes
- ☐ No

Do you have access to a well operating vehicle? *

- ☒ Yes
- ☐ No

Please describe your experience with incident management and wildfire management. *

Twenty years timber falling contract on USFS fires, Fuel reduction work with WRTC, private fuel reduction work on five different Post Mountain properties, logging fuel reduction with Hayfork Yarder for WRTC.

Are you currently serve on the board of any local community organizations or specials districts? *

If so please state the name of the organization, your position within the organization, and how long you have been in the role. (Please list multiple if it applies).

No

It is essential that an LAA be supported by the local emergency management officials. Please provide contact information for a reference in the local, state, or federal wildfire or emergency response management field. (Name, phone number, and/or email). *

Astrid Dobo [REDACTED] Fire Chief.

Did you speak with this reference about the LAA position prior to applying?

☒ Yes

☐ No

It is essential that an LAA be a trusted member of the community. Please provide two local community references. (Name, phone number, and/or email). *

Peter Dobo Fire Engine Operator 530 739 5989. Phil Kearney PUD Secretary 530 739 9101

If nominated, do you agree to serve your term with respect for all community and agency partners, to advocate and inquire to protect the values of the Citizens of Trinity County and participate in meetings to the best of your ability? *

☒ Yes

☐ No

REDACTED

Trinity County Local Area Advisors

Local Area Advisors (LAA)s are volunteers recommended by the Director of Emergency Services and appointed by Trinity County Board of Supervisors and serve at the pleasure of the BOS on behalf of the Citizens of Trinity County.

LAA's are available to assist local, USFS Ranger Districts, and Incident Management Teams in providing:

- Local knowledge
- Landscape overviews
- Historical perspectives
- Social dynamics
- Political realities and ramifications
- Economic implications
- Local area citizen's concerns of an incidents effect on Trinity County and population of affected communities

LAA's remain independent of the Incident Management Team and will serve to represent the citizens of affected communities. LAA's will attend cooperators meetings to advocate and inquire for the protection of the values of Trinity County Citizens.

Trinity County Fire Safe Council is assisting Trinity County OES with the identification and nomination of interested individuals. Trinity County OES will nominate a primary and alternate LAA for each community in Trinity County. Nominees must be willing and able to participate in zoom and/or in person meetings during wildfire incidents, have local knowledge of previous fire activity within the community and past fuel break locations, have the support of local, state, or federal fire chiefs to participate in this capacity, and be able to navigate tense situations with respect for all partners.

Rolling Applications with a monthly review.

Email *

[REDACTED]

Name *

First and last name

Bruce Tjarnstrom

Phone number *

702991023

Community you would like to represent? *

- ☐ Coffee Creek
- ☐ Trinity Center
- ☐ Lewiston
- ☐ Weaverville
- ☐ Junction City
- ☐ Douglas City
- ☐ Big Bar/Big Flat
- ☐ Cedar Flat
- ☐ Hawkins Bar
- ☐ Denny
- ☐ Salyer
- ☐ Hayfork
- ☐ Hyampom
- ☐ Wildwood
- ☐ Forest Glen
- ☐ Mad River
- ☐ Ruth
- ☐ Zenia
- ☐ Kettenpom
- ☐ Hettenshaw Valley
- ☐ South Fork Mountain
- ☐ South Fork Trinity River

☒ Other: Burnt Ranch

Do you live in the community you propose to represent? *

☐ Yes, full time

☒ Yes, seasonally

☐ No

Do you have access to stable internet? *

☒ Yes

☐ No

Do you have access to a well operating vehicle? *

☒ Yes

☐ No

Please describe your experience with incident management and wildfire management. *

Yes, was a volunteer fire fighter for 20 years in Eureka

Are you currently serve on the board of any local community organizations or specials districts? *

If so please state the name of the organization, your position within the organization, and how long you have been in the role. (Please list multiple if it applies).

No

It is essential that an LAA be supported by the local emergency management officials. Please provide contact information for a reference in the local, state, or federal wildfire or emergency response management field. (Name, phone number, and/or email). *

Billy Reynolds, Eureka Fire Chief - 707-441-4000

Did you speak with this reference about the LAA position prior to applying?

☐ Yes

☐ No

It is essential that an LAA be a trusted member of the community. Please provide two local community references. (Name, phone number, and/or email). *

Heidi Carpenter, Bill Bray 530-623-7216, Kier Johnston, 707-498-0055

If nominated, do you agree to serve your term with respect for all community and agency partners, to advocate and inquire to protect the values of the Citizens of Trinity County and participate in meetings to the best of your ability? *

☒ Yes

☐ No

...the ... of ...

...the ... of ...

[REDACTED]

...the ... of ...

...the ... of ...

...the ... of ...

RESOLUTION NO. 2024-XXX

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
DESIGNATE LOCAL AREA ADVISORS**

WHEREAS, all of Trinity County's communities are at high risk for wildfire; and

WHEREAS, the Trinity County Office of Emergency Services established the need for Local Area Advisors after the 2008 wildfire season; and

WHEREAS, Trinity County continues to experience catastrophic wildfires fires that have affected property and potentially lives; and

WHEREAS, the Trinity County Fire Safe Council in collaboration with the Trinity County Office of Emergency Services have advertised, noticed, and reviewed applications for Local Area Advisors; and

WHEREAS, the Trinity County Fire Safe Council has identified a need in the County to reinstate the use of these volunteers; and

WHEREAS, the Trinity County Fire Safe Council Coordinator has reviewed the nominations for Local Area Advisors through the Trinity County Chief's Association members; and

WHEREAS, Local Area Advisors are volunteers recommended by the Director of Emergency Services to serve at the pleasure of the Trinity County Board of Supervisors on behalf of the Citizens of Trinity County; and

WHEREAS, it is the responsibility of Local Area Advisors to assist local USFS Ranger Districts, Incident Management Teams, and local CAL FIRE units in providing local knowledge, landscape overviews, historical perspectives, social dynamics, political realities and ramifications, economic implications, and local area citizen's concerns of an incidents effect on Trinity County and the population of affected communities; and

WHEREAS, the Trinity County Office of Emergency Services designates the following individuals to serve as Local Area Ambassadors for the term of 1 year in the following communities:

Post Mountain- John Porritt
Burnt Ranch- Bruce Tjarnstrom

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Trinity appoint John Porritt and Bruce Tjarnstrom as Local Area Advisors;

DULY PASSED AND ADOPTED this 5th day of March 2024 by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

Ric Leutwyler, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

TRINITY COUNTY

Item Report 3.10

Meeting Date: 3/5/2024

Department:
Sheriff

Contact:
Tim Saxon

Phone:
(530)623-3740

3.10 Agreement: American Alarm (24-035)

Requested Action:

Approve an agreement with American Alarm for annual inspections, maintenance, and do as needed repairs for the fire alarm and intercom at the new Jail facility.

Fiscal Impact:

Up to \$1,500 per fiscal year from the Jail budget.

Summary:

The Trinity County Sheriff's Office is needing a company to service the fire alarm and intercom at the new Jail facility, for annual inspections, maintenance, and do repairs on an as needed basis.

American Alarm was contracted during construction and remains in place until the Sheriff's Office enters into a contract. A bid summary was put out to local alarm companies in the northern California area and we found that American Alarm is the only company we could find that services this type of system. We believe it would be in the best interest of the county to continue to have this system serviced by American Alarm.

Alternatives Including Financial Implications:

Deny the agreement and advise staff.

Departmental Recommendation:

It is the staffs recommendation that the Board approve an agreement with American Alarm to service the fire alarm and intercom at the new Jail facility, for annual inspections, maintenance, and do repairs on an as needed basis.

ATTACHMENTS:

Description
Agreement
Exhibit B

STANDARD FORM PERSONAL SERVICES CONTRACT
BETWEEN
THE COUNTY OF TRINITY
AND
American Alarm

THIS PERSONAL SERVICES CONTRACT ("Contract") is made and entered into this 1st day of March 2024, by and between the COUNTY OF TRINITY, a political subdivision of the State of California ("County"), and American Alarm ("Contractor").

RECITALS

WHEREAS, County desires to retain a person or firm to provide the following services: Annual inspection and maintenance of the fire alarm and intercom, and repair or replacement on an as needed basis; and

WHEREAS, Contractor warrants that it is qualified and agreeable to render the aforesaid services.

AGREEMENT

NOW, THEREFORE, for and in consideration of the agreement made, and the payments to be made by County, the parties agree to the following:

- I. SCOPE OF SERVICES: Contractor agrees to provide all of the services described in Exhibit A.
- II. ADDITIONAL SERVICES: The County may desire services to be performed which are relevant to this Contract or the services to be performed hereunder, but have not been included in the scope of the services listed in Paragraph I above, and Contractor agrees to perform said services upon the written request of County. These additional services could include, but are not limited to, any of the following:
 - A. Serving as an expert witness for the County in any litigation or other proceedings involving the project or services.
 - B. Services of the same nature as provided herein which are required as a result of events unforeseen on the date of this contract.
- III. COUNTY FURNISHED SERVICES: The County agrees to:
 - A. Facilitate access to and make provisions for the Contractor to enter upon public and private lands as required to perform their work.
 - B. Make available to Contractor those services, supplies, equipment and staff that are normally provided for the services required by the type of

services to be rendered by Contractor hereunder and as set forth in Exhibit A.

- C. Make available all pertinent data and records for review.
- IV. **TERM OF CONTRACT:** This Contract shall commence on March 1, 2024 and shall terminate on June 30, 2024, and shall then commence July 1, 2024 – June 30, 2026, unless sooner terminated in accordance with the terms hereunder. The term of this agreement shall be automatically renewed for successive periods of 2 years each thereafter unless either party gives written notice of termination to the other at least 30 days prior to the termination of the initial term or a successive renewal term.
- V. **CONTRACT PERFORMANCE TIME:** All the work required by this Contract shall be completed and ready for acceptance no later than as mutually agreed upon between parties. Time is of the essence with respect to this Contract.
- VI. **FEES:** The fees for furnishing services under this Contract shall be based on the rate schedule which is attached hereto as Exhibit B. Said fees shall remain in effect for the entire term of this Contract.
- VII. **MAXIMUM COST TO COUNTY:** Notwithstanding any other provision of this Contract, in no event will the cost to County for the services to be provided herein exceed the maximum sum of \$1,500.00 per fiscal year, including direct non-salary expenses.
- VIII. **PAYMENT:** The fees for services under this Contract shall be due within 60 calendar days after receipt and approval by County of an invoice covering the service(s) rendered to date.

With respect to any additional services provided under this Contract as specified in Paragraph II hereof, Contractor shall not be paid unless Contractor has received written authorization from County for the additional services prior to incurring the costs associated therewith. Said additional services shall be charged at the rates set forth on Exhibit B.

Invoices or applications for payment to the County shall be sufficiently detailed and shall contain full documentation of all work performed and all reimbursable expenses incurred. Where the scope of work on the Contract is divided into various tasks, invoices shall detail the related expenditures accordingly. Labor expenditures need documentation to support time, subsistence, travel and field expenses. No expense will be reimbursed without adequate documentation. This documentation will include, but not be limited to, receipts for material purchases, rental equipment and subcontractor work.

Notwithstanding any other provision herein, payment may be delayed, without penalty, for any period in which the State or Federal Government has delayed distribution of funds that are intended to be used by the County for funding payment to Contractor.

- IX. **INSURANCE:** Contractor shall procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees, or subcontractors.

Minimum Scope and Limit of Insurance

- A. The Contractor shall maintain a commercial general liability (CGL) insurance policy (Insurance Services Office Form CG 00 01) covering CGL on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal & advertising injury, with limits in the amount of \$1,000,000, and a general aggregate limit of \$2,000,000.

The County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the General Liability Policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor, including materials, parts, or equipment furnished in connection with such work or operations. Additional insured should read as follows:

Trinity County
PO Box 1228
Weaverville, CA 96093

- B. Contractor shall provide comprehensive business or commercial automobile liability coverage, including non-owned and hired automobile liability in the amount of \$1,000,000 per accident for bodily injury and property damage. Coverage shall be at least as broad as ISO Form CA0001 (Code 1); or, if Contractor has no owned autos or hired autos, then as broad as ISO Form CA0001 (Code 8); and, if Contractor has non-owned autos, then as broad as ISO Form CA0001 (Code 9).

The County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the Automobile Liability policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor, including materials, parts, or equipment furnished in connection with such work or operations. Additional insured should read as follows:

Trinity County
PO Box 1228
Weaverville, CA 96093

Prior to the commencement of any work hereunder, the Contractor shall supply a Certificate of Insurance and endorsements, signed by the insurer, evidencing such insurance as specified above to County. However, failure to obtain and provide the required documents to County prior to the work beginning shall not waive the Contractor's obligation to provide them. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time. Each insurance policy required above shall provide that coverage and shall not be canceled, except with prior written notice to the County.

Insurance is to be placed with an insurer with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the County.

Any deductibles or self-insured retentions must be declared to and approved by the County. The County may require the Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

For any claims related to this Contract, the Contractor's insurance coverage shall be primary coverage at least as broad as ISO CG 20 01 04 13 with respect to the County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the County, its officers, officials, employees, or volunteers, shall be in excess of the Contractor's insurance and shall not contribute with it.

Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against the County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the County has received a waiver of subrogation endorsement from the insurer.

- X. **WORKER'S COMPENSATION:** The Contractor acknowledges that it is aware of the provisions of the Labor Code of the State of California which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code and it certifies that it will comply with such provisions before commencing the performance of the services to be performed under this Contract and at all times during the performance of the services to be performed hereunder. A copy of the certificates evidencing such insurance with policy limits of at least \$1,000,000 per accident for bodily injury or disease (or, in the alternative, a signed County

Workers' Compensation Exemption form) shall be provided to County prior to commencement of work.

- XI. **INDEMNIFICATION:** Contractor agrees to indemnify, defend at its own expense, and hold County harmless from any and all liabilities, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from any and all acts or omissions to act of Contractor or its officers, agents, or employees in performing services under this Contract; excluding, however, such liabilities, claims, losses, damages, or expenses arising from County's sole negligence or willful misconduct.
- XII. **NONDISCRIMINATORY EMPLOYMENT:** In connection with the execution of this Contract and the services to be provided hereunder, the Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, political affiliation, ancestry, marital status or disability. This policy does not require the employment of unqualified persons.
- XIII. **INTEREST OF PUBLIC OFFICIALS:** No officer, agent or employee of the County during their tenure, nor for one year thereafter, shall have any interest, direct or indirect, in this Contract or the proceeds thereof.
- XIV. **SUBCONTRACTING AND ASSIGNMENT:** The rights, responsibilities and duties established under this Contract are personal to the Contractor and may not be subcontracted, transferred or assigned without the express prior written consent of the County.
- XV. **LICENSING AND PERMITS:** The Contractor shall maintain the appropriate licenses throughout the life of this Contract. Contractor shall also obtain any and all permits which might be required by the work to be performed herein.
- XVI. **BOOKS OF RECORD AND AUDIT PROVISION:** Contractor shall maintain on a current basis, complete books and records relating to this Contract. Such records shall include, but not be limited to, documents supporting all bids and all expenditures for which any reimbursement is sought. The books and records shall be original entry books. In addition, Contractor shall maintain detailed payroll records, including all subsistence, travel and field expenses, and canceled checks, receipts and invoices for all items for which any reimbursement is sought. These documents and records shall be retained for at least ten years from the completion of this Contract (42CFR Sections 433.32, 438.3(h) and (u)). Contractor will permit County to audit all books, accounts or records relating to this contract or all books, accounts or records of any business entities controlled by Contractor who participated in this contract in any way. Any such audit may be conducted on Contractor's premises or, at County's option, Contractor shall provide all books and records within a maximum of 15 calendar days upon receipt of written notice from County.

Contractor shall promptly refund any moneys erroneously charged. If County ascertains that it has been billed erroneously by Contractor for an amount equaling 5% or more of the original bid, Contractor shall be liable for the costs of the audit in addition to any other penalty to be imposed. This paragraph applies to any contract which provides for reimbursement of expenses.

- XVII. **CONFIDENTIALITY:** All information and records obtained in the course of providing services under this Contract shall be confidential and shall not be open to examination for any purpose not directly connected to the administration of this program or the services provided hereunder. Both parties shall comply with State and Federal requirements regarding confidential information.
- XVIII. **TITLE:** It is understood that any and all documents, information, computer disks, and reports of any kind concerning the services provided hereunder, prepared by and/or submitted to the Contractor, shall be the sole property of the County. The Contractor may retain reproducible copies of drawings and copies of other documents. In the event of the termination of this Contract, for any reason whatsoever, Contractor shall promptly turn over all information, writing, computer disks, and documents to County without exception or reservation. Contractor shall transfer from computer hard drive to disk any information or documents stored on hard drive and provide County with said disk.
- XIX. **TERMINATION:**
- A. Either party hereto may terminate this Contract for any reason by giving thirty (30) calendar days written notice to the other party. Notice of Termination shall be by written notice to the other party and shall be sent by registered mail.
 - B. If the Contractor fails to provide in any manner the services specified under this Contract or otherwise fails to comply with the terms of this Contract, or violates any ordinance, regulation, or other law which applies to its performance herein, the County may terminate this Contract by giving five calendar days written notice to Contractor.
 - C. The Contractor shall be excused for failure to perform services herein if such services are prevented by acts of God, strikes, labor disputes or other forces over which the Contractor has no control.
 - D. In the event of termination, not the fault of the Contractor, the Contractor shall be paid for services performed up to the date of termination in accordance with the terms of this Contract.
- XX. **RELATIONSHIP BETWEEN THE PARTIES:** It is expressly understood that in the performances of the services herein, the Contractor, and the agents and

employees thereof, shall act in an independent capacity and as an independent contractor and not as officers, employees or agents of the County.

- XXI. **AMENDMENT:** This Contract may be amended or modified only by written agreement of both parties.
- XXII. **ASSIGNMENT OF PERSONNEL:** The Contractor shall not substitute any personnel for those specifically named in its proposal unless personnel with substantially equal or better qualifications and experience are provided, acceptable to County, as evidenced in writing.
- XXIII. **WAIVER:** No provision of this Contract or the breach thereof shall be deemed waived, except by written consent of the party against whom the waiver is claimed.
- XXIV. **SEVERABILITY:** If any provision of this MOU is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby. Each provision shall be valid and enforceable to the fullest extent permitted by law.
- XXV. **JURISDICTION AND VENUE:** This Contract and the obligations hereunder shall be construed in accordance with the laws of the State of California. The parties hereto agree that venue for any legal disputes or litigation arising out of this Contract shall be in Trinity County, California.
- XXVI. **ENTIRE AGREEMENT:** This Contract constitutes the entire agreement between the parties with respect to the subject matter hereof, and all prior or contemporaneous agreements, understandings, and representations, oral or written, are superseded.
- XXVII. **EXHIBITS:** All "Exhibits" referred to below or attached to herein are by this reference incorporated into this Contract:

Exhibit Designation	Exhibit Title
Exhibit A	Services to be provided by Contractor
Exhibit B	Compensation or Fees to be Paid to Contractor

- XXVIII. **DESIGNATED AGENTS:** The parties represent and warrant that they have full power and authority to execute and fully perform their obligations under this Contract pursuant to their governing instruments, without the need for any further action, and that the person(s) executing this Contract on behalf of each party are the duly designated agents of each party and are authorized to do so.

- XXIX. COMPLIANCE WITH APPLICABLE LAWS: The Contractor shall comply with any and all federal, state and local laws, regulations, and ordinances affecting the services covered by this Contract.
- XXX. ATTORNEY'S FEES: If any party hereto employs an attorney for the purpose of enforcing or construing this Contract, or any judgment based on this Contract, in any legal proceeding whatsoever, including insolvency, bankruptcy, arbitration, declaratory relief or other litigation, including appeals or rehearing, the prevailing party shall be entitled to receive from the other party, or parties thereto, reimbursement for all attorneys' fees and all costs, including but not limited to service of process, filing fees, court and court reporter costs, investigative costs, expert witness fees, and the cost of any bonds, whether taxable or not. If any judgment or final order be issued in that proceeding, said reimbursement shall be specified therein.
- XXXI. NOTICES: Any notice required to be given pursuant to the terms and conditions hereof shall be in writing, and shall be via one of the following methods: personal delivery, prepaid Certified First-Class Mail, or prepaid Priority Mail with delivery confirmation. Unless others designated by either party, such notice shall be mailed to the address shown below:

If to County:

Trinity County Sheriff's Office
101 Memorial Drive / PO Box 1228
Weaverville, CA 96093
(530)623-3740

If to Contractor:

American Alarm
1671 Vineyard Drive
Antioch, CA 94509
(925)779-1121

[signature page to follow]

IN WITNESS WHEREOF, the parties hereunto have executed this Contract on the date written below.

COUNTY OF TRINITY:

CONTRACTOR:

By: _____
Ric Leutwyler, Chairman
Trinity County Board of Supervisors
Date: _____

By: _____
Name: _____
Title.: _____
Date: _____

Approved as to form:

Risk Management Approval

By: _____
Margaret E. Long
County Counsel

By: _____
Laila Cassis, HR Director
Human Resources/Risk Management

EXHIBIT A

SERVICES TO BE PROVIDED BY CONTRACTOR

Annual inspection and maintenance of the fire alarm and intercom, and repair or replacement on an as needed basis.

EXHIBIT B



1671 Vineyard Drive, Antioch, CA 94509
Off: 925-779-1121 Fax: 925-779-1131

STANDARD RATES FOR SERVICE CALLS, SERVICE CONTRACTS, AND T&M WORK

Business Hours	Type of Service	Hourly Labor Rates				
		Field Tech.	Senior Tech.	System Engineer	Shop Labor	Software Program
6:00 am - 6:00 pm	Normal	\$205.00	\$225.00	\$250.00	\$100.00	\$300.00
6:01 pm - 12:00 am	Premium	\$275.00	\$325.00	\$350.00		\$400.00
12:01 am - 5:59 am	Emergency	\$375.00	\$400.00	\$450.00		\$450.00
Weekends/Holidays	Emergency	\$375.00	\$400.00	\$450.00		\$450.00
Travel Time	Travel	\$125.00	\$125.00	\$125.00		\$125.00
Per Diem	Meals and Lodging	\$175.00 per Day	\$175.00 per Day	\$175.00 per Day		\$175.00 per Day

All service calls by Technicians shall include a two (2) hour minimum and a \$125.00 minimum travel charge. For Engineer and Programmer service calls, all time charged shall be portal to portal. All materials shall be priced at list plus ten percent (10%) plus applicable sales tax and freight. Freight will be prepaid and added. All other expenses including airfare and car rental shall be charged at actual cost plus twenty-five percent (25%).

EXCEPT FOR EMERGENCIES, A PURCHASE ORDER NUMBER OR SERVICE AGREEMENT IS REQUIRED BEFORE RESPONDING TO THE CALL. DISPATCHING A TECHNICIAN FOR EMERGENCY SERVICE AUTHORIZES SERVICE CHARGES.

SERVICE/MAINTENANCE CONTRACTS

Yearly service and maintenance contracts are available. Contact the Service Manager for a quotation.

A PURCHASE ORDER IS REQUIRED FOR ALL SERVICE/MAINTENANCE CONTRACTS AND SHOP WORK.

The above rates are effective beginning July 1, 2021

California State Contractor's License #784158

TRINITY COUNTY

Item Report 3.11

Meeting Date: 3/5/2024

Department:
Sheriff

Contact:
Tim Saxon

Phone:
(530)623-3740

3.11 Agreement: State of California Eradication and Prevention of Illicit Cannabis (EPIC) Program (24-037)

Requested Action:

Ratify the Sheriff's signature on an agreement with the State of California Eradication and Prevention of Illicit Cannabis (EPIC) Program for the purpose of identifying agency responsibilities related to illicit cannabis eradication operations conducted in Trinity County.

Fiscal Impact:

No fiscal impact.

Summary:

The Sheriff's Office has had an agreement with the State of California EPIC Program, formerly known as the Campaign Against Marijuana Planting (CAMP) Program, since 2013. This program assigns local, state, and federal agencies to Trinity County to provide assistance in eradication of illegally grown cannabis.

Discussion:

Deny the agreement and advise staff.

Departmental Recommendation:

Denial of the agreement will put a strain on the Trinity County Sheriff's Office, not allowing the much needed assistance from the state and federal agencies. It is the staff's recommendation that the Board approve an agreement with the State of California Eradication and Prevention of Illicit Cannabis (EPIC) Program for the purpose of identifying agency responsibilities related to illicit cannabis eradication operations conducted in Trinity County, and ratify the Sheriff's signature.

ATTACHMENTS:

Description
2024 MOU

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
COUNTY OF TRINITY
AND THE
STATE OF CALIFORNIA
ERADICATION AND PREVENTION OF ILLICIT CANNABIS (EPIC) PROGRAM**

This Memorandum of Understanding (MOU) is entered into by the parties regarding the Eradication and Prevention of Illicit Cannabis (EPIC) program for the purpose of identifying agency responsibilities related to illicit cannabis eradication operations conducted in Trinity County.

I. PROJECT DESCRIPTION

The period covered by this Agreement shall be from July 1, 2024, through October 30, 2024.

An eradication team(s) will be assigned to a region that may provide eradication services to Trinity County and will be comprised of law enforcement personnel from local, state, and federal agencies. The Sheriff will be responsible for carrying out the law enforcement function of the team(s). The EPIC Operations Commander and the Regional Operations Commander (ROC) will be responsible for the overall coordination of team efforts, including general operating procedures and coordinating priorities. EPIC team leaders will be responsible for the timely completion and submission of marijuana seizure reports when the team is involved in a raid. When the eradication team is not involved, the Sheriff will assume this responsibility.

EPIC teams will abide by the law enforcement policies, rules, and regulations as set forth by the Sheriff of the county in which they are working. If a conflict in policy should arise and cannot be resolved, the EPIC Commander and the Sheriff, (or his or her designee), will meet to resolve the conflict.

Personnel assigned to the EPIC program, while operating in Trinity County, shall be deemed to be continuing under the employment of their jurisdiction and shall have the same powers, duties, privileges, responsibilities, and immunities as are conferred upon them as peace officers in their own jurisdictions.

For the purpose of indemnification of team personnel and their participating agency against any loss, damage, or liability arising out of the services and activities of the teams; personnel assigned by any agency shall be deemed to be continuing under the employment of that agency and covered by workers' compensation to the extent such coverage applies in this situation.

Each agency contributing personnel resources to the teams will be responsible for all salaries and benefits of such employees.

II. AGENCY COMMITMENTS


The Trinity Sheriff's Department is committed to furnishing a lead deputy while EPIC teams are operational in Trinity County and be responsible for the disposition of all contraband and evidence seized during EPIC operations. The local jurisdiction shall conduct the investigation and have the responsibility to prosecute any arrested suspects with their District Attorney's Office.

III. MUTUAL INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the Agencies who are parties to this Agreement (Parties) pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata, but instead the Parties agree that pursuant to Government Code Section 895.4, each of the Parties hereto shall fully indemnify and hold each of the other Parties, their officers, board members, employees, and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of other parties hereto, their officers, board members, employees, or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other parties under this Agreement.

I have read and agree with the above MOU, and our agency will be participating during the 2024 EPIC cannabis eradication season.

SCOTT BACHMANN DATE
Special Agent in Charge

 2-16-24
TIMOTHY SAXON, Sheriff DATE
Trinity County

TRINITY COUNTY

Item Report 3.12

Meeting Date: 3/5/2024

Department:
Transportation

Contact:
Panos Kokkas

Phone:
5306231365

3.12 Agreement: Velocity Conduit Sale-Lance Gulch (24-038)

Requested Action:

Approve an agreement with Velocity Communications, Inc. for the sale of utility Conduit adjacent to Lance Gulch Rd.

Fiscal Impact:

Up to \$28,428.92 in revenue to Road Funds.

Summary:

During design of Lance Gulch Road, consideration was given to prior utility usage along the road. To prevent damage to the road caused by subsequent utility installations, the Board of Supervisors decided that a joint utility trench should be installed during construction. Utilities were consulted to determine potential needs, and multiple conduits were placed within the joint trench to accommodate future installations.

Discussion:

Velocity Communications has requested to purchase a portion of the 3" conduit that was designed for Cable TV use along Lance Gulch Road. The negotiated purchase price of \$28,428.92 is based upon the fractional portion of the construction cost for that conduit.

Alternatives Including Financial Implications:

Deny the agreement and provide direction to staff

Departmental Recommendation:

Accept the agreement for the sale of the conduit along Lance Gulch Rd and authorize the Chairman to sign the agreement only,(leaving the Attachment B; Bill of Sale unsigned).

ATTACHMENTS:

Description

Velocity contractor signature page


Velocity Conduit Sale Agreement

IN WITNESS WHEREOF, the parties hereunto have executed this Agreement on the date written below.

COUNTY OF TRINITY:

VELOCITY COMMUNICATIONS, INC.:

By: _____
Ric Leutwyler, Chairman
Trinity County Board of Supervisors
Date: _____

By:  _____
Name: Travis Finch
Title: CEO
Date: 2/15/2024

Approved as to form:

By: _____
Margaret E. Long
County Counsel

**CONDUIT SALE AGREEMENT
BETWEEN
THE COUNTY OF TRINITY
AND
VELOCITY COMMUNICATIONS, INC.**

THIS CONDUIT SALE AGREEMENT ("Agreement") is made and entered into this 20th day of February, 2024("Effective Date"), by and between the County of Trinity ("County"), and Velocity Communications, Inc. ("Velocity").

RECITALS

WHEREAS, County owns one (1) 3-inch conduit and associated pull boxes and equipment within the Duct Bank as more particularly depicted and described in the conduit sketch in Attachment A along Lance Gulch Road between the intersections of State Highway 299 and Browns Ranch Road ("Conduit");

WHEREAS, Velocity desires to purchase the Conduit in exchange for construction costs of extending Velocity's fiber optic and cable television services to the new County jail facility located at 700 Tom Bell Road, Weaverville, CA ("Extension"); and

WHEREAS, County desires to offset the cost of extending such services by selling the Conduit to Velocity.

AGREEMENT

NOW, THEREFORE, for and in consideration of the agreement made, the parties agree to the following:

- I. RECITALS: The above recitals are true and correct and are incorporated in this Agreement as if fully set forth herein.
- II. SALE: County hereby agrees to sell all rights, title and interest and to convey the Conduit to Velocity, and Velocity hereby agrees to purchase and pay for the Conduit, as more particularly described in Attachment A, in accordance with the terms and subject to the conditions set forth herein.
- III. CONSIDERATION: In consideration for the transfer of ownership of the Conduit, Velocity agrees to pay to County a sale price of \$28,428.92.
- IV. BILL OF SALE: Within fifteen (15) business days after the Effective Date, County shall deliver ownership of the Conduit by executing a bill of sale in the form of Attachment B ("Bill of Sale"). Velocity shall countersign the Bill of Sale to acknowledge Velocity's agreement with the terms and conditions contained therein. Upon delivery of the Bill of Sale, Velocity shall acquire exclusive rights, title and interest to the Conduit on the terms and conditions contained herein and each party shall have no further obligation to the other beyond the terms herein.

- V. CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR AND REPLACEMENT OF FACILITIES: After sale, Velocity shall be responsible for repair and maintenance of the Conduit.
- VI. WARRANTIES: Except for the warrant of good title and as otherwise expressly stated in this Agreement, the County shall convey the Conduit to Velocity in “as is”, “where is” condition and the County makes no representations or warranties, express or implied, regarding the Conduit or any other matters contained in this Agreement, including, but not limited to, any implied warranty of merchantability or fitness for a particular purpose, and all such warranties are hereby disclaimed.
- VII. SEVERABILITY: If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby. Each provision shall be valid and enforceable to the fullest extent permitted by law.
- VIII. INDEMNIFICATION: Velocity agrees to indemnify, defend at its own expense, and hold County harmless from any and all liabilities, claims, losses, damages, or expenses, including reasonable attorney’s fees, arising from any and all acts or omissions to act of Velocity or its officers, agents, or employees related to the Conduit; excluding, however, such liabilities, claims, losses, damages, or expenses arising from County’s sole negligence or willful misconduct. Velocity does not assume liability for any pre-existing, current or future condition in the County’s rights of way and the County remains liable for any claims, losses damages or expenses, including reasonable attorney’s fees, arising from the condition, operation or maintenance of the County’s rights of way.
- IX. ASSIGNMENT: Velocity may assign or otherwise transfer this Agreement or its rights or obligations hereunder to any other party, in whole or in part. Velocity agrees to provide County with written notice of any such transfer.
- X. LICENSING AND PERMITS: Velocity shall maintain the appropriate licenses and permits related to the Conduit throughout the life of this Agreement, including an encroachment permit.
- XI. RELATIONSHIP BETWEEN THE PARTIES: The relationship between the parties shall be that of independent contractor, and not as agent or principal, and no act or omission to act shall be construed to alter this relationship.
- XII. AMENDMENT: This Agreement may be amended or modified only by a writing signed by both parties.
- XIII. WAIVER: Any failure to insist upon strict performance of any provision of this Agreement shall not be construed as a waiver or any subsequent breach of the same or similar nature.

XIV. JURISDICTION AND VENUE: This Agreement and the obligations hereunder shall be construed in accordance with the laws of the State of California. The parties hereto agree that venue for any legal disputes or litigation arising out of this Agreement shall be in Trinity County, California.

XV. ATTACHMENTS: All "Attachments" referred to below or attached to herein are by this reference incorporated into this Agreement:

Designation	Title
Attachment A	Description of Conduit
Attachment B	Form of Bill of Sale

XVI. COMPLIANCE WITH APPLICABLE LAWS: Velocity shall comply with any and all federal, state and local laws, regulations, and ordinances affecting the services covered by this Agreement.

XVII. NOTICES: Any notice required to be given pursuant to the terms and conditions hereof shall be in writing, and shall be via one of the following methods: personal delivery, prepaid Certified First-Class Mail, or prepaid Priority Mail with delivery confirmation. Unless others designated by either party, such notice shall be mailed to the address shown below:

If to County:

TRINITY COUNTY DEPARTMENT OF TRANSPORTATION
P.O. BOX 2490
31301 STATE HIGHWAY 3
WEAVERVILLE, CA 96093

If to Velocity:

TRAVIS FINCH
VELOCITY COMMUNICATIONS, INC.
P.O. BOX 246
WEAVERVILLE, CA 96093

XVIII. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and all prior or contemporaneous agreements, understandings, and representations, oral or written, are superseded.

[signature page to follow]

IN WITNESS WHEREOF, the parties hereunto have executed this Agreement on the date written below.

COUNTY OF TRINITY:

VELOCITY COMMUNICATIONS, INC.:

By: _____
Ric Leutwyler, Chairman
Trinity County Board of Supervisors
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Approved as to form:

Risk Management Approval

By: _____
Margaret E. Long
County Counsel

By: _____
Laila Cassis, Director
Human Resources/Risk Management

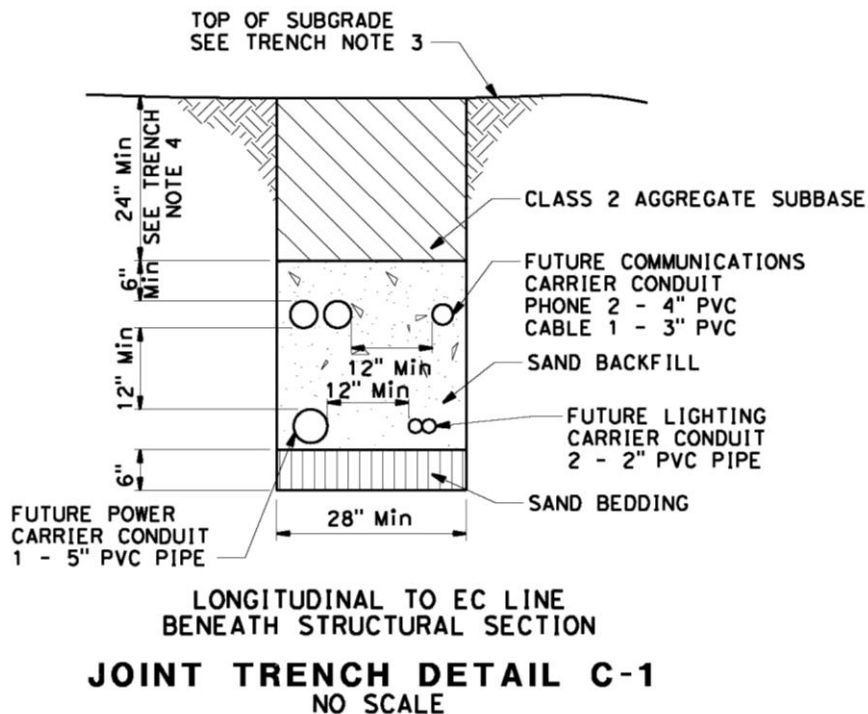
ATTACHMENT A

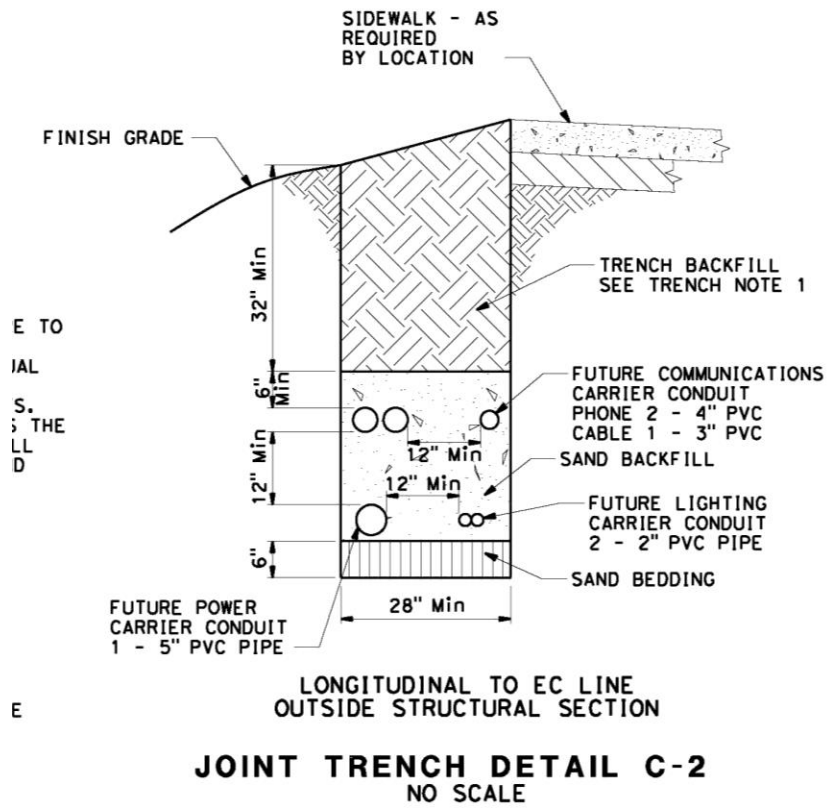
DESCRIPTION OF CONDUIT

The Conduit referenced in this agreement includes one (1) 3" diameter conduit, identified as "cable" conduits, which were installed within the joint trench, as shown on the following construction plans for Lance Gulch Road:

1. Utility Plan sheet numbers 65 through 70 of the plans entitled "Project Plans for Construction on Lance Gulch Road Phase 2," which are located in the project files at the Trinity County Department of Transportation

Conduit was placed in the joint trench as shown in the following joint trench details.





ATTACHMENT B
BILL OF SALE

THIS BILL OF SALE is made this _____ day of _____, 2024, by and between The County of Trinity (“SELLER”), and Velocity Communications, Inc. (“BUYER”).

RECITALS

WHEREAS, SELLER is the owner of a certain duct bank (the “Duct Bank”) containing conduits lying within the rights-of-way along Lance Gulch Road; and

WHEREAS, BUYER and SELLER entered into that certain Conduit Sale Agreement (“Agreement”) effective [_____]; and

WHEREAS, SELLER pursuant to the Agreement desires to sell and BUYER desires to purchase one (1) 3-inch conduit and associated pull boxes and equipment within the Duct Bank as more particularly depicted and described in the conduit sketch (Attachment A to the Agreement) a copy of which is attached to this Bill of Sale and incorporated herein by this reference (collectively, the “Conduit”).

WITNESSETH

IN CONSIDERATION OF THE FOREGOING, SELLER does hereby grant and deliver to BUYER the Conduit for ownership and maintenance thereof by BUYER and subject to all terms and conditions set forth in that certain Conduit Sale Agreement by and between SELLER and BUYER entered into effective [_____].

IN WITNESS WHEREOF, the SELLER has hereunto set its hand and seal the day and year first above written.

COUNTY OF TRINITY:

VELOCITY COMMUNICATIONS, INC.:

By: _____
Ric Leutwyler, Chairman
Trinity County Board of Supervisors
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Approved as to form:

By: _____
Margaret E. Long
County Counsel

TRINITY COUNTY

Item Report 3.13

Meeting Date: 3/5/2024

Department:
Transportation

Contact:
Panos Kokkas

Phone:
5306231365

3.13 Resolution: Administering Agency-State Master Agreement for State Aid Projects

Requested Action:

Adopt a resolution approving Administering Agency-State Master Agreement for State-Funded Projects, Agreement No. 02-5905S21, and authorize the Director of Transportation to execute all individual Project Specific-Program Supplements to the Master Agreement.

Fiscal Impact:

No fiscal impact.

Summary:

The Legislature of the State of California has enacted legislation by which certain State funds may be made available for use on local transportation projects. Before State funding will be made available for a programmed project, the Administering-Agency (the County) and the State are required to enter into a Master Agreement to establish terms and conditions applicable to the Administering Agency when receiving State funds for a project facility and to the subsequent operation and maintenance of the completed transportation facility.

The Master and Supplemental agreements are between the State of California and the County of Trinity to administer programs which include but are not limited to the Match/Exchange Program, the Safe Routes to School (SR2S), Active Transportation Program, and State Transportation Improvement Program (STIP). The Master Agreements include standard provisions relating to project administration, management and maintenance, as well as fiscal and special provisions common to all projects.

Alternatives Including Financial Implications:

1) Adopt resolution approving Administering Agency-State Master Agreement for State Aid Projects, Agreement No. 02-5905S21 and authorize Chairman to sign Agreement and Director to sign Project Specific Program Supplements.

2) Deny request to adopt resolution for Administering Agency-State Master Agreement for State Aid Projects. Without Agreement in place, County would no longer be able to enter into future State Aid Projects.

Departmental Recommendation:

Approve the resolution as submitted and authorize the Chairman to sign.

ATTACHMENTS:

Description

Resolution: State Master Agreement No. 02-5905S21

Agreement: State Master Agreement No. 02-5905S21

RESOLUTION NO. 2024-XX

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY
APPROVING ADMINISTERING AGENCY-STATE MASTER AGREEMENT FOR
STATE AID PROJECTS, AGREEMENT NO. 02-5905S21 AND AUTHORIZING THE CHAIRMAN
OF THE BOARD OF SUPERVISORS TO EXECUTE THE AGREEMENT AND AUTHORIZING
THE DIRECTOR OF TRANSPORTATION TO EXECUTE ALL PROGRAM SPECIFIC
PROGRAM SUPPLEMENTS AS REQUIRED BY THE MASTER AGREEMENT**

WHEREAS, The Legislature of the State of California has enacted legislation by which certain State Funds are made available for use on local transportation projects where the project will not receive any federal funds; and

WHEREAS, Trinity County has applied to the California Transportation Commission (CTC) and/or STATE for funding from either the State Transportation Improvement Program (STIP), Active Transportation Program (ATP), or other State-funded programs as defined in the Local Assistance Program Guidelines (LAPS), for use on local authorized transportation related project(s), herein after referred to as "PROJECT"; and

WHEREAS, before State-funds will be made available for a specific project, Administrating Agency and State are required to enter a MASTER AGREEMENT to establish terms and conditions applicable to the Administrating Agency when receiving State funds for a specific PROJECT facility and to the subsequent operation and maintenance of the completed facility; and

WHEREAS, said Administering Agency-State Master Agreement for State Funded Projects, Agreement No. 02-5905S21, requires Project Specific Program Supplements be made and authorized pursuant to provisions of Paragraph 4 of Article I - PROJECT ADMINISTRATION of the Master Agreement.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Trinity does hereby approve Administering Agency-State Master Agreement for State Funded Projects, Agreement No. 02-5905S21, and authorizes the Chairman to execute said Agreement.

BE IT FUTHER RESOLVED, that the Director of Transportation is hereby authorized to execute all project specific Program Supplements as they are made to the Administrating Agency-State Master Agreement For State-Funded Projects, Agreement No. 02-5095S21.

DULY PASSED AND ADOPTED this 5th day of March, 2024 by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

AYES:

NOES:

ABSENT:

ABSTANING:

RIC LEUTWYLER, CHAIRMAN
Board of Supervisors, sitting as the
Transportation Commission
County of Trinity, State of California

ATTEST:

TRENT TUTHILL
Clerk of the Board of Supervisors

BY: _____
Deputy

MASTER AGREEMENT
ADMINISTERING AGENCY-STATE AGREEMENT
STATE-FUNDED PROJECTS

02	Trinity County
-----	-----
District	Administering Agency

Agreement No. 02-5905S21

This AGREEMENT, is entered into effective this _____ day of _____, 20____, by and between the Trinity County, hereinafter referred to as "ADMINISTERING AGENCY," and the State of California, acting by and through its Department of Transportation (Caltrans), hereinafter referred to as "STATE", and together referred to as "PARTIES" or individually as a "PARTY."

RECITALS:

1. WHEREAS, the Legislature of the State of California has enacted legislation by which certain State funds are made available for use on local transportation related projects of public entities qualified to act as recipients of these state funds; and
2. WHEREAS, ADMINISTERING AGENCY has applied to the California Transportation Commission (CTC) and/or STATE for funding from a State-funded program (herein referred to as STATE FUNDS), as defined in the Local Assistance Program Guidelines (LAPG) and/or in the respective CTC Guidelines, for use on local authorized transportation related projects as a local administered project(s), hereinafter referred to as "PROJECT"; and
3. WHEREAS, said PROJECT will not receive any federal funds; and
4. WHEREAS, before STATE FUNDS will be made available for PROJECT, ADMINISTERING AGENCY and STATE are required to enter into an agreement to establish terms and conditions applicable to the ADMINISTERING AGENCY when receiving STATE FUNDS for a designated PROJECT facility and to the subsequent operation and maintenance of that completed facility.

NOW, THEREFORE, the PARTIES agree as follows:

ARTICLE I - PROJECT ADMINISTRATION

1. This AGREEMENT shall have no force or effect with respect to any program project unless and until a project- specific Program Supplement to this AGREEMENT for state funded projects, hereinafter referred to as "PROGRAM SUPPLEMENT", has been fully executed by both STATE and ADMINISTERING AGENCY.
2. The State approved project-specific allocation notification letter and approved CTC allocation documentation designate the party responsible for implementing PROJECT, type of work, and location of PROJECT for projects requiring CTC allocation by PROJECT component of work.
3. The PROGRAM SUPPLEMENT sets out special covenants as a condition for the ADMINISTERING AGENCY to receive STATE FUNDS from/through STATE for designated PROJECT. The PROGRAM SUPPLEMENT shall also show these STATE FUNDS that have been initially encumbered for PROJECT along with the matching funds to be provided by ADMINISTERING AGENCY and/or others. Execution of PROGRAM SUPPLEMENT by the PARTIES shall cause ADMINISTERING AGENCY to adopt all the terms of this AGREEMENT as though fully set forth therein in the PROGRAM SUPPLEMENT. Unless otherwise expressly delegated in a resolution by the governing body of ADMINISTERING AGENCY, and with written concurrence by STATE, the PROGRAM SUPPLEMENT shall be approved and managed by the governing body of ADMINISTERING AGENCY.
4. ADMINISTERING AGENCY agrees to execute and return each project-specific PROGRAM SUPPLEMENT. The PARTIES agree that STATE may suspend future allocations, encumbrances and invoice payments for any on- going or future STATE FUNDED PROJECT performed by ADMINISTERING AGENCY if any project-specific PROGRAM SUPPLEMENT is not returned, unless otherwise agreed by STATE in writing.
5. ADMINISTERING AGENCY further agrees, as a condition to the release and payment of STATE FUNDS encumbered for the PROJECT described in each PROGRAM SUPPLEMENT, to comply with the terms and conditions of this AGREEMENT and all the agreed-upon Special Covenants or Remarks incorporated within the PROGRAM SUPPLEMENT, and Cooperative/Contribution Agreement where appropriate, defining and identifying the nature of the specific PROJECT.
6. STATE FUNDS will not participate in any portion of PROJECT work performed in advance of the effective date of allocation by CTC, or by STATE for allocations delegated to STATE by CTC, for said PROJECT.
7. Projects allocated with STATE FUNDS will be administered in accordance with the current CTC STIP Guidelines, applicable chapter(s) of the LAPG, LAPM and/or any other instructions published by STATE.
8. ADMINISTERING AGENCY agrees to ensure compliance with all relevant State laws and requirements for work related to PROJECT, including the California Environmental Quality Act (CEQA).
9. ADMINISTERING AGENCY's eligible costs for preliminary engineering work includes all preliminary work directly related to PROJECT up to contract award for construction, including, but not limited to, environmental studies and permits (E&P), preliminary surveys and reports, laboratory work, soil investigations, the preparation of plans, specifications and estimates (PS&E), advertising for bids, awarding of a contract and project development contract administration.

10. ADMINISTERING AGENCY's eligible costs for construction engineering include actual inspection and supervision of PROJECT construction work; construction staking; laboratory and field testing; and the preparation and processing of field reports, records, estimates, final reports, and allowable expenses of employees/consultants engaged in such activities.

11. Unless the PARTIES agree otherwise in writing, ADMINISTERING AGENCY's employees or its contracted engineering consultant shall be responsible for all PROJECT engineering work.

12. ADMINISTERING AGENCY shall not proceed with final design of PROJECT until final environmental approval of PROJECT. Final design entails the design work necessary to complete the PS&E and other work necessary for a construction contract but not required earlier for environmental clearance of that PROJECT.

13. If PROJECT is not on STATE-owned right-of-way, PROJECT shall be constructed in accordance with Chapter 11 of the LAPM that describes minimum statewide design standards for local agency streets and roads. The design standards for projects off the National Highway System (NHS) allow STATE to accept either the current Caltrans Highway Design Manual standards, the current FHWA-adopted American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets standards, or the approved geometric design standards of ADMINISTERING AGENCY. Additionally, for projects off the NHS, STATE will accept ADMINISTERING AGENCY-approved standard specifications, standard plans, materials sampling and testing quality assurance programs that meet the conditions described in the then current Local Assistance Procedures Manual.

14. If PROJECT involves work within or partially within STATE-owned right-of-way, that PROJECT shall also be subject to compliance with the policies, procedures and standards of the STATE Project Development Procedures Manual and Highway Design Manual and where appropriate, an executed cooperative agreement between STATE and ADMINISTERING AGENCY that outlines the PROJECT responsibilities and respective obligations of the PARTIES. ADMINISTERING AGENCY and its contractors shall each obtain an encroachment permit through STATE prior to commencing any work within STATE rights-of-way or work which affects STATE facilities.

15. When PROJECT is not on the State Highway System (SHS) but includes work to be performed by a railroad, the contract for such work shall be prepared by ADMINISTERING AGENCY or by STATE, as the PARTIES may hereafter agree. In either event, ADMINISTERING AGENCY shall enter into an agreement with the railroad providing for future maintenance of protective devices or other facilities installed under the contract.

16. ADMINISTERING AGENCY shall comply with the provisions of sections 4450 and 4454 of the California Government Code, as well as other Department of General Services guidance, if applicable, for the contract PS&E for the construction of buildings, structures, sidewalks, curbs and related facilities for accessibility and usability. Further requirements and guidance are provided in Title 24 of the California Code of Regulations.

17. ADMINISTERING AGENCY shall provide a full-time public employee to be in responsible charge of each PROJECT. ADMINISTERING AGENCY shall provide or arrange for adequate supervision and inspection of each PROJECT. ADMINISTERING AGENCY may utilize consultants to perform supervision and inspection work for PROJECT with a

fully qualified and licensed engineer. Utilization of consultants does not relieve ADMINISTERING AGENCY of its obligation to provide a full-time public employee to be in responsible charge of each PROJECT.

18. Unless otherwise provided in the PROGRAM SUPPLEMENT, ADMINISTERING AGENCY shall advertise, award, and administer the PROJECT construction contract or contracts.

19. The cost of maintenance, security, or protection performed by ADMINISTERING AGENCY or contractor forces during any temporary suspension of PROJECT or at any other time may not be charged to the PROJECT.

20. ADMINISTERING AGENCY shall submit PROJECT-specific award information to STATE's District Local Assistance Engineer, within sixty (60) days after contract award.

21. ADMINISTERING AGENCY shall submit the final report documents that collectively constitute a "Final Project Expenditure Report", LAPM Exhibit 17-M, within one hundred eighty (180) days of PROJECT completion. Failure by ADMINISTERING AGENCY to submit a "Final Project Expenditure Report", within 180 days of project completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the Local Assistance Procedures Manual.

22. ADMINISTERING AGENCY shall comply with the Americans with Disabilities Act (ADA) of 1990 that prohibits discrimination on the basis of disability and all applicable regulations and guidelines issued pursuant to the ADA.

23. The Governor and the Legislature of the State of California, each within their respective jurisdictions, have prescribed certain nondiscrimination requirements with respect to contract and other work financed with public funds. ADMINISTERING AGENCY agrees to comply with the requirements of the FAIR EMPLOYMENT PRACTICES ADDENDUM, attached hereto as Exhibit A and further agrees that any agreement entered into by ADMINISTERING AGENCY with a third party for performance of work connected with PROJECT shall incorporate Exhibit A (with third party's name replacing ADMINISTERING AGENCY) as parts of such agreement.

24. ADMINISTERING AGENCY shall include in all contracts and subcontracts awarded when applicable, a clause that requires each subcontractor to comply with California Labor Code requirements that all workers employed on public works aspects of any project (as defined in California Labor Code sections 1720-1815) be paid not less than the general prevailing wage rates predetermined by the Department of Industrial Relations as effective at the date of contract award by the ADMINISTERING AGENCY.

ARTICLE II - RIGHTS-OF-WAY

1. No contract for the construction of a STATE FUNDED PROJECT shall be awarded until all necessary rights of way have been secured. Prior to the advertising for construction of PROJECT, ADMINISTERING AGENCY shall certify and, upon request, shall furnish STATE with evidence that all necessary rights-of-way are available for construction purposes or will be available by the time of award of the construction contract.

2. The furnishing of rights of way by ADMINISTERING AGENCY as provided for herein includes, and is limited to, the following, unless the PROGRAM SUPPLEMENT provides otherwise.

(a) Expenditures of capital and support to purchase all real property required for

PROJECT free and clear of liens, conflicting easements, obstructions and encumbrances, after crediting PROJECT with the fair market value of any excess property retained and not disposed of by ADMINISTERING AGENCY.

(b) The cost of furnishing of right-of-way as provided for herein includes, in addition to real property required for the PROJECT, title free and clear of obstructions and encumbrances affecting PROJECT and the payment, as required by applicable law, of damages to owners of remainder real property not actually taken but injuriously affected by PROJECT.

(c) The cost of relocation payments and services provided to owners and occupants pursuant to Government Code sections 7260-7277 when PROJECT displaces an individual, family, business, farm operation or nonprofit organization.

(d) The cost of demolition and/or the sale of all improvements on the right-of-way after credit is recorded for sale proceeds used to offset PROJECT costs.

(e) The cost of all unavoidable utility relocation, protection or removal.

(f) The cost of all necessary hazardous material and hazardous waste treatment, encapsulation or removal and protective storage for which ADMINISTERING AGENCY accepts responsibility and where the actual generator cannot be identified, and recovery made.

3. ADMINISTERING AGENCY agrees to indemnify and hold STATE harmless from any liability that may result in the event the right-of-way for a PROJECT is not clear as certified by ADMINISTERING AGENCY, including, but not limited to, if said right-of-way is found to contain hazardous materials requiring treatment or removal to remediate in accordance with Federal and State laws. ADMINISTERING AGENCY shall pay, from its own non- matching funds, any costs which arise out of delays to the construction of PROJECT because utility facilities have not been timely removed or relocated, or because rights-of-way were not available to ADMINISTERING AGENCY for the orderly prosecution of PROJECT work.

ARTICLE III - MAINTENANCE AND MANAGEMENT

1. ADMINISTERING AGENCY will maintain and operate the property acquired, developed, constructed, rehabilitated, or restored by PROJECT for its intended public use until such time as the parties might amend this AGREEMENT to otherwise provide. With the approval of STATE, ADMINISTERING AGENCY or its successors in interest in the PROJECT property may transfer this obligation and responsibility to maintain and operate PROJECT property for that intended public purpose to another public entity.

2. Upon ADMINISTERING AGENCY's acceptance of the completed construction contract or upon contractor being relieved of the responsibility for maintaining and protecting PROJECT, ADMINISTERING AGENCY will be responsible for the maintenance, ownership, liability, and the expense thereof, for PROJECT in a manner satisfactory to the authorized representatives of STATE and if PROJECT falls within the jurisdictional limits of another Agency or Agencies, it is the duty of ADMINISTERING AGENCY to facilitate a separate maintenance agreement(s) between itself and the other jurisdictional Agency or Agencies providing for the operation, maintenance, ownership and liability of PROJECT. Until those agreements are executed, ADMINISTERING AGENCY will be responsible for all PROJECT operations, maintenance, ownership and liability in a manner satisfactory to the authorized representatives of STATE. If, within ninety (90) days after receipt of notice from STATE that a PROJECT, or any portion thereof, is not

being properly operated and maintained and ADMINISTERING AGENCY has not satisfactorily remedied the conditions complained of, the approval of future STATE FUNDED PROJECTS of ADMINISTERING AGENCY will be withheld until the PROJECT shall have been put in a condition of operation and maintenance satisfactory to STATE. The provisions of this section shall not apply to a PROJECT that has been vacated through due process of law with STATE's concurrence.

3. PROJECT and its facilities shall be maintained by an adequate and well-trained staff of engineers and/or such other professionals and technicians as PROJECT reasonably requires. Said operations and maintenance staff may be employees of ADMINISTERING AGENCY, another unit of government, or a contractor under agreement with ADMINISTERING AGENCY. All maintenance will be performed at regular intervals or as required for efficient operation of the complete PROJECT improvements.

4. ADMINISTERING AGENCY shall comply with all applicable law, including but not limited to, all applicable legal authority regarding construction standards.

ARTICLE IV - FISCAL PROVISIONS

1. All contractual obligations of STATE are subject to the appropriation of resources by the Legislature and the allocation of resources by the CTC.

2. STATE'S financial commitment of STATE FUNDS will occur only upon the execution of this AGREEMENT, the execution of each project-specific PROGRAM SUPPLEMENT and/or STATE's approved finance letter.

3. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices in arrears for reimbursement of allowable PROJECT costs at least once every six months commencing after the STATE FUNDS are encumbered on either the project-specific PROGRAM SUPPLEMENT or through a project-specific finance letter approved by STATE. STATE reserves the right to suspend future allocations and invoice payments for any on-going or future STATE FUNDED project performed by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period

4. Invoices shall be submitted on a standardized billing summary template, in accordance with Chapter 5 of the LAPM to claim reimbursement by ADMINISTERING AGENCY. For construction invoices, pay estimates must be included.

5. ADMINISTERING AGENCY must retain at least one copy of supporting backup documentation for allowable costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

6. Payments to ADMINISTERING AGENCY can only be released by STATE as reimbursements of actual allowable PROJECT costs already incurred and paid for by the ADMINISTERING AGENCY.

7. Indirect Cost Allocation Plans/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to the Inspector General - Independent Office of Audits and Investigations for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of

indirect cost incurred within each fiscal year being claimed for reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the LAPM, and the ICAP/ICRP approval procedures established by STATE.

8. STATE will withhold the greater of either two (2) percent of the total of all STATE FUNDS encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

9. The estimated total cost of PROJECT, the amount of STATE FUNDS obligated, and the required matching funds may be adjusted by mutual consent of the PARTIES with a finance letter, and an allocation notification letter when applicable. STATE FUNDING may be increased to cover PROJECT cost increases only if such additional funds are available and the CTC and/or STATE concurs with that increase in the form of an allocation and finance letter.

10. When such additional STATE FUNDS are not available, ADMINISTERING AGENCY agrees that any increases in PROJECT costs must be defrayed with ADMINISTERING AGENCY's own funds.

11. ADMINISTERING AGENCY shall use its own non-STATE FUNDS to finance the local share of eligible costs and all PROJECT expenditures or contract items ruled ineligible for financing with STATE FUNDS. STATE shall make the final determination of ADMINISTERING AGENCY's cost eligibility for STATE FUNDED financing with respect to claimed PROJECT costs.

12. ADMINISTERING AGENCY will reimburse STATE for STATE's share of costs for work performed by STATE at the request of ADMINISTERING AGENCY. STATE's costs shall include overhead assessments in accordance with section 8755.1 of the State Administrative Manual.

13. STATE FUNDS allocated by the CTC and/or STATE are subject to the timely use of funds provisions approved in CTC Guidelines and State procedures approved by the CTC and STATE.

14. STATE FUNDS encumbered for PROJECT are available for liquidation only for a limited period from the beginning of the State fiscal year when those funds were appropriated in the State Budget. STATE FUNDS not liquidated within these periods will be reverted unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Section 16304 of the Government Code. The exact date of fund reversion will be reflected in the STATE signed PROJECT finance letter.

15. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid to rank and file STATE employees under current California Department of Human Resources (CalHR) rules unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Government Code section 16304. If the rates invoiced by ADMINISTERING AGENCY are in excess of CalHR rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand.

16. ADMINISTERING AGENCY agrees to comply with California Government Code 4525-4529.14. Administering Agency shall undertake the procedures described in California Government Code 4527(a) and 4528(a). Administering Agency shall also comply with 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, excluding 2 CFR Part 200.318-200.326.

17. ADMINISTERING AGENCY agrees and will assure that its contractors and subcontractors will be obligated to agree that Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items. Every recipient and sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, excluding 2 CFR Part 200.318-200.326 Governments. ADMINISTERING AGENCY agrees to comply with the provisions set forth in 23 CFR Parts 140, 645 and 646 when contracting with railroad and utility companies.

18. Every recipient and sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR 200 excluding 2 CFR Part 200.318-200.326, 48 CFR Chapter 1, Part 31, LAPM, Public Contract Code (PCC) 10300- 10334 (procurement of goods), PCC 10335-10381 (non-A&E services), California Government Code 4525-4529.5 including 4527(a) and 4528(a), and other applicable STATE regulations.

19. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be questioned, disallowed, or unallowable under 2 CFR, Part 200, 48 CFR, Chapter 1, Part 31, 23 CFR Parts 140, 645 and 646, LAPM, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), California Government Code 4525-4529.5 including 4527(a) and 4528(a), and other applicable STATE regulations are subject to repayment by ADMINISTERING AGENCY to STATE and may result in STATE imposing sanctions on ADMINISTERING AGENCY as described in Chapter 20 of the Local Assistance Procedures Manual.

20. Should ADMINISTERING AGENCY fail to refund any moneys due upon written demand by STATE as provided herein or should ADMINISTERING AGENCY breach this AGREEMENT by failing to complete PROJECT without adequate justification and approval by STATE, then, within thirty (30) days of demand, or within such other period as may be agreed to in writing between the PARTIES hereto, STATE, acting through the State Controller, the State Treasurer, the CTC or any other public entity or agency, may intercept, withhold and demand the transfer of an amount equal to the amount paid by or owed to STATE for each PROJECT, from future apportionments, or any other funds due ADMINISTERING AGENCY from the Highway Users Tax Fund or any other sources of funds, and/or may also withhold approval of future STATE FUNDED projects proposed by ADMINISTERING AGENCY.

21. Should ADMINISTERING AGENCY be declared to be in breach of this AGREEMENT or otherwise in default thereof by STATE, and if ADMINISTERING AGENCY is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, STATE is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, from those constituent entities comprising a joint powers authority or by bringing of an action against ADMINISTERING AGENCY or its constituent member entities, to recover all funds provided by STATE hereunder.

22. ADMINISTERING AGENCY acknowledges that the signatory party represents the ADMINISTERING AGENCY and further warrants that there is nothing within a Joint Powers Agreement, by which ADMINISTERING AGENCY was created, if any exists, that would restrict or otherwise limit STATE's ability to recover STATE FUNDS improperly spent by ADMINISTERING AGENCY in contravention of the terms of this AGREEMENT.

ARTICLE V

AUDITS, THIRD PARTY CONTRACTING, RECORDS RETENTION AND REPORTS

1. STATE reserves the right to conduct technical and financial audits of PROJECT work and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by paragraph three (3) of Article V.

2. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices sent to or paid by STATE.

3. ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States, all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts, and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above-referenced parties shall make such AGREEMENT and PROGRAM SUPPLEMENT materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years, or 35 years for Prop 1B funds, from the date of final payment to ADMINISTERING AGENCY.

4. ADMINISTERING AGENCY shall not award a construction contract over \$25,000 on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. All contracts awarded by ADMINISTERING AGENCY intended or used as local match credit must meet the requirements set forth in this AGREEMENT regarding local match funds.

5. ADMINISTERING AGENCY shall comply with Chapter 10 (commencing with Section 4525) Division 5 of Title 1 of the Government Code and shall undertake the procedures described in California Government Code 4527(a) and 4528(a). Administering Agency shall comply with Chapter 10 of the LAPM for AE Consultant Contracts.

6. ADMINISTERING AGENCY shall comply with Government Code Division 5 Title 1 sections 4525-4529.5 and shall undertake the procedures described in California Government Code 4527(a) and 4528(a) for procurement of professional service contracts. Administering Agency shall follow Public Contract Code Section 10335-10381 for other professional service contracts.

7. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain all of the provisions of Article IV, FISCAL PROVISIONS, and this ARTICLE V, AUDITS, THIRD-PARTY CONTRACTING, RECORDS RETENTION AND REPORTS and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as PROJECT costs only after those costs are incurred and paid for by the subcontractors.

8. To be eligible for local match credit, ADMINISTERING AGENCY must ensure that local match funds used for a PROJECT meet the fiscal provisions requirements outlined in ARTICLE IV in the same manner that is required of all other PROJECT expenditures.

9. Except as provided in this Article, this AGREEMENT is solely between and for the benefit of the PARTIES and there are no third-party beneficiaries.

ARTICLE VI - MISCELLANEOUS PROVISIONS

1. ADMINISTERING AGENCY agrees to use all PROJECT funds reimbursed hereunder only for transportation purposes that are in conformance with Article XIX of the California State Constitution and other California laws.

2. ADMINISTERING AGENCY shall conform to all applicable State and Federal statutes and regulations, and the Local Assistance Program Guidelines and Local Assistance Procedures Manual as published by STATE and incorporated herein, including all subsequent approved revisions thereto applicable to PROJECT unless otherwise designated in the project-specific executed PROJECT SUPPLEMENT.

3. This AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the State Legislature or adopted by the CTC that may affect the provisions, terms, or funding of this AGREEMENT in any manner.

4. ADMINISTERING AGENCY and the officers and employees of ADMINISTERING AGENCY, when engaged in the performance of this AGREEMENT, shall act in an independent capacity and not as officers, employees or agents of STATE.

5. Each project-specific PROGRAM SUPPLEMENT shall separately establish the terms and funding limits for each described PROJECT funded under this AGREEMENT and that PROGRAM SUPPLEMENT. No STATE FUNDS are obligated against this AGREEMENT.

6. ADMINISTERING AGENCY certifies that neither ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this AGREEMENT, and ADMINISTERING AGENCY agrees that it will notify STATE immediately in the event a suspension or a debarment occurs after the execution of this AGREEMENT.

7. ADMINISTERING AGENCY certifies, by execution of this AGREEMENT, that no person or selling agency has been employed or retained to solicit or secure this AGREEMENT upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ADMINISTERING AGENCY for the purpose of securing business. For breach or violation of this warranty, STATE has the right to annul this AGREEMENT without liability, pay only for the value of the PROJECT work actually performed, or in STATE's discretion, to deduct from the price of PROGRAM SUPPLEMENT consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8. In accordance with Public Contract Code section 10296, ADMINISTERING AGENCY hereby certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against ADMINISTERING AGENCY within the immediate preceding two (2) year period because of ADMINISTERING AGENCY's failure to comply with an order of a federal court that orders ADMINISTERING AGENCY to comply with an order of the National Labor Relations Board.

9. ADMINISTERING AGENCY shall disclose any financial, business, or other relationship with STATE that may have an impact upon the outcome of this AGREEMENT or any individual PROJECT encompassed within a PROGRAM SUPPLEMENT. ADMINISTERING AGENCY shall also list current contractors who may have a financial interest in the outcome of a PROJECT undertaken pursuant to this AGREEMENT. These disclosures shall be delivered to STATE in a form deemed acceptable by the STATE prior to execution of this AGREEMENT.

10. ADMINISTERING AGENCY hereby certifies that it does not have, nor shall it acquire, any financial or business interest that would conflict with the performance of any PROJECT initiated under this AGREEMENT.

11. ADMINISTERING AGENCY certifies that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any STATE employee. For breach or violation of this warranty, STATE shall have the right, in its sole discretion, to terminate this AGREEMENT without liability, to pay only for PROJECT work actually performed, or to deduct from a PROGRAM SUPPLEMENT price or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by the STATE's Contract Manager, who shall be identified to ADMINISTERING AGENCY at the time of execution of this AGREEMENT and, as applicable , any time that Contract Manager changes during the duration of this AGREEMENT who may consider any written or verbal evidence submitted by ADMINISTERING AGENCY. The decision of the Contract Manager, issued in writing, shall be conclusive and binding on the PARTIES on all questions of fact considered and determined by the Contract Manager.

13. Neither the pendency of a dispute nor its consideration by the Contract Manager will excuse the ADMINISTERING AGENCY from full and timely performance in accordance with the terms of this AGREEMENT and each PROGRAM SUPPLEMENT.

14. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under or in connection with any work, authority or jurisdiction of ADMINISTERING AGENCY arising under this AGREEMENT. It is understood and agreed that ADMINISTERING AGENCY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims and suits or actions of every name, kind and description brought forth under, including but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under this AGREEMENT.

15. Neither ADMINISTERING AGENCY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE, under or in connection with any work, authority or

jurisdiction arising under this AGREEMENT. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the ADMINISTERING AGENCY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this AGREEMENT.

16. In the event of (a) ADMINISTERING AGENCY failing to timely proceed with effective PROJECT work in accordance with the project-specific PROGRAM SUPPLEMENT; (b) failing to maintain any applicable bonding requirements; and (c) otherwise materially violating the terms and conditions of this AGREEMENT and/or any PROGRAM SUPPLEMENT, STATE reserves the right to terminate funding for that PROJECT upon thirty (30) days' written notice to ADMINISTERING AGENCY.

17. No termination notice shall become effective if, within thirty (30) days after receipt of a Notice of Termination, ADMINISTERING AGENCY either cures the default involved or, if the default is not reasonably susceptible of cure within said thirty (30) day period the ADMINISTERING AGENCY proceeds thereafter to complete that cure in a manner and time line acceptable to STATE.

18. Any such termination shall be accomplished by delivery to ADMINISTERING AGENCY of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this AGREEMENT and the applicable PROGRAM SUPPLEMENT is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, ADMINISTERING AGENCY and STATE shall meet to attempt to resolve any dispute. In the event of such termination, STATE may proceed with the PROJECT work in a manner deemed proper by STATE. If STATE terminates funding for PROJECT with ADMINISTERING AGENCY for the reasons stated in paragraph sixteen (16) of ARTICLE VI, STATE shall pay ADMINISTERING AGENCY the sum due ADMINISTERING AGENCY under the PROGRAM SUPPLEMENT and/or STATE-approved finance letter prior to termination, provided, however, ADMINISTERING AGENCY is not in default of the terms and conditions of this AGREEMENT or the project-specific PROGRAM SUPPLEMENT and that the cost of any PROJECT completion to STATE shall first be deducted from any sum due ADMINISTERING AGENCY.

19. In the case of inconsistency or conflicts with the terms of this AGREEMENT and that of a project-specific PROGRAM SUPPLEMENT and/or Cooperative Agreement, the terms stated in that PROGRAM SUPPLEMENT and/or Cooperative Agreement shall prevail over those in this AGREEMENT.

20. Without the written consent of STATE, this AGREEMENT is not assignable by ADMINISTERING AGENCY either in whole or in part.

21. No alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the PARTIES, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly authorized officer.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Trinity County

By_____

By_____

Chief, Office of Project Management
Oversight
Division of Local Assistance

Trinity County

Representative Name & Title
(Authorized Governing Body
Representative)

Date_____

Date_____

EXHIBIT A - FAIR EMPLOYMENT PRACTICES ADDENDUM

1. In the performance of this Agreement, ADMINISTERING AGENCY will not discriminate against any employee for employment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. ADMINISTERING AGENCY will take affirmative action to ensure that employees are treated during employment without regard to their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ADMINISTERING AGENCY shall post in conspicuous places, available to employees for employment, notices to be provided by STATE setting forth the provisions of this Fair Employment section.

2. ADMINISTERING AGENCY, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, 12900 et seq.), and the applicable regulations promulgated thereunder (Cal. Code Regs., Title 2, 11000, et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12900(a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full. Each of the ADMINISTERING AGENCY'S contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.

3. ADMINISTERING AGENCY shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.

4. ADMINISTERING AGENCY will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this Agreement.

5. Remedies for Willful Violation:

(a) STATE may determine a willful violation of the Fair Employment provision to have occurred upon receipt of a final judgment to that effect from a court in an action to which ADMINISTERING AGENCY was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that ADMINISTERING AGENCY has violated the Fair Employment Practices Act.

(b) For willful violation of this Fair Employment Provision, STATE shall have the right to terminate this Agreement either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by ADMINISTERING AGENCY and by the surety under the performance bond, if any, and STATE may deduct from any moneys due or thereafter may become due to ADMINISTERING AGENCY, the difference between the price named in the Agreement

and the actual cost thereof to STATE to cure ADMINISTERING AGENCY's breach of this Agreement.

TRINITY COUNTY

Item Report 3.14

Meeting Date: 3/5/2024

Department:
Trinity County Transportation
Commission

Contact:
Panos Kokkas

Phone:
530-623-1365

3.14 Caltrans SR 3 Corridor Plan

Requested Action:

Adopt a Resolution of Concurrence to approve the Caltrans District 2 State Route 3 Corridor Plan.

Fiscal Impact:

No impact to the General Fund.

Summary:

State Route (SR) 3 begins at the junction of SR 36, south of Hayfork in Trinity County and ends in Siskiyou County in Montague, where it transitions into a county road. SR 3 is a two-lane conventional highway with limited passing opportunities, the exception is in Yreka where SR 3 is a four-lane conventional highway. SR 3 links rural areas with small communities in northern California and connects residents with Trinity County's seat, Weaverville, and Siskiyou County's seat, Yreka.

Since SR 3 is a relatively low volume route, the primary issues are not capacity related, but related more to its rural characteristics, weather, and terrain. The route is remote, consisting of long distances between communities with limited availability of services to travelers. SR 3 consists of rough roadway which is a result of moderate pavement deterioration in some areas due to the length of time between maintenance projects, impacts of winter weather and winter operations (chains and snowplowing). SR 3 is prone to extreme weather due to its location and surrounding landscape. In the summer months, the route may be impacted during fire season as the route is in a high fire risk area.

Discussion:

The SR 3 Corridor Plan is a California Department of Transportation (Caltrans) System Planning Document that is a collection of route information and data including current and projected operating characteristics of SR 3 in Caltrans District 2. The plan evaluates operational conditions and identifies potential improvements. Many different elements are considered such as development and growth trends, land uses, and local road connections. The plan considers existing state, local and regional plans and studies, while emphasizing the importance of stakeholder involvement in the planning process. The Corridor Plan should be considered when developing other area plans and studies. Projects developed for SR 3 need to be evaluated for consistency with this Corridor Plan.

The benefits of an adopted Corridor Plan include:

- Identifying, prioritizing, and addressing the greatest needs within the route.
- Protecting infrastructure.
- Logical sequencing of projects.
- Efficient use of available funding.
- A common vision for the future of the route.

There were many opportunities for public input throughout the project development process including media outreach, public workshops, and a public review and comment period from October 25, 2023 to November 30, 2023.

The final step in the approval process for the SR 3 Corridor plan includes seeking acceptance from regional partners who were directly involved in review/approval of the Corridor Plan. The Report Signature Sheet documents support for the planning and outreach process used and serves to acknowledge that this Corridor Plan presents reasonable concepts for future development and management of the route within the subject jurisdictions.

Alternatives Including Financial Implications:

1. Approve the Resolution of Concurrence as presented.
2. Deny the Resolution of Concurrence and advise staff.

Departmental Recommendation:

Approve the Resolution of Concurrence as presented.

ATTACHMENTS:

Description

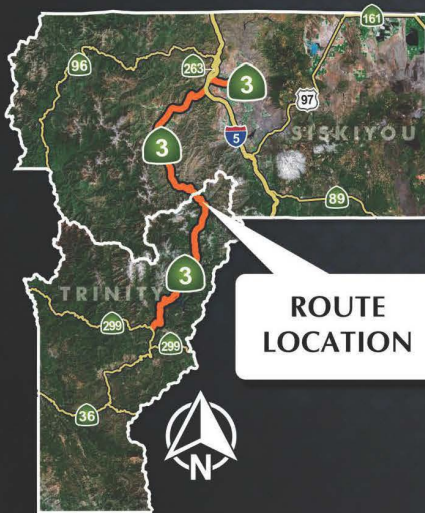
Caltrans SR 3 Corridor Plan

Resolution of Concurrence

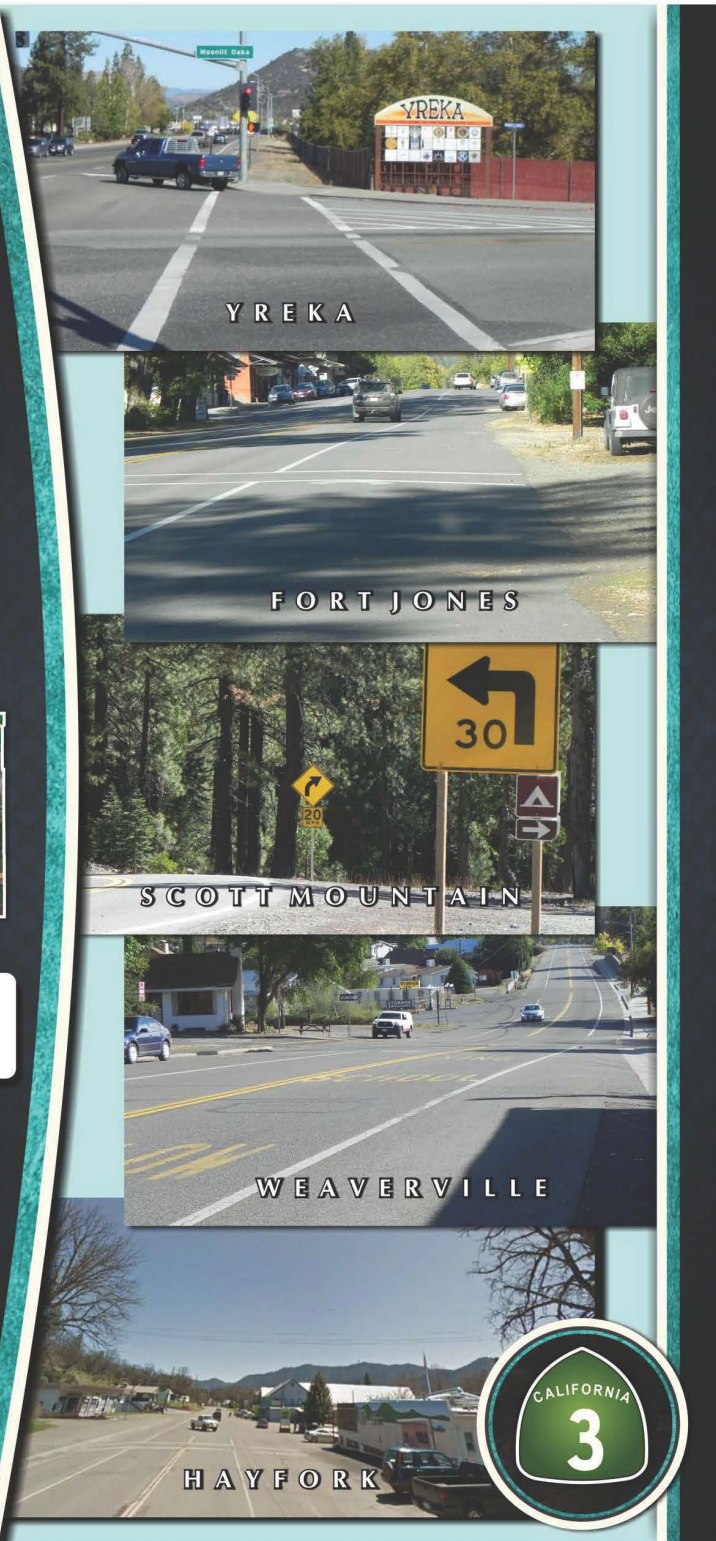
MAY 2023



CALIFORNIA STATE ROUTE 3 CORRIDOR PLAN



District 2



State Route 3 Corridor Plan
May 2023
California Department of Transportation
District 2

About System Planning and Corridor Plan

System Planning is the long-range transportation planning process for the California Department of Transportation (Caltrans). The System Planning process fulfills Caltrans' statutory responsibility as owner/operator of the State Highway System (SHS) (Gov. Code §65086) by identifying deficiencies and proposing improvements to the SHS. Through System Planning, Caltrans focuses on developing an integrated multimodal transportation system that meets Caltrans' goals of safety first, cultivate excellence, enhance and connect the multimodal transportation network, strengthen stewardship and drive efficiency, lead climate action, and advance equity and livability in all communities. Development of System Planning products is part of the Continuing, Cooperative and Comprehensive (3C) transportation planning process and provides an opportunity for public, stakeholder, and agency participation.

The Corridor Plan is a California Department of Transportation System Planning Document that includes an analysis of a transportation route or corridor. A Corridor Plan establishes a 20-year consensus-based concept for how California state highways should operate and broadly identifies the nature and extent of improvements needed to attain that operating condition. Caltrans District 2 endeavors to maintain a target Level of Service (LOS) at the transition between LOS "C" and LOS "D" on state highway facilities. A Corridor Plan identifies long-range objectives for a route and helps to guide short-term decisions for improvements.

The State Route 3 (SR 3) Corridor Plan is a collection of route information and data including current and projected operating characteristics of SR 3 in Caltrans District 2. The plan evaluates operational conditions and identifies potential improvements. Many different elements are considered such as development and growth trends, land uses, and local road connections. The plan considers existing state, local and regional plans and studies, while emphasizing the importance of stakeholder involvement in the planning process. The Corridor Plan should be considered when developing other area plans and studies. Projects developed for SR 3 need to be evaluated for consistency with this Corridor Plan.

The benefits of an adopted Corridor Plan include:

- Identifying, prioritizing, and addressing the greatest needs within the route.
- Protecting infrastructure.
- Logical sequencing of projects.
- Efficient use of available funding.
- A common vision for the future of the route.

Additional Information

For additional information on the SR- 3 Corridor Plan contact:

California Department of Transportation-District 2
Office of System Planning

Address:

1657 Riverside Drive (MS-3)
Redding, CA 96001
(530) 229-0518

Internet Site:

<https://dot.ca.gov/caltrans-near-me/district-2/d2-programs/d2-planning-local-assistance>

Disclaimer: The information and data contained in this document are for planning purposes only and should not be relied upon for final design of any project. Any information in this Corridor Plan is subject to modification as conditions change and new information is obtained. Although planning information is dynamic and continually changing, District 2 System Planning Division makes every effort to ensure the accuracy and timeliness of the information contained in the Corridor Plan. The information in the Corridor Plan does not constitute a standard, specification, or regulation, nor is it intended to address design policies and procedures.

During preparation of this Corridor Plan, Caltrans complied with the requirements of Title VI, 42 U. S. C. § 2000d et seq., which was enacted as part of the Civil Rights Act of 1964.
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California Department of Transportation

Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write:

Department of Transportation Attn: Equal Employment Opportunity Officer
1657 Riverside Drive
Redding, CA 96001
(530) 225-3055 Voice, 711 Statewide TTY

Caltrans is an Equal Opportunity agency. Federal law prohibits discrimination.

Traveler Information Links

Homepage – Caltrans District 2

Homepage: <https://dot.ca.gov/caltrans-near-me/district-2>

Visitors to the homepage are able to click on icons that take them to websites such as **QuickMap**, **One Stop Shop** and **Chain Control Maps & Info**. On the homepage, there is also a list of traffic alerts that is updated daily. The traffic alerts notify drivers about projects that could impact travel on state highways in the District. The bottom of the page shows Caltrans District 2 "Tweets." The links provided below are accessible from the District 2 homepage unless otherwise noted.

Maps – Traffic Information, Construction and Weather

One Stop Shop: <http://oss.weathershare.org/>

One Stop Shop provides real-time roadway information for western states on a map. The types of information include traffic speed, active and inactive changeable message signs (CMSs), closed circuit television (CCTV) cameras, chain restrictions, construction, incidents, information, commercial vehicle information, road weather information systems (RWIS) and RWIS with road temperatures lower than 32°. Clicking on the different icons opens pop-up boxes with the information related to each icon. For example, clicking on an RWIS icon shows weather information such as temperature, wind direction and freezing point. Clicking on a construction icon shows information such as the location of the project, the start and end date, and any expected traveler delay.

Maps – Traffic Information

QuickMap: <http://quickmap.dot.ca.gov/>

This map-based platform shows site visitors real-time traffic information including traffic speed, lane closures, incidents, message signs, cameras and chain controls. Clicking on the different icons opens pop-up boxes with the information related to each icon. For example, clicking on a lane closure icon causes a box to open displaying information such as location, direction and time period. Clicking on a camera icon opens the image the camera is capturing for the chosen location. QuickMap applies to the entire state.

District 2 Construction Projects

Construction Projects: <https://dot.ca.gov/caltrans-near-me/district-2/d2-projects>

This page displays the current construction projects going on in District 2. The project information listed includes county, project name, description, project manager and estimated construction timeframe.

Maps – Weather & Chain Control

Traffic Cameras & Road Weather Information: <http://cwwp2.dot.ca.gov/vm/iframemap.htm>

This link opens a map of District 2 that indicates CCTV, RWIS and CCTV/RWIS locations. Visitors to the site may click on a dot shown on the map to open the camera image of current roadway conditions, weather data, or both.

Chain Control: <https://dot.ca.gov/travel/winter-driving-tips/chain-controls>

This site displays chain controls and chain installation information, as well as where to check chain controls especially during winter months. The information includes road closures, truck holds, truck screens, vehicle screen and metering traffic. It also shows the chain control requirement levels such as R-1M, R-1, R-2 and R-3.

National Weather Service – Weather for Travelers: <http://www.wrh.noaa.gov/sto/brief/caltransbriefdist2.php>

A travel forecast for any location in the country can be accessed from this link. The page opens up to a map with different user selected layers, including radar, satellite, observation controls and webcams. The observation controls include wind and temperature data. The Travel Forecast is currently in an experimental phase.

Highway Information (Non-map)

Planned Lane Closures: <https://lcswebreports.dot.ca.gov/>

Site visitors can search for closures on state highways within California by clicking on a District. Users can then specify county, route, dates and time period. Search queries can be as narrow or as open as desired. Search results appear in report format in a new screen, and include information regarding whether the closure is in-progress, completed or canceled. The closure is listed as "no status" if it is for a future date.

California Highway Information (Check for current highway information): <http://www.dot.ca.gov/cgi-bin/roads.cgi>

Not accessible from the District 2 homepage. Visitors to the site can check current highway conditions, such as traffic control, lane closures and wind advisories for any state highway in California by entering the highway number. Identical information can be obtained by calling the Caltrans Highway Information Network (CHIN): 800.427.7623.

California Highway Patrol (CHP) Traffic Incident Information Page: <http://cad.chp.ca.gov/>

Not accessible from the District 2 homepage. Visitors to the site can select a CHP Communication Center anywhere in California and retrieve incidents within the jurisdiction. The screen refreshes every 60 seconds. Clicking on "details" will result in a display of information pertaining to the selected incident, such as time, status and location.

Traveler Information Resources											
	Statewide Information Available	Accessible from District 2 Homepage	Map Format	Chain Requirements/Weather-	Incidents	CMS – Changeable Message Sign	CCTV – Closed Circuit Television	RWIS – Roadside Weather Information System	Real-Time Traffic Conditions (speed for example)	Weather	Construction/Planned Lane Closures
One Stop Shop: http://oss.weathershare.org/	•	•	•	•	•	•	•	•	•	•	•
QuickMap: http://quickmap.dot.ca.gov/	•	•	•	•	•	•	•		•		•
Construction Projects: https://dot.ca.gov/caltrans-near-me/district-2/d2-projects		•	•								•
Traffic Cameras & Road Weather Information: http://cwwp2.dot.ca.gov/vm/iframemap.htm		•	•				•	•		•	
Chain Control: https://dot.ca.gov/travel/winter-driving-tips/chain-controls		•	•	•							
National Weather Service: http://www.wrh.noaa.gov/sto/brief/caltransbriefdist2.php	•	•	•							•	
Planned Lane Closures: https://lcswebreports.dot.ca.gov/	•	•									•
California Highway Information (800.427.7623): http://www.dot.ca.gov/cgi-bin/roads.cgi	•										•
CHP Traffic Incident Information: http://cad.chp.ca.gov/	•				•						

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Executive Summary:

Route Description:

State Route (SR) 3 passes through the northern California counties of Trinity and Siskiyou. SR 3 begins in Trinity County at the junction of SR 36, south of the community of Hayfork and ends at Montague in Siskiyou County. It is a minor arterial highway that links rural communities to commercial cities, as well as recreational users to multiple campgrounds and boating launches. SR 3 has a break in the route at the junction of SR 299 until the historical downtown of Weaverville in Trinity County; this break is approximately 7 miles. The county and Post Mile limits studied in this report are:

- Trinity Post Mile L0.00 – T85.068
- Siskiyou Post Mile 0.408 – 54.187

Key Considerations:

Some of the key issues are as follows:

- **The route is remote** – Long distances between communities, with limited availability of services to travelers. There are no Safety Roadside Rest Areas (SRRA) along the route.
- **Rough Roadway** – Highway pavement condition may exhibit moderate pavement deterioration in some areas due to the length of time between maintenance projects, impacts of winter weather and winter operations (chains and snowplowing).
- **Limited paved shoulders** – Most of SR 3 has limited paved shoulder widths.
- **Bicycle and Pedestrian Facilities** – Sidewalks and shoulders are intermittent in some communities.
- **Recreation** – Summer months attract recreational users to the northern end of the route in Trinity County. There is limited recreational use in Siskiyou County from SR 3.
- **Wildlife** – Sections of SR 3 run through a winter range for deer. Frequent wildlife, especially deer, have been noted near the route during winter months or at the beginning of monsoon season, which translates into new plant blooms and increased water supplies or availability. Several fish passages priority locations exist along the route. There are also some sensitive species within the vicinity of the route.
- **Extreme Weather** – State Route 3 is prone to extreme weather due to its location and surrounding landscape. In the summer months, the route may be impacted during fire season as the route is in a high fire risk area. In addition, sections of the route in higher elevations and on north facing slopes tend to experience

winter weather conditions more than other sections. Most of SR 3 remains open all year round, with the exception of Scott Mountain, which may be closed for weeks during winter months due to ice and heavy snow conditions. The route's location is prone to flooding and storm damage.

- **Trucks** – From the junction of SR 36 (TRI L0.00) in Trinity County to Cecilville Rd (SIS 8.90) in Siskiyou County, the route is California Legal Advisory Route with a kingpin-to-rear-axle (KPRA) distance advisory indicating that tractor-semis over 30 feet kingpin to rear axle are not advised. Trucks from Cecilville Rd to Montague (SIS 54.18) is Terminal Access of the Surface Transportation Assistance Act (STAA).
- **Large timber and agricultural vehicles in Trinity and Siskiyou Counties** - This scenic two-lane highway winds through areas with substantial lumber, agricultural, farm, and nursery activities; thus, drivers encounter some agricultural vehicles and farm equipment used particularly for agricultural operations.
- **Limited availability of traveler information** – There is limited availability of utilities for operations of new traveler information technology along portions of SR 3. Traveler information is useful during inclement weather, construction, incidents or for roadway users who wish to learn more about current conditions on the route.

Route Concept:

Most of SR 3 is a two-lane conventional highway. The exception is in Yreka where the route is a four-lane conventional highway.

**SR 3 Route Concept (20-Year)
Two-Lane Conventional Highway with exceptions in Yreka.**

Programmed Projects, Concepts and Management Strategies

Examples of *programmed* projects along SR 3 include maintenance projects with culverts and maintenance improvements within both counties. Example of *planned* projects include paved turnouts at various locations in Trinity County and drainage rehabilitation and pavement improvements within Siskiyou County. Examples of potential future *concepts* include adding passing lanes along Hayfork Summit and a bike and pedestrian trail along Trinity Lake in Trinity County and in Siskiyou County left-turn lanes at Helwig Ct and Quartz Valley Rd.

Stakeholder Participation:

There are many opportunities for public input throughout the project development process. Caltrans solicits and records public input during the identification of a project need, during the environmental study process and at other relevant project milestones. Public involvement for route-specific planning offers unique opportunities for Caltrans to obtain and use region-wide community input about a route. Because routes like SR 3 span multiple jurisdictions, planning efforts must take care to address individual community issues along with region-wide issues. These issues can include local traffic flow, economic/business development, multimodal opportunities, traveler information systems, regional mobility, and safety.

State and federal laws require public involvement to be a part of transportation decision making. While such laws are meant to promote fairness and equity in decision making, Caltrans realizes that there are recognizable benefits to involving the public early and continuously. Some benefits from public engagement include increasing credibility, strengthening public support, and improving public trust. Involving the public early can result in using resources more efficiently to address public concerns and reduce the need to reevaluate decisions.

In partnership with Caltrans District 2 and the Regional Transportation Planning Agencies for the counties of Trinity and Siskiyou, the following outreach efforts were made during the Corridor Plan process:

- Media Outreach: press releases, emails, phone calls, flyers, community calendar.
- Public Workshops: Trinity Center (Tuesday, November 12, 2019) and Hayfork, (Tuesday, November 19, 2019).
- Siskiyou County Public Outreach (January 4th 2022- February 4th 2022): An informational video was sent out on Caltrans District 2 Facebook page about what a Corridor Plan is, and flyers were sent and distributed in the communities. The public was able to give their feedback via email or phone call.

Hayfork. Tuesday, November 19, 2019

- Outreach to Native American Tribes.
- Communication with RTPA staff to discuss key items to be included in the report such as issues along SR 3.
- Internet Website: Press releases about the workshops and announcement that the SR 3 Corridor Plan is in progress. Included contact email link for Corridor Plan lead person.
- Local Transportation Commission Meetings: Presented Corridor Plan updates and draft and final versions of the SR 3 Corridor Plan.

The final step in the approval process for a Corridor Plan in District 2 includes seeking acceptance from regional partners, and District 2 staff who were directly involved in review/approval of the Corridor Plan. The Report Signature Sheet documents support for the planning and outreach process used and serves to acknowledge that this Corridor Plan presents reasonable concepts for future development and management of the route within the subject jurisdictions.

See the following appendices for further information:

- **Appendix A: County Information**
- **Appendix B: Public Outreach Activities and Public Information**
- **Appendix C: Tribal Factsheets**

Report Signature Sheets

State Route 3 Corridor Plan

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Date

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Siskiyou County Local Transportation Commission

Date

RESOLUTIONS OF CONCURRENCE

TRINITY COUNTY

SISKIYOU COUNTY

General Route Information:

Route Description:

SR 3 begins at the junction of SR 36, south of Hayfork in Trinity County and ends in Siskiyou County in Montague, where it transitions into a county road. SR 3 is a two-lane conventional highway with limited passing opportunities and the exception in Yreka where SR 3 is a four-lane conventional highway. SR 3 links rural areas with small communities in northern California and connects residents with Trinity County's seat, Weaverville, and Siskiyou County's seat, Yreka. SR 3 serves as a main street for some rural communities. Traffic is mainly intraregional and recreational trips with limited goods movement. SR 3 has a break in the route within Trinity County from the junction of SR 299 until the historical downtown in Weaverville. This is the only break within SR 3 (where SR 299 serves traffic in between for approximately 7 miles).

Terrain on this route varies between flat, rolling, and mountainous. This route has three mountain passes; Hayfork Summit (elevation 3,660 ft) at Trinity Post Mile (PM)¹ 18.65 (TRI PM 18.65), Scott Mountain Summit (elevation 5,404 ft) near the Trinity/Siskiyou County line PM T85.07, 0.408 (TRI PM T85.07, SIS PM 0.408), and Forest Mountain Summit (elevation 4,097 ft) at Siskiyou PM 41.67 (SIS PM 41.67). SR 3 provides access to diverse trails, tourism and recreational sites such as; Shasta-Trinity National Recreation Area, Trinity Lake, and the Pacific Crest Trail, in Trinity and Siskiyou Counties.

Route Location:

State Route 3 is a south to north route in the northern portion of the state from State Route 36 (in Trinity County) to Montague (in Siskiyou County, just east of Interstate 5 (I-5)).

Legal Description:

The California State Highway System consists of routes described in the California Streets and Highways Code. Division 1, Chapter 2, Article 3 (section 303) describes State Route 3 as follows:

Route 3 is from:

(a) Route 36 near Peanut to Route 299 near Douglas City.

(b) Route 299 near Weaverville to Montague via Main Street in Yreka.

(Amended by Stats. 1974, Ch. 123.)

Equity:

SR 3 has potential for having equity priority community. These communities often experience fewer benefits and a greater share of negative impacts associated with California's transportation system. In District 2, locations with equity priority communities are identified using socioeconomic measures and proximity to tribal communities.

¹ Using miles and counties, the Post Mile system identifies specific and unique locations in the California Highway System. Post Mile (PM) values increase usually from south to north or west to east depending on the general direction the route follows within the state. The Post Mile values increase from the beginning of a route within a county to the next county line. The Post Mile values start over again at each county line. Since SR 3 passes through Trinity and Siskiyou Counties (from south to north), the Post Mile references appear using county abbreviations TRI and SIS.

Broadband:

The California Department of Transportation (Caltrans) accommodates wired broadband facility encroachments within State Highway right-of-way when there is a benefit to the public. Accommodation shall be in accordance with federal and state laws and shall not adversely impact the highway user or worker safety, transportation facility longevity, or highway aesthetic quality. District 2 is working on adding broadband in locations in a project called "Broadband Middle Mile Network". Along SR 3 the locations are the east side of Hayfork to the Junction of SR 299 and SR 3 near Douglas City and from the Junction of SR 299 and SR 3 in Weaverville to Yreka and Yreka to Montague.

Route History:

Before 1964, routes in California had two independent numbering systems: the number (or numbers) the route was signed, and the number with which the legislature identified the routes (Legislative Route Number– LRN). All state highways were assigned a LRN. As the state highway network grew, each new segment was given its own LRN (but was an extension of the original signed route). The State Highway System was added to the California Streets and Highways Codes (Sections 300-635) in 1964. The intent of the legislature was to identify a set of routes in the State Highway System that serve the State's heavily traveled rural and urban corridors, connect the communities and regions of the State, and support the State's economy by connecting centers of commerce, industry, agriculture, mineral wealth, and recreation.

The Legislative Route Numbers that applied to portions of what is now State Route 3 are included in the history milestones below.

Milestones in History:

- 1907 - Defined as Legislative Route Number 35 between Peanut to I-5 in Red Bluff. (Portion between peanut and current SR 36 later converted to SR 3 and remaining portion later became SR 36)
- 1909 - Defined as Legislative Route Number 35 between Mad River to Peanut. (Portion between peanut and current SR 36 later converted to SR 3)
- 1917 portion of what is now SR 36 converted to Route 35 as Legislative Route Number LRN 35 between the communities of Kuntz (now Mad River) and Peanut
- 1933 – LRN 35 extended north from Peanut to Route 20 (now SR 299)
- 1933 - New Route added by State Statute Etna Mills to Montague (number not shown in Statute, but 82 verified on 1934 map in source list below)
- 1945 & 1947- SR 3 had the following designations prior to the beginning of the Federal Aid Secondary Program in 1945 and the Collier/Burns Act in 1947:
 - Route 29- South of Peanut
 - Route 35- Peanut to SR 299
 - Route 82- Etna to Weaverville
- 1959 Route 3 from Route 299 near Weaverville to Route 5 near Yreka added to the Freeway and Expressway System.
- 1964 conversion of portions of other routes into State Route 3:
 - routes 82 and 35 became components of SR 3.
 - LRN 35 portion between Peanut to Route 20 (now SR 299)

- LRN 82 from Etna to Montague (now SR 3)
- 1966, SR 36 was relocated between Forest Glen and Wildwood, by-passing Peanut to the south. A new realignment was built adding approximately 4.8 miles to SR 3, however, instead of renumbering the highway Caltrans with a L in front of the postmiles which start in SR 36 to Peanut.

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Figure 1: Map of SR 3



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Route Terrain:

SR 3 has a diverse terrain as it varies from mountainous to flat continually throughout the route. The elevation ranges from approximately 2,000 feet to 5,400 feet. The route has three mountain passes each with a five percent grade or greater; Hayfork Summit (TRI 18.65 – 3,660 feet), Scott Mountain Summit (TRI 85.07 – 5,401 feet), and Forest Mountain Summit (SIS 41.67 – 4,097 feet). The highest point of the route is in Trinity County at Scott Mountain Summit.

SR 3 over Scott Mountain Summit has unique terrain. In the northbound direction on SR 3, the roadbed runs on a level plain leading up to the base of the mountain. As the roadway climbs past the base towards the summit, the mountainous terrain changes to a steep, curvilinear incline with limited to no shoulders. This stretch has advisory signs showing suggested speeds as low as 30 mph. The route follows Scott Mountain Creek with one side a steep cut bank and the other a sharp drop off. After the summit, SR 3 crosses Siskiyou County line and the route descends on a greater than 6 percent downhill grade with less sharp curves allowing drivers to be more comfortable and an increased speed limit to 55 mph.

Major Route Connections:

SR 3 intersects with four other state highways: SR 36, SR 299, SR 263, and I-5.

- SR 36 crosses west to east in northern California through six counties (Humboldt, Trinity, Shasta, Tehama, Plumas, and Lassen) from the Pacific Ocean to US 395 in Lassen County (around 250 miles). SR 36 is a High Emphasis Route and Focus Route between SR 44 and US 395. SR 36 connects to SR 3 in Trinity County at PM L0.00.
- SR 299 is a west to east highway through 5 counties (Humboldt, Trinity, Shasta, Lassen, Modoc) from US 101 on the Pacific Coast, near Arcata, to the Nevada state line near Cedarville (almost 306 miles). SR 299 between the Pacific Coast and I-5 in Redding is part of the National Highway System, a High Emphasis Route and Focus Route. The western portion of SR 299 also provides access to the Port of Eureka, which is the only deep-water port in California north of San Francisco. To the east SR 299 between I-5 and Alturas is an interregional route. SR 299 and SR 3 join near Douglas City and are coterminous for 9 miles until SR 3 separates in Weaverville.
- SR 263 runs south to north from SR 3 in the Yreka and ends at the junction with SR 96 (around 10 miles). One of the primary purposes of SR 263 is to provide access to businesses and residences in the area; it also serves as a connector between Yreka and SR 96. The route can be used by travelers looking for an alternative to Interstate 5 (I-5) in this area, or as a detour route in the event that I-5 is closed.
- I-5 begins at the Mexico-United States International Border (San Ysidro, CA) and ends at the Canadian border for a total length of over 1,380 miles. Among its many important functions, I-5 is part of the National Highway System, an Intermodal Corridor of Economic Significance and identified as a Corridor of the Future. Within District 2, I-5 is about 174 miles in length and passes through

Tehama, Shasta, and Siskiyou Counties. SR 3 parallels I-5 in Yreka and continues an overpass of I-5.

The following two tables show other major road connections along SR 3.

Table 1: Other Major Road Connections in Trinity County		
Name	Post Mile	Functional Classification
Rattlesnake Rd (Old Highway 36)	TRI 0.05	Minor Collector
Morgan Hill Rd	TRI 6.22	Minor Collector
Tule Creek Rd	TRI 6.49	Major Collector
Hyampom Rd	TRI 6.73	Major Collector
Oak Ave	TRI 7.71 (7.709)	Minor Collector
Wildwood Rd	TRI 11.65	Major Collector
Deerlick Springs Rd	TRI 27.83	Minor Collector
Reading Creek Rd	TRI 29.73	Minor Collector
Washington St	TRI 31.28	Major Collector
East Weaver Creek Rd	TRI 32.64	Minor Collector
Rush Creek Rd	TRI 37.90	Minor Arterial
Trinity Dam Blvd	TRI 38.77	Major Collector
Airport Rd	TRI 59.95	Minor Collector
Eastside Rd	TRI 65.47	Major Collector
Coffee Creek Rd	TRI 67.89	Minor Collector

Table 2: Other Major Road Connections in Siskiyou County		
Name	Post Mile	Functional Classification
Gazelle Callahan Rd	SIS 6.95	Major Collector
Callahan-Cecilville Rd	SIS 8.87	Major Collector
Horn Ln	SIS 20.05	Minor Collector
Main St (LT)	SIS R21	Major Collector
Island Rd (RT)	SIS R21	Minor Collector
Collier Way	SIS R21.46	Minor Collector
Eller Ln	SIS 25.11	Minor Collector
Main St	SIS 21.15	Minor Collector
Quartz Valley Rd	SIS 27.79	Minor Collector
Eastside Rd	SIS 32.16	Minor Collector
Scott River Rd	SIS 32.20	Major Collector
Carlock St	SIS 32.49	Minor Collector
McAdams Creek Rd	SIS 34.05	Minor Collector
Moonlit Oak Ave	SIS L47.26	Major Collector
4H Way	SIS L47.49	Major Collector
Greenhorn Rd	SIS L47.84	Major Collector
Oberlin Rd	SIS L48.16	Minor Arterial
Yreka St	SIS L48.84	Major Collector
E Center St	SIS L49.21	Major Collector
Miner St	SIS L49.25	Major Collector
Yama St	SIS L49.38	Major Collector
Yreka Ager Rd	SIS R48.95	Major Collector
Phillipe Ln	SIS R49.45	Major Collector
Grenada Rd (11 th St)	SIS 53.22	Major Collector
Willow Creek RD (9 th St)	SIS 53.68	Major Collector

Route Designations

Table 3: Route Designations		
	Trinity County	Siskiyou County
State Highway System¹	Yes	Yes
Interregional Road System	No	No
High Emphasis	No	No
Strategic Interregional Corridor (Focus Route)	No	No
Freeway & Expressway System²	Yes (No) ²	Yes (No) ²
National Highway System	No	No
Strategic Highway Network	No	No
Federal Functional Classification	Minor Arterial	Minor Arterial: SIS 0.00 - 46.22, and SIS 50.16 - 54.19 Principal Arterial: SIS 46.22 - 50.16
Truck Designation	California Legal Advisory	California Legal Advisory Route: SIS 0 - 8.90 Terminal Access (STAA): SIS 8.90 – 54.19
Scenic Byway	Yes (TRI 30.86 – 85.06)	Yes (SIS 0.00 – SIS 54.19)

¹The State Highway System was added to the California Streets and Highways Codes (Sections 300-635) in 1964. The intent of the legislature was to identify a set of routes in the State Highway System that serve the State's heavily traveled rural and urban corridors, connect the communities and regions of the State, and support the State's economy by connecting centers of commerce, industry, agriculture, mineral wealth, and recreation.

²The Freeway and Expressway System is a State designation added to California Street and Highways Code in 1959 (Sections 253.1-253.8). It consists of California State Highways that were declared by the Legislature to be essential to the future development of California, including SR 3. Many of the highways that are included in the Freeway and Expressway System were designated shortly following passage of the legislation.

California Streets and Highways Code section 252 allows for periodic review of the Freeway and Expressway System:

The Legislature recognizes that the dynamic growth of this State will require periodic review of the California Freeway and Expressway System. The Legislature recognizes further that all highway planning and construction work should be correlated with a plan to provide a comprehensive system of access-controlled freeways and expressways throughout the State, and that the California Freeway and Expressway System established by this article has been selected and developed as a result of scientific studies by all levels of government in the State of California.

This Corridor Plan provides the review of SR 3 as required by the above code section. The analysis contained herein demonstrates that development of SR 3 from Weaverville to Tri/Sis County line, and from Tri/Sis County line to the end of the route to either freeway or expressway standard is no longer necessary or feasible. The Facility Concept defined in this Corridor Plan to guide future management and improvement of SR 3 is therefore Two-lane Conventional Highway (2C), with the exception of Yreka where the route is a Four-lane Conventional Highway (4C).

Route Purpose, Trip Generating Facilities and Travel Patterns

From south to north in northern California, SR 3 can be defined by its connections to communities and other routes: SR 36 to SR 299 near Douglas City, SR 299 in Weaverville to the Community of Callahan, the Community of Callahan to Interstate 5 (I-5) in the Yreka, and I-5 to the Montague.

SR 36 to SR 299 near Douglas City

SR 3 starts at the intersection of SR 36 south of the community of Hayfork in Trinity County and links the unincorporated community of Peanut, and Trinity Pines Subdivision to Hayfork. Once entering the community of Hayfork, SR 3 serves as the main street and is important for both locals commuting to school, church, work, downtown businesses, home, errands, and intraregional travels such as: agricultural activities, tourism, and recreational activities. Continuing in the northbound direction, SR 3 serves as a link

between the communities of Hayfork and Douglas City at SR 299. SR 299 provides a connection to Weaverville, US 101 in Humboldt County, and Redding (I-5, SR 44, SR 273).

SR 299 in Weaverville to the Community of Callahan

SR 3 has a break in the route from the junction of SR 299 between Douglas City and Weaverville (approximately 7 miles), where the SR 299 alignment serves the traffic. SR 3 resumes in the historical downtown of Weaverville. In Weaverville, the County seat and Trinity's largest community, SR 3 passes Weaverville Elementary School, single-family residences, private and public businesses, Weaverville's Airport, and CAL FIRE. Most of the trips within the Weaverville area are for locals commuting to work, school, and errands.

North of Weaverville, SR 3 passes through the Shasta-Trinity National Forest, private timberlands, and rural communities, such as Covington Mill, Trinity Center, and Coffee Creek. This section of the route has the most recreational activities along SR 3; due to attractions such as: Trinity Dam, Lewiston Lake, Trinity Alps, campgrounds, tourism sites, and resorts near Trinity Lake. SR 3 continues through mountainous and rolling terrain until it reaches the base of Scott Mountain. Scott Mountain is the highest peak along SR 3 at an elevation of 5,401 feet and the Pacific Crest Trail crosses the route at the summit. Travel in this section is primarily intraregional and recreational trips with limited goods movement (mainly timber or agricultural activities). Near Scott Mountain summit is the Trinity/Siskiyou County line; the route continues through approximately 7 miles of the Klamath National Forest before passing through the community of Callahan. Trip purposes for this section of the route are mainly intraregional, recreational to Trinity Alps, Pacific Crest Trail and Trinity Lake.

Community of Callahan to Interstate 5 (I-5) in Yreka

SR 3 is surround by agricultural lands, ranches, and grassland landscape. The route passes through Callahan, Etna, Greenview, and Fort Jones before reaching Yreka's city limit. These communities use SR 3 as a main street, and all have similar characteristics. Trip purposes along this section of the route, are generally intraregional with some logging and agricultural activities.

After the Fort Jones, SR 3 reaches Forest Mountain Summit with an elevation of 4,097 ft. After Forest Mountain Summit, the route continues through agricultural lands and open space with grasslands before entering Yreka. Yreka is the Siskiyou County seat and SR 3 serves as a main street through Yreka and parallels I-5. SR 3 passes by single-residence housing and private and public businesses, such as, gas stations, restaurants, hotels, California Highway Patrol, and Caltrans Maintenance Yard. Also, SR 3 runs through the historic downtown. Nearby connections can be made with I-5 via Moonlit Oaks Ave (SIS PM L47.264), Center Street (PM L49.207), and East Miner Street (PM L49.254). Also, at the intersection of SR 263 and Montague Rd/Tebbe St (PM L49.871), the route heads east towards I-5. Travel within Yreka includes local trips to work, school, and other errands. Yreka is a popular travel stop for drivers going from California to Oregon, as it's the last major city before crossing the state line.

Interstate 5 (I-5) to Montague

The junction of I-5 (SIS 3 PM L50.159/ SIS 5 PM R48.239) is an important trip generator along SR 3. After the junction, SR 3 continues through a small developing area, open space and agricultural lands before the landscape transforms into residential subdivision and businesses as the route goes through Montague (approximately 6 miles east of I-5). In Montague, SR 3 is the main street and goes through the historical downtown. Trips within this community are generated by Locals commuting to school, work, and errands. Other trips are generated by local businesses, households, public services, recreation activities with the park, delivery trucks, and farming activities occurring beyond Montague city limits.

Type of trips along the route:

Interregional:

SR 3 serves limited longer trips such as, between the commercial center Redding in Shasta County, Trinity County's seat, Weaverville and Siskiyou County's seat, Yreka.

Intraregional:

SR 3 serves medium length trips (within each region) as it connects communities in close proximity of each other in Trinity and Siskiyou Counties.

Local:

SR 3 also serves shorter distance trips, typically associated with day-to-day activities. It links rural communities and cities to each other and greater local cities; the route serves as a main street within several communities in Trinity and Siskiyou Counties.

Route Overview:

This section provides an overview of the various modal networks on the route. It covers vehicles, freight, bicycles, pedestrians, and transit. It includes information connectivity and continuity of these modes.

Vehicles:

SR 3 is a two-lane conventional highway with passenger vehicles being the primary user now. Seasonally, recreational vehicles (RVs) are common in the vicinities of outdoor attractions.

The types of vehicles and trip purposes vary by location along the route. The route can be discussed as four different sections, each unique in terms of patterns of travel. From south to north, the four sections are: **South of Hayfork to SR 299 near Douglas City, SR 299 in Weaverville to Scott Mountain Summit, Scott Mountain Summit to Yreka, and Yreka to Montague (end of the route).**

- 1. South of Hayfork to SR 299 near Douglas City (TRI L0.00 – 30.86):** This section begins at the junction of SR 36. The southern portion of this section is mainly utilized for farming and agricultural trips with some intraregional travel as SR 3 connects the largest nearby community, Hayfork, to Trinity Pine Dr, Post Mountain Rd, Zenia, and Peanut. In the community of Hayfork, SR 3 serves as a main street and mostly has local trips within the community. From Hayfork to the junction of SR 299, most vehicles are passenger cars with some small delivery trucks. The

annual average daily trips (AADT) increases from 530 vehicles at the junction of SR 36 to a high of 2400 vehicles in Hayfork before decreasing to 1750 vehicles as it approaches SR 299.

2. SR 299 in Weaverville to Trinity/Siskiyou County Line near Scott Mountain Summit

(TRI 30.86 – 85.068): The second section of this discussion begins after the route break, where SR 3 resumes in Weaverville at SR 299 and ends at the summit of Scott Mountain. The volume of passenger and light duty vehicles in this section range from 330 to 3450, the highest volumes in Weaverville before decreasing around Rush Creek Rd (PM 37.88) along SR 3. Most of the vehicles on this section are passenger cars, RVs and some delivery trucks. However, there can be intraregional trips from SR 299 to the communities along SR 3 (Trinity Center, Coffee Creek, Covington Mill).

3. Trinity/Siskiyou County Line near Scott Mountain Summit to Yreka (SIS 0.408 –

46.22): The third section of this discussion starts out at the Trinity/Siskiyou County line near Scott Mountain Summit, where there is no development until Callahan, Etna, Greenview and Fort Jones; SR 3 is the main street for these communities. Traffic volumes in this section are relatively low due to the rural location of the route. However, the traffic volumes increase as the route passes through Greenview, Fort Jones and Yreka. Trip purposes along this route are mostly intraregional travels, local errands, agricultural and timber activities, and trips north to Interstate 5 and Yreka.

4. Yreka to Montague (SIS 46.22 – 54.19): The final section of this discussion passes through Yreka and Montague; SR 3 is a main street in both cities. The vehicle ADDT along SR 3 is the highest in Yreka, which is due to the urban development in Yreka and the proximity of I-5. Trips in Yreka are local commutes to private and public business, school, single-family residences, errands, and places of worship, as well as travelers from I-5 accessing services. Trips in Montague are generally for local commutes to public and private businesses, school, single-family residences, errands, and places of worship.

Freight:

Trucks

Movement of freight in the area of SR 3 is accomplished mainly via trucks with some rail. Within District 2, SR 3 is a California Legal Advisory Route from junction SR3/SR 36 (PM TRI L0.00) to East Fork Scott River Bridge (PM SIS 8.90). A California Legal Advisory Route suggests that tractor-semis over 30 feet kingpin to rear axles are not advised. STAA trucks are mainly precluded on SR 3 primarily due to the mountainous terrain and narrow roadway with sharp curves. The rest of the route is designed for STAA trucks in the north bound direction. Near Post Mile 21.39 in Etna, there is a California Advisory sign in the southbound direction. See Appendix E for Truck Designation Definitions.

Rail²

In Siskiyou County there are two railroad lines that cross SR 3 in and near Montague. The railroad lines are Yreka Western Railroad (YW) and Central Oregon and Pacific Railroad (CORP). The YW railroad is a common carrier class III short line and is located near Post Mile 50.13. The railroad is an active freight railroad offering direct rail services to the customers on its line, as well as rail logistics and "Rail-To-Truck" transloading service to industrial customers in the northern California and southern Oregon area who are not directly served by class 1 rail services. In addition, the YW railroad interchanges with the CORP, which is in Montague. In Montague, the CORP crosses SR 3 at a grade near Post Mile 53.25. The CORP is a Class II railroad that operates between Northern California and Eugene, Oregon, and parallels SR 3 for a couple miles. There are no loading and unloading activities and operations in Montague; local and regional freight movements (imports and exports) on SR 3 is accomplished primarily by truck.

Transit:

Providing transit in rural areas is challenging due to various reasons, such as, long distances between communities, limited/dispersed population base, scheduling difficulties and limited funding.

Bus

There is no interregional bus service along SR 3. However, Trinity County provides regional service and Siskiyou County provides intercity services.

In Trinity County, Trinity Transit has one of its four fixed routes on SR 3 - Weaverville to/from Hayfork, which is important for connection with other fixed routes connecting in Weaverville that leads to other neighboring transit systems, such as, Redding Area Bus Authority (RABA) in Redding, Redwood Transit System (Willow Creek, Arcata, Eureka), and Klamath-Trinity Non-Emergency Medical Transportation in Willow Creek (Willow Creek, Hoopa).

Siskiyou County intercity transit is called Siskiyou Transit and General Express (STAGE). STAGE operates in outlying communities and corridors; only the Scott Valley corridor uses SR 3 and it runs within Etna, Greenview, Fort Jones, Yreka, and Montague.

Airports

Major carrier commercial service is not available near SR 3. General Aviation Airports near the route include;

In Trinity County:

- Hayfork Airport
- Weaverville Airport/Lonnie Pool Field
- Trinity Center Airport/James E. Swett Field

In Siskiyou County:

- Scott Valley Airport
- Montague-Yreka Airport
- Siskiyou County Airport

² Source of information on Yreka Western Rail came from Union Pacific Website (https://www.up.com/customers/shortline/profiles_t-z/yw/index.htm) and Yreka Western Railroad Website (<https://yrekawestern.com>).

Passenger Rail

There is no passenger rail transit along SR 3

Bicycles:

Bicycles are allowed on the entire length of SR 3. Typical treated shoulder widths on SR 3 range from 0-7 feet, however Scott Mountain has 10-foot lanes with limited to no shoulders. Distances between communities and services limit most bicycle use on the route to long distance recreation and travel within communities. Most of the route has no specific designation for bicycle use.

In Trinity County, cyclists are common in Hayfork and Weaverville areas; there is a Class II bike lane in Hayfork and a Class II bike lane in Weaverville. Most of the travel purposes are locals commuting to work, school, and errands. Tourism and recreational activities occur during the summer months, especially near Trinity Lake, Trinity Center, and Coffee Creek areas. The Trinity County Active Transportation Plan was completed July 2020.

https://www.trinitycounty.org/sites/default/files/DOT/documents/ATP_7_25_2020-.pdf

The plan proposes that SR 3 be designated Class III south of Hayfork, Class III in Douglas City, Class II bikeway south of Coffee Creek Road and Class III bikeway north of that intersection. The plan also cites many active transport-based events that are held regularly in the area mostly on local roads and on the area trail networks.

In Siskiyou County, cyclists are common in Etna, Fort Jones, Yreka, and Montague. The majority of bicyclists are local with travel for the purposes of commuting to work, school, home, recreation, and errands. However, there are no dedicated bike lanes along SR 3 in Siskiyou County. Siskiyou County is currently working on their Active Transportation Plan.

Pedestrians:

Pedestrians are permitted along the entire length of SR 3. Sidewalks and shoulders for pedestrians are limited along SR 3.

In Trinity County, Hayfork and Weaverville have pedestrian use along the route, with the highest amounts of foot traffic near Hayfork Elementary School, Hayfork High School, and Weaverville Elementary School. Near Trinity Center is the Trinity KOA which brings a lot of recreational users during the summer months; pedestrians and bicyclists use the Swift Creek Bridge to connect from Trinity Center to Trinity KOA. At the community of Coffee Creek, pedestrians cross SR 3 to get to Coffee Creek Elementary School or recreational activities.

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In Siskiyou County, SR 3 serves as a main street through many cities along the route. Callahan has limited pedestrian activity; however, people may walk between Callahan Station to downtown Callahan. Pedestrian facilities along SR 3 within Callahan are primarily widened shoulder areas with shared parking. There are a few sidewalks in the downtown area, for example one raised concrete sidewalk in front of the Grange building and adjacent historic Wells Fargo Bank building that extends to the next two buildings to the south. On the opposite side of the highway, the businesses have privately owned boardwalks or walkways in front of the buildings with overhangs attached to the store fronts. SR 3 goes through Etna on the outskirts of the city. Pedestrian activity is limited and there are sidewalks located off SR 3 near the gas station. In Fort Jones, a gravel walkway is located on the east side in the outer limits before sidewalks are located on both sides. The sidewalks end on the west side around Post Mile 32.72, but the sidewalk continues until Post Mile 32.93 on the east side. Yreka has sidewalks starting at Post Mile R46.88 and ends near Post Mile L50.06. Pedestrian use is highest along the route in Yreka. In Montague, there are sidewalks in the downtown area. Much like Callahan the sidewalks are attached to store fronts in the downtown area and are dispersed throughout Montague.

In December 2021, Caltrans Director's Policy (DP -37) titled "Complete Streets" was released. Caltrans recognizes that walking, biking, transit, and passenger rail are integral to our vision of delivering a brighter future for all through a world-class transportation network. Additionally, Caltrans recognizes that streets are not only used for transportation but are also valuable community spaces. Accordingly, in locations with current and/or future pedestrian, bicycle, or transit needs, all transportation projects funded or overseen by Caltrans will provide comfortable, convenient, and connected complete streets facilities for people walking, biking, and taking transit or passenger rail unless an exception is documented and approved. When decisions are made not to include complete streets elements in capital and maintenance projects, the justification will be documented with final approval by the responsible District Director.

Opportunities for complete streets exist in all phases of project development from planning and design to construction, operations, and maintenance. Complete streets projects should prioritize underserved communities that have been historically harmed and segmented by the transportation network and should serve people of all ages and abilities. Furthermore, Caltrans commits to removing unnecessary policy and procedural barriers and partnering with communities and agencies to ensure projects on local and state transportation systems improve the connectivity to existing and planned pedestrian, bicycle, and transit facilities, and accessibility to existing and planned destinations, where possible. See Appendix L for the official Directors' Policy.

For more information on bicycle and pedestrian facilities, please refer to Caltrans District 2 Active Transportation Plan: [Caltrans Active Transportation Plan 2022 District 2](#)

Community Characteristics and Land Use

Demographic Characteristics

Table 4 displays the 2019 US Census estimate data for Trinity County and its three major unincorporated communities (Hayfork, Douglas City, and Weaverville, Census Designated Places [CDP] in Trinity County), and Siskiyou County and its four incorporated cities (Etna, Fort Jones, Yreka, and Montague) through which SR 3 passes.

Table 4: County, City, and Census Designated Place Census Data									
	Trinity County	Hayfork	Douglas City	Weaver- ville	Siskiyou County	Etna	Fort Jones	Yreka	Montague
Total Population¹	12,285	2,324	868	3,667	43,539	678	695	7,518	1,226
65+	28.3%	28.8%	28.0%	22.3%	26.1%	26.9%	15.7%	20.0%	19.1%
Male Population	51.4%	_*	_*	_*	49.7%	_*	_*	44.9%	_*
Female Population	48.6%	_*	_*	_*	50.3%	_*	_*	55.1%	_*
White	87.0%	1,747	677	2,983	85.9%	560	491	76.0%	1,002
Black	0.8%	7	3	22	1.5%	3	4	1.6%	8
American Indian	5.2%	92	18	119	5.1%	24	36	6.1%	50
Asian	1.5%	237	33	65	1.6%	8	14	0.3%	4
Native Hawaiian and Other Pacific Islander	0.2%	4	2	8	0.4%	3	0	1.6%	0
Hispanic or Latino	7.4%	151	53	262	13.2%	39	92	12.8%	135
Median Household Income	\$40,846	\$34,056	\$42,063	\$46,212	\$45,241	\$52,833	\$29,327	\$42,403	\$46,927
Median House Value	\$287,700	_*	_*	_*	\$198,900	_*	_*	_*	_*
Population per Square Mile	4.3	_*	_*	_*	7.2	_*	_*	_*	_*
Persons in Poverty	46.5%	14.2%	38.0%	18.3%	17.4%	13.7%	33.2%	22.1%	13.9%
¹ Total Population includes individuals living in group quarters – Source: www.census.gov *_Data is not available from the Census.									

Environmental Considerations

Caltrans strives to maintain, operate, and improve the highway in a manner sensitive to the environmental setting. Environmental issues are addressed in the System Planning process, and the project and development process as early as feasible. Known environmental issues and concerns are included in a Corridor Plan so that planners, engineers, and other project development staff can incorporate environmental factors into project design from the outset.

Some of the key environmental issues along SR 3 are:

Campgrounds Located near SR 3:

Table 5: Campgrounds Located near SR 3		
County	Campground Name	Location
Trinity	East Weaver Campground	Off East Weaver Creek Rd (PM 32.64)
	Rush Creek Campground	Off Rush Creek Camp Rd/ Forest Route 34N97 (PM 39.46)
	Tannery Gulch Campground	Off Tannery Gulch Rd (PM BLANK)
	Stoney Point Campground	At postmile 44.33
	Stoney Creek Group Campground	At postmile 44.80
	Pinewood Cove Campground	At postmile 45.08
	Fawn Group Campground	At postmile 45.44
	Minersville Campground	Off Granite Peak Rd (PM 47.27)
	Bushytail Campground	Off Granite Peak Rd (PM 47.27)
	Clark Spring Campground	Off Rainer Rd (PM 47.71)
	Hayward Flat Campground	Off Hayward Flat Rd (PM 50.59)
	Alpine View Campground	Off Guy Covington DR (PM 53.65)
	Preacher Meadow Campground	At postmile 58.29
	Trinity Lake KOA	At postmile 60.67
	Enright Gulch Cabins	Off Enright Gulch Rd (PM 65.11)
	Banaza King Resort	Off Coffee Creek Rd (PM 67.89)
	Coffee Creek Campground and RV Park	Off Coffee Creek Rd (PM 67.89)
	Trinity River Campground	At postmile 69.56
	Ripple Creek Cabins	Off Eagle Creek Loop (PM 70.33)
	Eagle Creek Campground	Off Eagle creek Loop (PM 72.24)
	Sunflower Cabins	Off Bear Creek Loop (PM 78.22)
	Scott Mountain Campground	On Scott Mountain Summit
There are no campgrounds in Siskiyou County along SR 3.		

National Land

- Shasta-Trinity National Forest
- Klamath National Forest

Farmland/Timberland

Farmland and timberland are critical landscape in Trinity and Siskiyou Counties. In Trinity County the farmland includes agricultural, livestock grazing, and farmland of local and statewide importance with public and private timberlands surrounding SR 3. In Siskiyou County, timberlands are primarily along Scott Mountain; the rest of the route is adjacent to farmland. The farmland changes throughout the route, near Callahan the farmland is primarily livestock grazing lands. From Callahan to Fort Jones, there is prime farmland that sustain long term agricultural production, farmland of statewide importance used for irrigated agricultural production, unique farmland for irrigated and non-irrigated agricultural crops, and farmland of local importance at various locations characterized by dry land, sub irrigated for hay and grain.

From Fort Jones to Montague, there is a combination of grazing land and sporadic farmland of local importance for hay and grain. In the Montague area specifically, there is unique irrigated farmland of lesser quality used for some leading agricultural crops, and grazing land.

Visual Aesthetics

Most of SR 3 passes through a mostly undeveloped, forest and agricultural landscapes. Aesthetics should be considered during future projects along SR 3. SR 3 is designated as a scenic byway for the whole route.

Cultural Resources

There is potential for historic and prehistoric cultural resources near SR 3. The two tribes along SR 3 are the Karuk Tribe and the Quartz Valley Tribe.

Floodplains

There is potential for floodplains that are either adjacent to or cross SR 3.

Air Quality

The two counties SR 3 passes through are unclassified or in attainment with state and federal standards for all criteria pollutants.

Noise

Projects that generate significant levels of noise may require evaluation for impact on

adjoining areas. Given the proximity with Shasta-Trinity National Forest, Klamath National Forest, noise studies may be required for some categories of projects. SR 3 passes through a few rural communities (Hayfork, Trinity Center, Coffee Creek, Callahan, Etna, Fort Jones, Montague) with a few sensitive noise receptors, and some houses and schools are located along SR 3, primarily in towns along the route. The greatest population densities along SR 3 are within Weaverville and Yreka.

Waters and Wetlands

SR 3 runs along multiple water sources which are surrounded with catchment basins characterized by lakes and wetlands. Any project near the route would need to include delineation of state and federal waters including wetlands.

Wild and Scenic Rivers

SR 3 is not near any National Designated, National Study, California Designated or California Special Rivers.

Species Considerations (Special Status Threatened, Endangered, Critical Habitat)

Table 6: Critical Habitat			
County	Postmile	Status	Location
Trinity	L0.00 – L1.85	Threatened	Starts at the beginning of the route and ends near Forest Service Road 30n25 (Blue Gulch)
	16.35 – 17.52	Threatened	Parallels with Summit Creek and Summit Creek Rd
	35.39 – 35.50	Threatened	Ends near Little Browns Creek Rd
	35.62 – 36.20	Threatened	Starts near China Gulch Rd
	36.85 – 38.04	Threatened	Ends near Rush Creek Rd
	39.35 – 43.96	Threatened	Starts near Forest Service Rd 34n97 and ends near the Stuart Fork Bridge
	71.19 – 71.34	Threatened	Parallels with Trinity River and Eagle Creek Loop
	71.63 – 72.51	Threatened	Parallels with Trinity River and Eagle Creek Loop
	73.04 – 73.30	Threatened	Ends near Ramshorn Rd
	74.09 – 75.10	Threatened	Ends near Bear Creek Loop
	76.23 – 76.71	Threatened	Parallels with Trinity River and Bear Creek Loop
	77.35 – 77.89	Threatened	Parallels with Trinity River and Bear Creek Loop
	78.18 – 78.40	Threatened	Starts near Bear Creek Loop

Table 7: Status of Species Known or Believed to Occur along or near SR 3

Group	Name	Federal Status	State Status	CDFW Status	County
Amphibians	Foothill yellow-legged frog	-	CT	SSC	Trinity and Siskiyou
	Pacific tailed frog	-	-	SSC	Trinity and Siskiyou
	California giant salamander	-	-	SSC	Trinity
	Southern long-toed salamander	-	-	SSC	Trinity and Siskiyou
	Cascades frog	-	CE	SSC	Trinity and Siskiyou
Birds	Northern Spotted Owl	T	T	-	Trinity and Siskiyou
	Osprey	-	-	WL	Trinity
	Bald Eagle	Delisted	E	FP	Trinity
	Golden Eagle	-	-	FP, WL	Trinity
	Willow flycatcher	-	CE	-	Trinity
	Yellow-breasted chat	-	-	SSC	Trinity
	Northern goshawk	-	-	SSC	Trinity and Siskiyou
	Yellow warbler	-	-	SSC	Trinity
	Sharp-shinned hawk	-	-	WL	Trinity and Siskiyou
	Prairie falcon	-	-	WL	Siskiyou
	Bank swallow	-	T	-	Siskiyou
	Greater sandhill crane	-	T	FP	Siskiyou
	Burrowing owl	-	-	SSC	Siskiyou
	American peregrine falcon	Delisted	Delisted	FP	Siskiyou
	Cooper's hawk	-	-	WL	Trinity and Siskiyou
	Great gray owl	-	E	-	Siskiyou
Fish	Steelhead-Klamath mountains Province DPS	-	-	SSC	Trinity and Siskiyou

Fish	Summer -run steelhead trout	-	CE	SSC	Trinity and Siskiyou
	Pacific lamprey	-	-	SSC	Trinity
	Steelhead – Northern California DPS	T	-	-	Trinity
	Chinook salmon- upper Klamath and Trinity Rivers ESU	-	CE	SSC	Trinity
	Lower Klamath marbled scuplin	-	-	SSC	Siskiyou
Insects	Western bumble bee	-	CT/CE	-	Trinity and Siskiyou
	Suckley's Cuckoo bumble bee	-	CE	-	Trinity and Siskiyou
	Crutch bumble bee	-	CE	-	Siskiyou
	Franklin's bumble bee	FE	CE	-	Siskiyou
Mammals	Townsend's big-eared bat	-	-	SSC	Trinity
	Gray wolf	FE	SE	-	Siskiyou
	Sonoma tree vole	-	-	SSC	Trinity
	California wolverine	PT	ST	FP	Trinity and Siskiyou
	fisher – west coast DPS	-	ST	SSC	Trinity and Siskiyou
	American badger	-	-	SSC	Siskiyou
	Oregon snowshoe hare	-	-	SSC	Trinity
	Western mastiff bat	-	-	SSC	Siskiyou
	Sierra Nevada mountain beaver	-	-	SSC	Trinity
Mollusks	Trinity bristle snail	-	CT	-	Trinity
Reptiles	Western pond turtle	-	-	SSC	Trinity
Plants	Tracy's erlastrum	-	Rare	-	Trinity
	Indian Valley brodiaea	-	SE	-	Trinity
	Trinity buckwheat	-	E	-	Trinity and Siskiyou
	Siskiyou mariposa-lily	-	Rare	-	Siskiyou
	Yreka phlox	E	SE	-	Siskiyou
CDFW – California Department of Fish & Wildlife FE – Federally listed as endangered FP – Fully protected FPT – Federally proposed (threatened) FT – Federally listed as threatened SC – State candidate (T or E) SE – State listed as endangered SSC – Species of special concern ST – State listed as threatened WL – Watch list					

Fish Passage

The California Fish Passage Advisory Committee (Fish PAC), which is composed of representatives from the California Department of Fish and Wildlife, Caltrans, National Oceanographic and Atmospheric Administration (NOAA) Fisheries and U.S. Fish and Wildlife (USFWS), identifies partial barriers along State Route 3 in Trinity and Siskiyou Counties. Also, Fish PAC includes 101 unassessed fish passageways throughout SR 3.

Table 8: SR 3 Priority Fish Passage Locations for Remediation

PAD_ID	Passage_ID	County	Post Mile	Stream Name	Tributary To	Species Blocked
707231	8766	Trinity	10.9	Barker Creek	Trinity River	Pacific Lamprey
735748	57148	Trinity	34.12	Little Browns Creek	Trinity River	Not Specified
707148	8641	Siskiyou	6.5	Big Mill Creek	East Fork Scott River	Multiple Anadromous Salmonids

Source: www.calfish.org

Habitat Connectivity

Natural landscape blocks are large areas that tend to be mostly natural and ecologically intact, relatively well conserved and are high in biological resource values. Essential connectivity areas are essential for ecological connectivity between natural landscape blocks.

Table 9: Habitat Connectivity

Postmile Limits	Status	Location
TRI 8.22-17.56	Essential Connectivity Areas	Starting near Forest Ave in Hayfork
SIS 16.71-17.2	Essential Connectivity Areas	Ends near Timmons Ranch Rd
SIS 18.81-19.02	Essential Connectivity Areas	Starts near Timmons Ranch Rd
SIS 19.35-20.75	Essential Connectivity Areas	Ends near Lover Ln
TRI 41.62-42.71	Natural Landscape Blocks	Starting after Slate Creek Rd until after Tannery Gulch Rd
TRI 43.94-44.63	Natural Landscape Blocks	Stuart Fork Bridge to Stonewall Pass
TRI 45.09-49.30	Natural Landscape Blocks	Pinewood Cove to Ridgeville
TRI 51.66-51.90	Natural Landscape Blocks	Near Grizzily Ln
TRI 62.51-62.62	Natural Landscape Blocks	Ends near Hatchet Creek Rd
TRI 65.37-65.72	Natural Landscape Blocks	Starts near East Side Rd
TRI 65.88-67.07	Natural Landscape Blocks	Carrville Loop
TRI 69.87-70.21	Natural Landscape Blocks	Near Billys Peak Rd to Near Regale Creek Loop
SIS 0.55-1.70	Natural Landscape Blocks	Near TRI/SIS County line until after Scott Mountain Rd

History

The following table lists historic places near SR 3 that are contained in the National Register.

Table 10: Historical Locations Along SR 3			
County	City	Name	Address
Trinity	Weaverville	Weaverville Historic District	Junction of SR 3/299
Trinity	Covington Mill	Bowerman Barn	Guy Covington Dr, Trinity Center, CA 96091

California Historical Landmarks

NO. 317 SITE OF FORT JONES – Companies A and B of the First United States Dragoons established a military post here on October 16, 1852. Named in honor of Colonel Roger Jones, brevet major general and the Adjutant General of the Army 1835-52, this fort was garrisoned by Company 3, 4th U.S. Infantry from April 23, 1853 until it was abandoned on June 23, 1858. This monument is dedicated this 14th day of July, 1946, to the officers and men who served here, among them Sergeants James Bryan and John Griffin and Private Gundor Salverson who upon their discharge became pioneer settlers of this valley.

LOCATION: On E Side RD, 0.5 mi SE of intersection of E Side Rd and State Hwy 3, Fort Jones.

NO. 901 WEST MINER STREET-THIRD STREET HISTORIC DISTRICT, YREKA – Founded in March 1851 with the discovery of gold in the nearby 'flats,' Yreka quickly became the commercial and transportation hub for the surrounding communities and mining camps. Yreka's tents and shanties gave way to more substantial commercial and residential buildings seen on West Miner and Third Streets which remain as tangible evidence of the town's 19th-century regional prominence.

LOCATION: SW Corner of Miner St and Broadway, Yreka

Route Segmentation

For the purpose of this Corridor Plan, the highway is divided into smaller pieces called segments for an in-depth analysis. Each defined segment has one or more characteristics that distinguish it from other segments.

Criteria considered in the selection of segments for analysis include:

- Change in function or use of route
- Significant changes in AADT
- Significant changes in terrain or grade
- Junction with or crossing of another highway or major facility
- Urban or rural boundaries or other significant change in land use
- Change in posted speed
- Significant turnout locations City or county boundaries.

State Route 3 is broken down into fourteen segments for analysis purposes.

Table 11: Route Segmentation

Segment Number	Location Description	Begin		End	
		County	Post Mile	County	Post Mile
1	Jct SR 3 / SR 36 to County Dump Road	Trinity	10.00	Trinity	5.70
2	County Dump Road to Carr Creek Bridge	Trinity	5.70	Trinity	13.96
3	Carr Creek Bridge to Jct 3 / 299	Trinity	13.96	Trinity	30.86
4	Jct 3 / 299 to Rush Creek Road	Trinity	30.86	Trinity	37.9
5	Rush Creek Road to East Fork Stuart Bridge	Trinity	37.9	Trinity	53.69
6	East Fork Stuart Bridge to Coffee Creek Bridge	Trinity	53.69	Trinity	67.70
7	Coffee Creek Bridge to Trinity/Siskiyou County Line	Trinity	67.70	Trinity	85.068
8	Trinity/Siskiyou County Line to Gazelle Callahan Rd	Siskiyou	0.408	Siskiyou	6.95
9	Gazelle Callahan Rd to Etna, Main St	Siskiyou	6.95	Siskiyou	21.00
10	Etna, Main St to Scott River Bridge	Siskiyou	21.00	Siskiyou	31.67
11	Scott River Bridge to Moffett Creek Road	Siskiyou	31.67	Siskiyou	38.26
12	Moffett Creek Road to Richmond Ln (Yreka City	Siskiyou	38.26	Siskiyou	46.22
13	Richmond Ln (Yreka City Limits) to Jct RTE 5	Siskiyou	46.22	Siskiyou	50.16
14	Jct RTE 5 to Montague/End of RTE 3	Siskiyou	50.16	Siskiyou	54.87

Figure 2: State Route 3 Segmentation Overview



Route Performance

Level of Service

Level of Service (LOS) is a qualitative measure used to analyze highway performance and to describe operating conditions within a traffic stream, in terms of such service measures such as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. Six levels are defined for each type of facility analyzed. Letters designate each level, from "A" to "F", with LOS "A" representing the best operating conditions and LOS "F" the worst.

Route Performance Table

The Performance Table below provides current and future volume and LOS information for SR 3.

Table 12: Route Performance													
Segment Number	Data Year 2019						AADT Growth Rate (Vehicles/Year)	Future Year 2039					
	AADT	PH	Total Trucks	5+ Axle Trucks	DVMT	LOS		AADT	PH	Total Trucks	5+ Axle Trucks	DVMT	LOS
1	530	70	22	10	5,560	A	20	930	123	42	19	9756	A
2	2400	290	258	84	19,824	A	20	2800	360	278	91	23,128	A
3	1750	160	140	47	29,575	A	10	1950	180	150	50	32,955	A
4	3450	400	141	62	24,288	C	18	3810	442	159	70	26,822	C
5	790	110	37	11	12,474	A	4	870	130	41	12	13,737	A
6	540	50	39	10	7,565	A	4	620	70	43	11	8,686	A
7	330	100	35	10	5,729	A	2	370	120	37	11	6,423	A
8	130	40	10	5	905	A	8	290	90	18	9	2,018	A
9	1200	140	62	25	17,172	A	10	1400	160	72	29	20,034	A
10	2200	240	87	39	25,674	A	10	2400	300	97	43	28,008	A
11	3850	420	159	71	25,372	B	10	4050	485	169	75	26,690	B
12	2950	300	195	140	23,482	B	10	3150	360	205	147	25,074	B
13	8900	900	175	68	34,977	C	50	9900	960	225	87	38,907	C
14	3250	330	206	148	20,930	B	20	3650	390	226	162	23,506	B
Legend: AADT – Annual Average Daily Traffic PH – Peak Hour Volume Total Trucks – Total Truck Count 5+ Axle Trucks – Number of trucks with five or more axles DVMT – Daily Vehicle Miles Travelled. Number of miles travelled daily on segment (AADT x Centerline Miles) LOS – Level of Service AADT Growth Rate – The annual projected traffic growth rate expressed as "number of vehicles per year"													

See **Appendix G: Capacity Analysis and Level of Service** for further description of the methodology used for LOS determinations.

Concept LOS C/D Threshold

Caltrans District 2 seeks to implement improvements on SR 3 when LOS is projected to fall below LOS C. This improvement standard is commonly referred to as the "C/D" Threshold". When a segment is forecast to fall to LOS D, then improvements should be considered.

Concept LOS

*The concept LOS for SR 3
is the C/D threshold.*

Route 3 meets concept LOS now and in the future.

Key Route Issues:

Because SR 3 is a relatively low volume route, the primary issues are not capacity-related, but related more to its rural quality, weather, and in some instances terrain.

- **The route is remote** – Long distances between communities, with limited availability of services to travelers. There are no SRRAs along the route.
- **Rough Roadway** – Highway pavement condition may exhibit moderate pavement deterioration in some areas due to the length of time between maintenance projects, impacts of winter weather and winter operations (chains and snowplowing).
- **Limited paved shoulders** – Most of SR 3 has limited paved shoulder widths.
- **Bicycle and Pedestrian Facilities** – Sidewalks and shoulders are intermittent in some communities.
- **Recreation** – Summer months attract recreational users to the northern end of the route in Trinity County. There is limited recreational use in Siskiyou County from SR 3.
- **Wildlife** – Sections of SR 3 run through a winter range for deer. Frequent wildlife, especially deer have been noted near the route during winter months or at the beginning of monsoon season, which translates into new plant blooms and increased water supplies or availability. Several fish passages priority locations exist along the route. There are also some sensitive species within the vicinity of the route.
- **Extreme Weather** – State route 3 is prone to extreme weather due to its location and surrounding landscape. In the summer months, the route may be impacted during fire season as the route is in a high fire risk area. In addition, sections of the route in higher elevations and on north facing slopes tend to experience winter weather conditions more than other sections. Most of SR 3 remains open all year round, with the exception of Scott Mountain, which may be closed for

weeks during winter months due to ice and heavy snow conditions. The route's location is prone to flooding and storm damage.

- **Trucks** –From the junction of SR 36 (TRI L0.00) in Trinity County to Cecilville Rd (SIS 8.90) in Siskiyou County, the route is California Legal Advisory Route with a kingpin-to-rear-axle (KPRA) distance advisory indicating that tractor-semis over 30 feet kingpin to rear axle are not advised. Trucks from Cecilville Rd to Montague (SIS 54.18) is Terminal Access (STAA).
- **Large timber and agricultural vehicles in Trinity and Siskiyou Counties** - This scenic two-lane highway winds through areas with substantial lumber, agricultural, farm, and nursery activities; thus, drivers encounter some agricultural vehicles and farm equipment used particularly for agricultural operations.
- **Limited availability of traveler information** – There is limited availability of utilities for operations of new traveler information technology along portions of SR 3. Traveler information is useful during inclement weather, construction, incidents, or for roadway users who wish to learn more about current conditions on the route.

Route Concept

Route Concept (also known as Facility Concept) is a general term used to describe the intended number of through travel lanes and degree of access control for the entire route. The Route Concept provides an overall vision for the route to assist Caltrans and other agencies with current and future planning for SR 3.

Most of Sr 3 is a two-lane conventional highway. The exception is in Yreka where the route is a four-lane conventional highway.

SR 3 Route Concept (20-Year) Two-Lane Conventional Highway with the exceptions in Yreka.

Route Concept Rationale:

20-Year Route Concept

From Post Mile TRI L0.0 to TRI 85.068 and SIS 0.408 to SIS 54.187, the current route concept is 2C. The future concept for this highway is also 2C. Future traffic projections indicate that no capacity expansion will be needed as traffic volumes are not expected to increase significantly within the twenty-year horizon. Level of service is not expected to fall below the C/D Threshold.

In addition to low volumes, the route's connectivity, function, and type of traffic do not justify capacity expansion. SR 3 intersects with SR 36, SR 299, SR 263, and Interstate 5 (I- 5). SR 299 and I-5 are heavily traveled routes due to their corridor connections of south- north and west-east.

Projects and Strategies

Planned and Programmed Projects and Strategies

**All the projects in the Programmed and Planned Table are fiscally constrained, meaning they can be implemented using committed, available, or reasonably anticipated revenue.*

A list of programmed and planned projects and strategies is contained in **Table 13** below.

Conceptual Improvements and Strategies

A conceptual improvement or action is one that would benefit mobility or serve multimodal users but is without an identified funding source. To accomplish these would require additional funding in existing programs, new funding programs, or discontinuing other priorities. These concepts may be from a general plan, other long-range plan, transportation stakeholders or the analysis within this Corridor Plan.

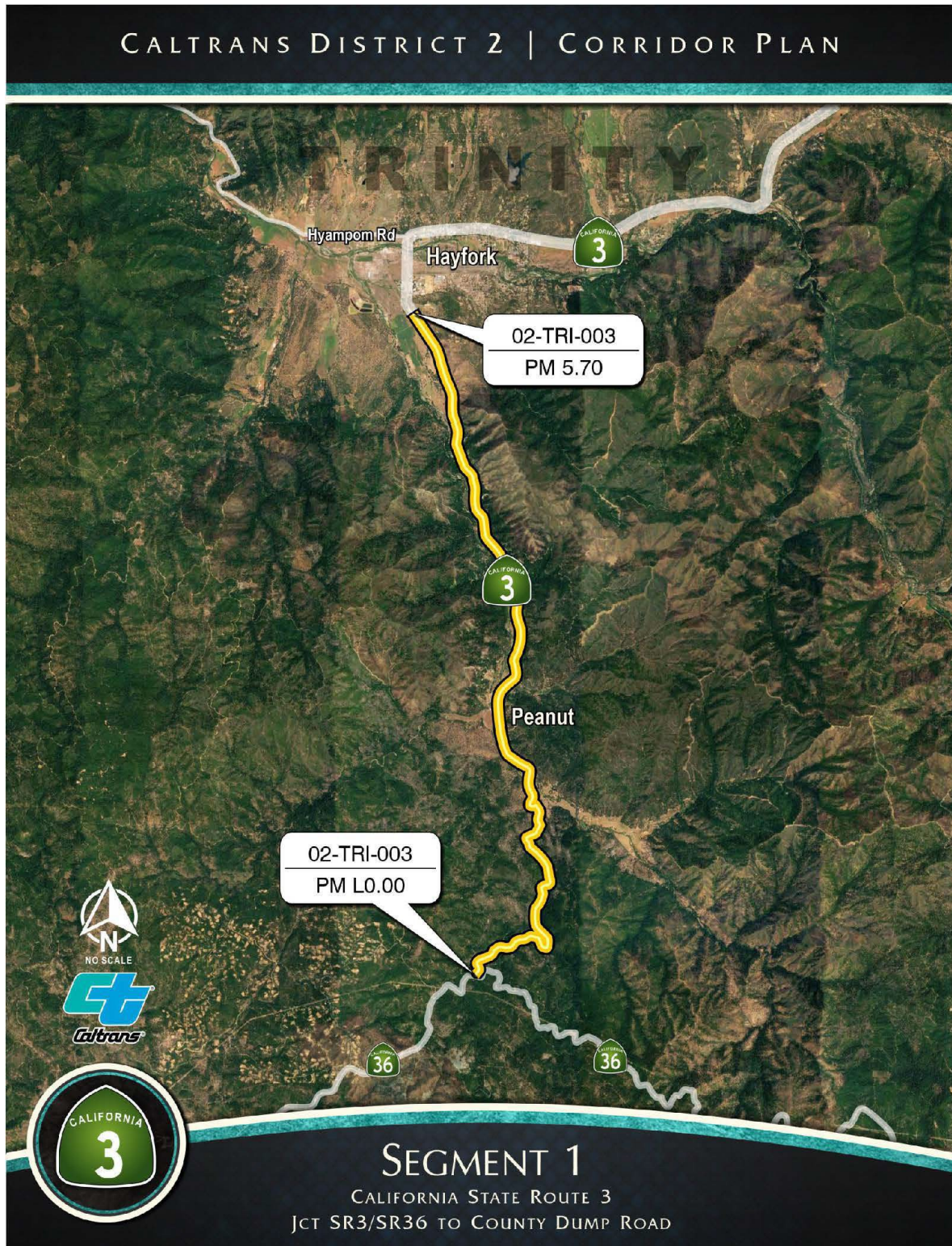
Improvements and strategies that will help performance of SR 3 are listed in **Table 13**.

Table 13: SR 3 Project List

EA	PPNO	County- Route- PM	Category	RTL In Use	Status	Project Name	Project Location
4F220	3485	TRI-003-58.7/61.9	Bridge - Health	2019/20	Current	Swift Creek Bridge	Town of Trinity Center, Bridge # 05-0059 SWIFT CREEK
1H520	3643	SIS-003-R46.8/R48.0	Pavement - Roadway Rehabilitation 3R	2021/22	Current	Yreka Rehabilitation	In Siskiyou Co. in and near Yreka SIS 3 PM R46.8/48.0 & SIS 263 PM 49.07/49.41
1H500	3633	TRI-003-VAR/VAR	Bridge - Health	2021/22	Current	Trinity 4 Bridges	Tri 3 PM 0.54 Dobbins Gulch bridge, Tri 3 PM 43.93 Stuart Fork bridge, Tri 3 PM 48.53 Mule Creek bridge, Tri 299 PM 65.45 Grass Valley Creek bridge
1h710	3644	SIS-003-L47.4/L47.4	Facilities - Equipment	2023/24	Current	Yreka Maintenance Station	Yreka Maintenance Yard New Mechanic Shop
0J760	3768	TRI-003-67.7/T85.06	Pavement - Pavement Preservation	2024/25	Current	Tangle Blue CAPM	Tangle Blue CAPM
0J540	3753	SIS-003-R48.6/54.187	Pavement - Pavement Preservation	2025/26	Current	Montague CAPM	Montague CAPM
2J770	3844	TRI-003-L0.0/T85.068	Proactive Safety - Collision Severity Reduction	2026/27	Current	Highway Curve Warning Signs - SR 3, I 5, and SR 96	HCWS 3 5 96
0J750	3767	TRI-003-32.6/32.6	Drainage	2027/28	Current	Weaverville Culverts and Sidewalks	East Weaver and Garden Gulch and West Weaver/Sydney Gulch replace Culvert with Bridge. TRI 299 PM's 49.6, 51.22 and 42.52 and 51.41. In Trinity County in and near Weaverville on Route 3 at 0.2 mile north of Weaverville Airport and on Route 299 at Ga
2J760	3842	TRI-003-5.0/11.0	Pavement - Pavement Preservation	2027/28	Active	Hayfork Pavement	Downtown Hayfork CAPM
TBD	TBD	SIS-003-16.0/38.2	Sustainability/Climate Change - Stormwater	2028/29	Planned	Siskiyou 3 Stormwater	SIS 3 Stormwater
TBD	TBD	TRI-003-6.0/14.0	Sustainability/Climate Change - Stormwater	2028/29	Planned	Hayfork Pavement	Hayfork Open Grade
TBD	TBD	SIS-003-28.0/36.0	Pavement - Pavement Preservation	2029/30	Planned	Ft. Jones Pavement	Ft Jones PM 28/36
1J300	TBD	SIS-003-38.39/R46.79	Drainage	2029/30	Planned	Forest Mountain Culverts	Forest Mountain Culverts
TBD	TBD	TRI-003-58.0/67.5	Drainage	2029/30	Planned	Trinity 3 Culverts	Trinity 3 Culverts
TBD	TBD	TRI-003-59.6/59.6	Facilities - Maintenance	2029/30	Planned	Trinity Center Building Rehab	Trinity Center Building Rehab
TBD	TBD	TRI-003-30.863/32.0	Pavement - Pavement Preservation	2031/32	Planned	Weaverville 3	Weaverville 3
3J960	TBD	TRI-003-7.4/8.0	Operational Improvement- Left Turn Lane	2028/29	Planned	Hayfork Left Turn Lane	Construct Left Turn Lane. In Trinity County at Hayfork from 0.2 mile east of Brady Road to 0.1 mile east of Reservoir Road.

Segment Factsheets

Segment 1 Map




Factsheet for Segment 1

County:	Trinity	Route:	3	Post Mile Limits	L0.00 – 5.70
Location:	Junction SR 3/SR 36 to County Dump Road			Segment Length in miles	10.49

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	4
Terrain:	Mountainous to Rolling	Percent 5-axle Trucks:	47
Lane Width:	11 feet	Treated Shoulder Width:	0 - 4 feet

SYSTEM DESIGNATIONS		BICYCLE AND PEDESTRIAN STATUS
Functional Classification:	Minor Arterial	Allowed

Other Classifications	State Highway System, California Legal Advisory Route (TRI L0.00 - T85.068)
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	70	530	A
2039	120	930	A
*The segment was analyzed to a Class II two-lane highway for LOS Analysis.			
Caltrans, District 2, Office of System Planning and Traffic Census			

Segment 1 begins in Trinity County at the junction with State Route 36 (PM L0.00)¹, south of the town of Hayfork and ends at County Dump Rd (PM 5.70). This segment is a two-lane conventional highway with an average of 11-foot lane width and the treated shoulder widths range from 0 to 4 foot (mainly 0 foot). There are limited permitted access points and no passing opportunities. The posted speed limit is 55 mph with multiple curve warnings in the segment. The AADT is 530 vehicles and truck AADT is 22. Traffic volumes have grown significantly in the past few years likely due to a number of cannabis fields accessible off of SR 36 via Post Mountain Rd, and Trinity Pine Dr Travel on this section is mainly intraregional and recreational trips with the occasional bicycle and pedestrian users.

At the junction of SR 36 and SR 3 (PM L0.00) a sign is posted indicating SR 3 is a California-Legal Truck Route recommending tractor-semis over 30 feet kingpin to rear axle are not advised. Terrain on this segment starts out mountainous from postmile L0.0 – 1.6, at a length of 6.4 miles, with half of the grade being less than three percent and half ranging over three percent; the terrain changes to rolling for the rest of the segment. Adjacent to Rattlesnake Rd (PM 0.05) the surrounding land use is characterized by small scattered agricultural homes, cannabis growing fields, and farming, grazing and forested land. There was a small community named Peanut near postmile 0.05. Today, not much of Peanut remains, besides a few scattered houses and a plaque about the historical Salt Creek School.

13 Dips Rd and Old Hwy 36 intersects with the segment, and leads to timber harvesting areas, cannabis growing fields, and ranches with low density agricultural houses. 13 Dips Rd is a public road which no longer connects to SR 36. The last 3 miles of the segment becomes open space with large ranches as SR 3 enters Hayfork Valley.

¹SR 3 had the following designations prior to the beginning of the Federal Aid Secondary Program in 1945 and the Collier/Burns Act in 1947:

Route 29- South of Peanut

Route 35- Peanut to SR 299

Route 82- Etna to Weaverville

County Road: Weaverville to Etna (Became FAS 1089 in 1945)

In 1964, routes 82 and 35 became components of SR 3. Two years later, in 1966, SR 36 was relocated between Forest Glen and Wildwood, by-passing Peanut to the south. A new realignment was built adding approximately 4.8 miles to SR 3, however, instead of renumbering the highway Caltrans will put a L in front of the postmiles which start on SR 36 and ends in Peanut.

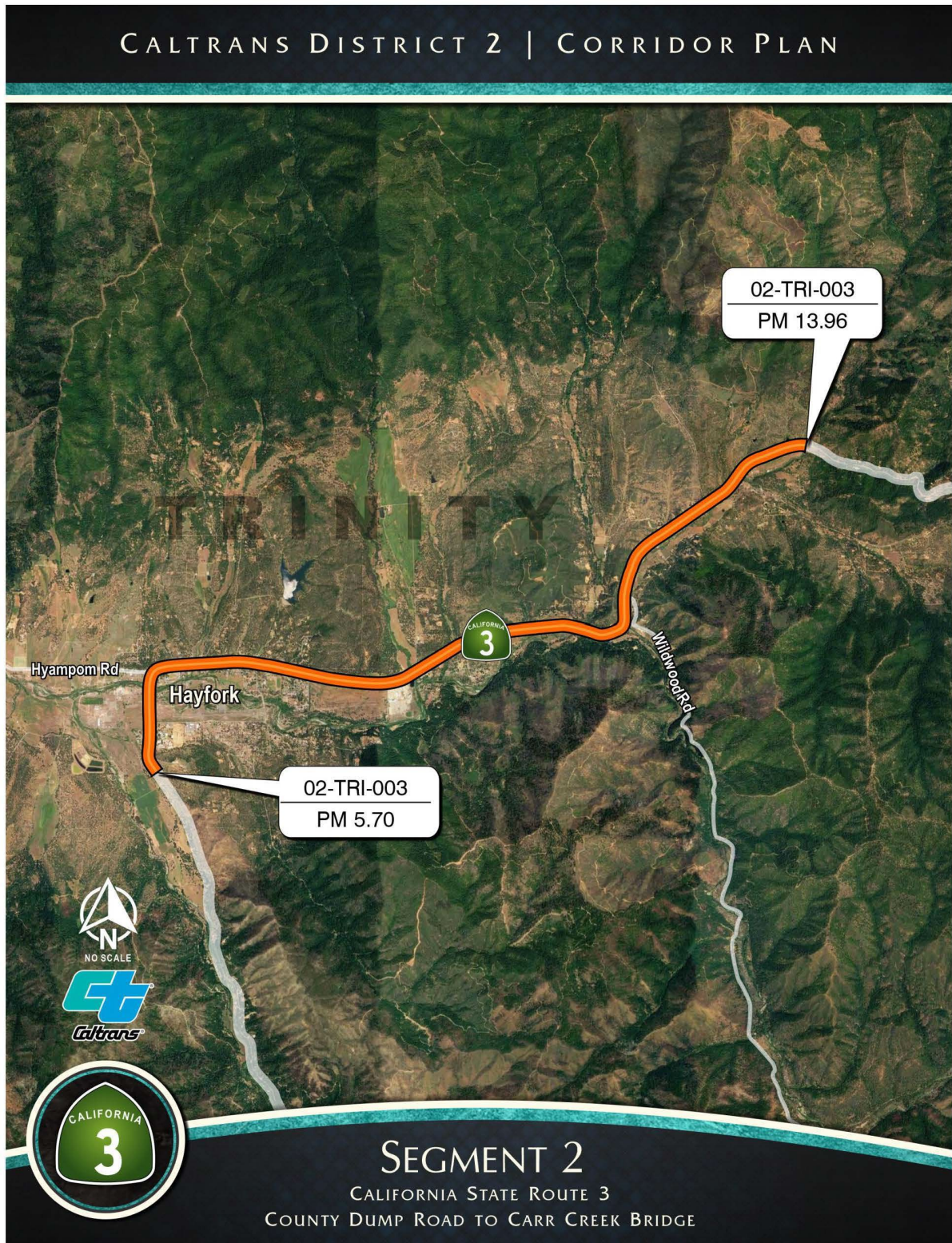
Segment Issues:

- Limited lane and shoulder widths combined with curvilinear alignment can make driving uncomfortable.
- The first 6.4 miles of the segment is mountainous terrain with turnouts needing improvements and no passing opportunities.
- Falling rocks and wildlife crossing, especially deer.

Segment Management:

- Achieve standard lane and shoulder width.
- Consider adding more deer crossing signs.
- Consider constructing a HAR (Highway Advisory Radio) Flasher at PM 0.40 facing Northbound and Southbound traffic.
- Consider adding "Share the Road" signs for bicyclists and pedestrians.
- Consider paving existing turnouts at these possible locations: In the northbound direction PM L1.85 and PM L1.95; In the southbound direction PM L0.28 and PM L3.50

Segment 2 Map




Factsheet for Segment 2

County:	Trinity	Route:	3	Post Mile Limits	5.70 – 13.96
Location:	County Dump Road to Carr Creek Bridge			Segment Length in miles	8.26

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	11
Terrain:	Rolling to Level	Percent 5-axle Trucks:	32
Lane Width:	11-12 feet	Treated Shoulder Width:	0 - 8 feet

SYSTEM DESIGNATIONS	BICYCLE AND PEDESTRIAN STATUS
Functional Classification: Minor Arterial	Allowed

Other Classifications	State Highway System, California Legal Advisory Route (TRI L0.00 - T85.068)
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	290	2400	A
2039	360	2800	A

*The segment was analyzed to a Class III two-lane highway for LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 2 starts at County Dump Rd (PM 5.70) in Hayfork and continues through the Hayfork Valley to the Carr Creek Bridge #05-35 (PM 13.96). SR 3 is a two-lane conventional highway with 12-foot lane widths and treated shoulders ranging from 0 to 8 foot. The speed limit decreases from 55 mph to 30 mph within the community of Hayfork. The AADT is 2400 vehicles and the truck AADT is 258 within the community of Hayfork. Segment 2 has the highest truck volumes within Trinity County on SR 3. The traffic volume decreases outside of the community of Hayfork. Trips on this segment are primarily for local commute to school, church, work, home, and other activities; it serves also as an important link between Hayfork, Douglas City, and Weaverville.

SR 3 serves as the main street in the community of Hayfork. The community of Hayfork starts near County Dump Rd as the speed limit decreases to 45 mph. Hayfork has a population of approximately 2400 people and is the second largest community in Trinity County. SR 3 continues from the County Dump Rd to Arena Dr. Arena Dr leads to the Trinity County Fairground, which hosts the Trinity County Fair and is an important trip generator, especially during the summer months. Past Arena Dr, the segment passes the Caltrans Maintenance Yard (Hayfork Maintenance Station #563), Trinity County Maintenance Yard and the Hayfork Airport all located on Morgan Hill Rd (PM 6.22). From the intersection with Morgan Hill Rd, the segment continues north to intersect Tule Creek Rd (west) and Riverview Rd (east) at post mile 6.49. Tule Creek Rd. leads to a scrapyard, Hayfork Community Center, Lumber & Hardware store, Hayfork Fire Station, and a closed lumber mill; Riverview Rd leads to single-family residences and provides access to the airport. Past this intersection, the segment crosses the Hayfork Creek Bridge #05-88 to intersect with Hyampom Rd (PM 6.73). Hyampom Rd is an important road in Hayfork that connects to the Hayfork Library, public office building, scrapyards, single-family residences, Highland Subdivision, ranches, large agricultural and grazing lands, and the community of Hyampom. From Hyampom Rd (PM 6.73) to Mill Ave (PM 8.97), the segment travels through the center of Downtown Hayfork.

Downtown Hayfork is the central location of the community. There is a Class II bike lane from Clinic Ave (PM 6.78) to Brady Rd (PM 7.17). In between Clinic Ave (PM 6.76) and Community Dr (PM 6.85) is the Hayfork Park, a community pool and the senior center. The speed limit decreases to 30 mph at Community Dr, however the speed limit is 25 mph when children are present. Hayfork Elementary School is located at School Ave (PM 6.99). Past the elementary school, SR 3 continues through downtown Hayfork passing local businesses before reaching the Post Office Square (PM 7.20). The Post Office Square (PM 7.2) is the heart of Downtown Hayfork and is the main trip generator; Wiley's supermarket, landscape business, video store, liquor store, and many more small businesses are located there. After the Post Office Square, are Hayfork High School (PM 7.71) and Frontier Village (PM 8.38). The speed limit increases to 40 mph after the intersection of Oak Ave (PM 7.71). The old Sierra Pacific Industries timber mill is located at Mill Ave (PM 8.97). The mill closed in 1996 and there has been limited reuse of the property.

After leaving the community of Hayfork the speed limit increases to 55 mph and there is scattered residential housing. The next major road connection is Wildwood Rd (PM 11.65).

Wildwood Rd is a major collector roadway that connects to homes, timber lands, recreational campgrounds, and SR 36. From Wildwood Rd to Carr Creek Bridge, there is scattered low-density residential housing.

Segment Issues:

- Limited lane and shoulder widths on the northern section of the segment from post mile 9.3 to 13.96.
- No pedestrian crossing strips at Hayfork High School zone; the intersection of SR 3 and Trinity St (PM 7.94).
- Bicycle and pedestrian usage due to the segment's proximity to schools, residential and commercial area.
- Unconsolidated access opening on SR 3 outside of Downtown Hayfork.
- Limited sidewalks and stormwater openings outside of Downtown Hayfork.
- Buildings in Downtown Hayfork are immediately adjacent to highway right-of-way.

Segment Management:

- Achieve standard shoulder width.
- Consider consolidating access to SR 3 outside of Downtown Hayfork to improve operations.
- Trinity County Board of Supervisor for Hayfork and community members have expressed interest in a pedestrian flashing beacon in front of the elementary school (PM 6.89). (Caltrans did a pedestrian traffic count at this location, however, due to the low pedestrian traffic this location did not meet the target to get a flashing beacon. . **See Appendix B for more information about this topic.**)
- Downtown Hayfork has potential for additional complete street improvements the Brady Road and Post Office Square area.

Segment 3 Map



Factsheet for Segment 3

County:	Trinity	Route:	3	Post Mile Limits	13.96 – L30.889
Location:	Carr Creek Bridge to Junction SR 3/SR 299			Segment Length in miles	16.90

CURRENT HIGHWAY INFORMATION

Number of Lanes:	2	Percent Trucks:	6
Terrain:	Rolling to Mountainous	Percent 5-axle Trucks:	31
Lane Width:	12 feet	Treated Shoulder Width:	0 - 8 feet (Mostly 0)


SYSTEM DESIGNATIONS

BICYCLE AND PEDESTRIAN STATUS

Functional Classification:	Minor Arterial	Allowed
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Other Classifications

State Highway System, California Legal Advisory Route (TRI L0.00 - T85.068)

	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)

Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	160	1750	A
2039	180	1950	A

*The segment was subjected to a Class III two-lane highway LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 3 starts at Carr Creek Bridge #05-35 (PM 13.96) and ends at the junction of SR 3 and SR 299 near Douglas City (LPM 30.889). This segment is a two-lane conventional highway with 12-foot lane widths and treated shoulder widths ranging from 0 to 8 foot (mostly 0-foot). The speed limit is 55 mph, however there are numerous curve warning signs. There are two southbound and one northbound passing lanes. AADT is 1750 vehicles and truck AADT is 140. Traffic volumes decrease leaving Hayfork towards the junction of SR 3 and SR 299. Travel in this segment is mainly local and recreational with limited good movements trips. The segment ends at the Junction of SR 3 and SR 299. SR 299 provides access to the commercial center of Redding in Shasta County (east) and Trinity County's seat, Weaverville (west).

From Carr Creek Bridge, the segment's terrain is mountainous forest land. Summit Creek Rd is an important local road near Hayfork Summit. It is used primarily for scattered agricultural residents; the road also connects to SR 3 (PM 12.93) and SR 36. Summit Creek Rd could be considered as an alternative route for closures or emergencies along this section of SR 3. Past Summit Creek Rd is Hayfork Summit (PM 18.65) which has a 5% grade and an elevation of 3660 feet.

The segment then intersects with B Bar-K Rd (PM 26.34) and Deerlick Springs Rd (PM 27.83), which leads into dispersed agricultural residents. Reading Creek Rd (PM 29.94) and Marshall Ranch Rd (PM 29.98) cross successively through the segment about 250 feet apart. Reading Creek Rd and Marshall Ranch Rd lead to dispersed housing; in addition, Reading Creek Rd connects to Summit Creek Rd. SR 3 also passes a propane storage facility, public storage facility, and auto salvage/towing yard as it approaches Douglas City near the SR 299 junction.

Segment Issues:

- Segment issues relate to curvy alignments with steep grades.
- Limited shoulder widths.
- Ice and snow near Hayfork Summit can impact operations during winter.
- Rocks fall near postmile 15 and 30.5 where warning signs are located.
- Topographical conditions and environmental sensitivity make STAA compliance costly.

Segment Management:

- Consider widening shoulders to accommodate recovery area and for pedestrian and bicycle users.
- Consider developing paved turnouts at these possible locations: In the northbound direction PM 18.98, PM 21.85, PM 21.35; In the southbound direction PM 16.17 and PM 26.53.
- Consider adding Changeable Message Signs (CMS) at PM 30.30 and PM 30.50 facing respectively Northbound and Southbound traffic, Roadside Weather Information System (RWIS), and Closed-Circuit Television (CCTV) at PM 18.67 (near Hayfork Summit).
- Consider modifications to the road where the curve warning signs are located.
- Consider emergency and evacuation management.

Segment 4 Map




Factsheet for Segment 4

County:	Trinity	Route:	3	Post Mile Limits	30.86 – 37.9
Location:	Junction SR 3/SR 299 to Rush Creek Road			Segment Length in miles	7.04

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	4
Terrain:	Mountainous to Rolling	Percent 5-axle Trucks:	44
Lane Width:	12 feet	Treated Shoulder Width:	0 - 8 feet

SYSTEM DESIGNATIONS		BICYCLE AND PEDESTRIAN STATUS
Functional Classification:	Minor Arterial	Allowed

Other Classifications	State Highway System, Scenic Byway, California Legal Advisory Route (TRI 0 - 85.06)
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	400	3450	C
2039	440	3810	C

*The segment was analyzed to a Class III two-lane highway for LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 4 starts from the junction of SR 299³ (PM 30.86) in downtown Weaverville and ends at Rush Creek Road (PM37.90). This segment is a two-lane conventional highway and is designated as a scenic byway. The AADT is 3450 vehicles near Weaverville and decreases in AADT to 1,250 vehicles around Rush Creek Road. Truck AADT is 141 near Weaverville and is 87 near Rush Creek Road. A posted sign (PM 30.97) at the beginning of the segment advises no tractors-semis over 30 feet kingpin to rear axle. This nearly 7-mile-long segment has 12-foot lane widths, and 4 to 8-foot treated shoulder widths within Weaverville, but the treated shoulder widths are mainly 0-foot outside of Weaverville. The posted speed limit ranges from 35 mph near downtown Weaverville to 55 mph about 3 miles after leaving downtown Weaverville, however when children are present the speed limit is 25 mph near the elementary school.

From eastbound SR 299, there is a dedicated left turn lane onto SR 3. After the junction, the segment passes local streets which leads to businesses, single-family residences, a mini storage facility and an elementary school. Weaverville Elementary School (PM 31.08) is located on the west side of SR 3. Caltrans and Trinity County collaborated on a project together to complete the sidewalks from downtown Weaverville at the junction of SR3 and SR 299 to the elementary school with a Class II bike lane as well.

After the elementary school, is the intersection of SR 3 and Washington St (PM 31.28). At the intersection, there is a northbound left-turn lane which leads to the Trinity Department of Transportation and a southbound left-turn lane which leads to Washington St. Washington St is a major collector road and leads to multi-family residences, Lowden Park, Weaverville Elementary school's playground and businesses.

The segment then continues through single family residences, Weaverville senior apartment, multi-family apartment, mobile home park, private office buildings, gas station, medical group center, and public buildings, such as Trinity County Resource Conservation District and Fish and Game Department, before intersecting correspondingly with 5 Cent Gulch St (west) and Lance Gulch Rd (east) at post mile 31.74. SR 3 has left-turn lanes to these roads. 5 Cent Gulch St leads to single-family homes, mobile home parks, repair shop, and private office, while Lance Gulch Rd leads to single-family residents, major lumber mill, shopping center, and Weaverville Department of Motor Vehicles (DMV). Lance Gulch Rd and Washington St allows traffic to use an alternative route to connect to SR 299. These are important alternatives local roads that divert traffic from the historic district at the junction of SR 3 and SR 299.

Past this intersection is Trinity County Transportation Maintenance Yard before the intersection of Tom Bell Rd (PM 31.94); Tom Bell Rd has a northbound left-turn lane. After Tom Bell Rd, the segment passes Weaverville Airport/Lonnie Pool Field – 054 (PM 32.41) and scattered single-residential housing until E Weaver Creek Rd (PM 32.64). E Weaver Creek Rd is a minor collector road and is the last road of the community. This road leads

³ From the intersection of SR 3 and SR 299 near Douglas City, SR 3 runs concurrently with SR 299 west to the town of Weaverville. Approximately 7 miles from the junction, SR 3 separates from SR 299 in the historical downtown of Weaverville.

to single-residents housing, a fire station and the E Weaver Basin Trailhead/campground.

From E Weaver Creek Rd, the segment continues north running through dispersed low-density residential areas, and forested mountainous lands. There is a trail head near postmile 33.55, which causes pedestrian and bicycle activity, and cars often park along SR 3. A Cal Fire station is located at postmile 33.80. SR 3 continues with a couples of miles of forest land with limited access points before reaching Rush Creek Rd. Rush Creek Rd is a minor arterial road and is an important alternative route for local and recreational trips. This road connects SR 3 to the community of Lewiston and is an alternative route to SR 299 via Trinity Dam Blvd. The community of Lewiston is the third largest within Trinity County and many local people will commute into Weaverville using Rush Creek Rd for work, shopping and to go to high school. Traffic volumes are affected by Rush Creek Road due to the connection of SR 299 to the south.

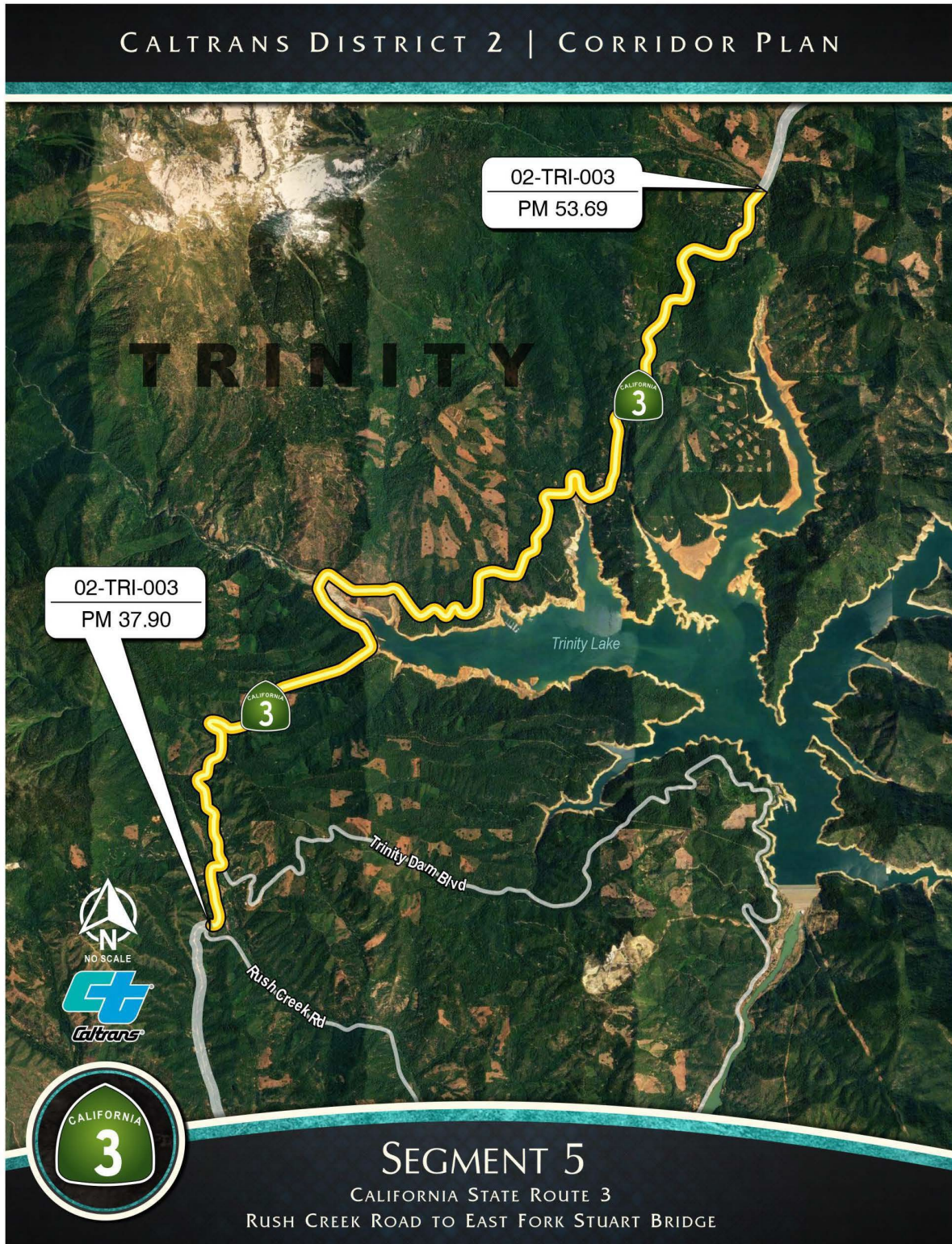
Segment Issues:

- In the first couple of miles of the segment there is bicycle and pedestrian usage due to the proximity to the school, residential housing, commercial use.
- SR 3 doesn't run through Weaverville's historical downtown, but does feed traffic to SR 299 via Washington St, Lance Gulch St, and the junction of SR 3 and SR 299.
- Limited treated shoulder width after E Weaver Creek Rd until Rush Creek Rd.
- One of Weaverville Elementary School's drop location is off SR 3, including parent drop off and school bus drop off.

Segment Management:

- Maintain the existing HAR (Highway Advisory Radio) Flasher at 5 Cent Gulch Road (TRI 31.74).
- Maintain the existing electronic speed indicator to the southbound traffic near the elementary school.
- Consider achieving standard shoulder widths when feasible.
- Consider approving the alignment along PM 33-35.

Segment 5 Map




Factsheet for Segment 5

County:	Trinity	Route:	3	Post Mile Limits	37.90 – 53.69
Location:	Rush Creek Road to East Fork Stuart Bridge			Segment Length in miles	15.79

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	5
Terrain:	Mountainous	Percent 5-axle Trucks:	30
Lane Width:	12 feet	Treated Shoulder Width:	0 - 4 feet

SYSTEM DESIGNATIONS	BICYCLE AND PEDESTRIAN STATUS
Functional Classification: Minor Arterial	Allowed

Other Classifications	State Highway System, Scenic Byway, California Legal Advisory Route (TRI 0 - 85.06)
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	110	790	A
2039	130	870	A

*The segment was analyzed to a Class II two-lane highway for LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 5 starts at Rush Creek Rd (PM 37.90) and ends at Stuart Fork's Bridge #05-87 (PM 53.69). This segment is a two-lane conventional highway with 12-foot lane widths and treated shoulder widths ranging from 0-4 foot. The speed limit is 55 mph with some curve warning signs. There are 8 northbound and 4 southbound paved turnouts to facilitate passing. **See Appendix J for the turnout study.** Travel in this section is mostly local with longer intraregional and recreational trips. AADT is 790 vehicles and truck AADT is 37 after the intersection of Rush Creek Road. AADT stays fairly constant in the segment due to a limited number of residences and lake side attractions.

Rush Creek Rd is minor arterial road; tourists and locals will use Rush Creek Rd as an alternative route. Rush Creek Rd connects SR 3 to the Trinity National Forest, community of Lewiston, Trinity Lake, and SR 299. Traffic volumes are affected by this road.

After Rush Creek Rd, near postmile 37.96, there is a pull-out area with a Shasta/Trinity National Forest Welcome Sign and general information is located. This segment draws a lot of recreational users during the summer months and many attractions are near Trinity Lake; these recreational uses include campgrounds, resorts, hiking trails, and marinas with boat launch areas. **Appendix F** has a list of the recreational areas along the route. During the winter campgrounds maybe closed and/or the roads are not maintained. Trinity Alps Rd (TRI 44.00) is a popular road with a resort, campground and access to the Trinity Alps. Trinity Lake Resort & Marina is one the main tourism and recreation centers with biking, camping, boating, and fishing in Trinity County is located on Cedar Stock Rd (TRI 46.00). Bowerman Barn, a registered Historic Place, is also accessible along this segment via Guy Covington Dr at post mile 53.66

Trinity Dam Blvd is a major collector road and goes near Trinity Lake; which leads to Trinity Lake and its campgrounds, major tourism sites and resorts around the lake, Trinity Dam, Lewiston Lake, and traverses the community of Lewiston to connect with SR 299 in the south. Around Rush Creek Rd and Trinity Dam Blvd, there is a band of low dispersed single-family houses.

Near Slate Creek Rd (PM 40.74), the surface below the highway gave away and the highway slipped out due to heavy rain in 2016. The slide isolated the communities of Trinity Center and Coffee Creek. Caltrans worked with the USFS to use a forest service road as an alternative route until the highway was back in operation. Reconstruction was completed two months later with improved drainage system around the highway, and standard lane and shoulder widths. There is a grade of 7 percent in this location (PM 40.4-42.2).

Segment Issues:

- Terrain is mountainous with limited shoulder width which affect the highway operation.
- Snow removal challenges during winter.
- During summer months trucks and RVs can affect traffic operations on a grade.
- Degraded and cracked pavement edge.
- The highway alignment and limited shoulders on Mule Creek Bridge cause issues for emergency vehicles.
- The USFS may close Osprey Vista Point which is used by Caltrans Maintenance during winter months.

Segment Management:

- Maintain existing turnouts.
- Consider adding ITS elements to inform visitors during summer recreational traffic, and wintertime.
- Consider paving southbound turnout near post mile 49.45.
- Consider mitigating erosion by replanting the vegetation where needed.
- Continue improving shoulder to fix degraded and cracked pavement edges where necessary.
- Consider achieving standard shoulder widths when feasible.

Segment 6 Map




Factsheet for Segment 6

County:	Trinity	Route:	3	Post Mile Limits	53.69 – 67.70
Location:	East Fork Stuart Bridge to Coffee Creek Bridge			Segment Length in miles	14.01

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	7
Terrain:	Mountainous	Percent 5-axle Trucks:	26
Lane Width:	12 feet	Treated Shoulder Width:	0 - 7 feet

SYSTEM DESIGNATIONS	BICYCLE AND PEDESTRIAN STATUS
Functional Classification: Minor Arterial	Allowed

Other Classifications	State Highway System, Scenic Byway, California Legal Advisory Route (TRI 0 - 85.06)
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	50	540	A
2039	70	620	A

*The segment was analyzed to a Class II two-lane highway for LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 6 runs from East Fork Stuart Bridge #05-87 (PM 53.69) to Coffee Creek Bridge #05-60 (PM 67.70). This segment is a two-lane conventional highway with 12-foot lane width and treated shoulder widths ranging from 0 to 4 foot (mostly 2 foot or less treated shoulders widths). The posted speed is 55 mph; the speed limit decreases to 45 mph as you approach Trinity Center (PM 59.85). This segment has some opportunities for passing and has a northbound paved turnout (PM 63.70). The segment AADT is 540 vehicles, and total truck AADT is 35; traffic volume decreases after Trinity Center.

From East Fork Stuart Bridge, the segment continues through the Shasta/Trinity National Forest and private timber lands until the community of Trinity Center. In this segment there is one Shasta/Trinity National Forest campground, Preacher Meadow Campground (PM 58.29). Just south of Trinity Center there are mini storage units and a Caltrans Maintenance Station (Trinity Center Maintenance Station #558) near postmile 59.70. Airport Rd (PM 59.96) leads into Trinity Center, which has a gas and grocery store, elementary school, church, single-family residential and vacation homes, Trinity Center's James Swett Airport, Trinity Center boat launch and Trinity County Maintenance Yard.

Past the community of Trinity Center is the Swift Creek Bridge. In 2020, the Swift Creek Bridge was replaced and included 8-foot shoulders on a new alignment to accommodate bicyclists and pedestrians during summer months for recreational activities in the area. The bridge connects Trinity Center and Trinity KOA (PM 60.67). Trinity KOA is a popular location during summer months with cabins, RV parking sites, access to the lake, a general store, and more.

After Trinity KOA, the segment continues into scattered houses and forested lands. Eastside Rd is a major collector, which leads to low dispersed housing and a winery on a paved route. Past the winery, Eastside Rd becomes unmaintained, but leads to Slate Mountain, Clear Creek Campground, Blue Mountain and French Gulch, which connects with SR 299. The intersection of Carrville Loop (PM 65.91) leads single-residential housing and a resort. The Carrville Inn Resort is a 100-year old historical on a gorgeous 25-acre estate near the primeval Trinity Alps Wilderness Area. After Carrville Loop, SR 3 continues into forest land until Coffee Creek.

Segment Issues:

- Snow removal challenges during winter.
- Limited paved shoulders in this segment.
- During summer months trucks and RVs can affect traffic operations in this segment.

Segment Management:

- Complete Swift Creek Bridge replacement to accommodate pedestrian and bicycle activities. (NOTE: Pending)
- Consider paving turnouts at postmile 59.85 – 59.94 and 64.85 – 64.90 during future projects.
- Consider adding ITS elements.
- Consider achieving standard shoulder widths when feasible

Segment 7 Map




Factsheet for Segment 7

County:	Trinity	Route:	3	Post Mile Limits	67.70 – 85.06
Location:	Coffee Creek Bridge to Tri/Sis County Line			Segment Length in miles	17.36

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	11
Terrain:	Rolling to Mountainous	Percent 5-axle Trucks:	29
Lane Width:	10-12 feet	Treated Shoulder Width:	0 - 7 feet

SYSTEM DESIGNATIONS	BICYCLE AND PEDESTRIAN STATUS
Functional Classification: Minor Arterial	Allowed

Other Classifications	State Highway System, Scenic Byway, California Legal Advisory Route (TRI 0 - 85.06)
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	100	330	A
2039	120	370	A

*The segment was analyzed to a Class II two-lane highway for LOS Analysis. Volume and LOS undefined from PM 79.50-85.06 (Scott Mountain).

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 7 begins at Coffee Creek Bridge #05-60 (PM 67.70) and ends at the Trinity/Siskiyou County Line (PM TRI T85.07/SIS 0.40) near Scott Mountain Summit. The segment is a two-lane conventional highway. Segment 7 varies in geometrics from Coffee Creek Bridge to the USFS Road (Forest Route 42N17 – PM 79.5) and from Forest Route 42N17 to the Trinity/Siskiyou County Line. From Coffee Creek to Forest Route 42N17 (base of Scott Mountain) the road has 12-foot lanes and 0-7-foot paved shoulders (mostly 0 feet) with a 55-mph speed limit. At the Forest Route 42N17 to the Trinity/Siskiyou County Line has narrow lanes and limited to no shoulders and the speed limit decreases to 35 mph. AADT decreases north of the community of Coffee Creek towards Scott Mountain. Travel along this segment is mostly intraregional trips by people living in Coffee Creek and Trinity Center with some recreational trips. Land use is dominated by forest lands with a few recreational areas and the community of Coffee Creek. The terrain has a flat profile until the base of Scott Mountain (PM 79.50) where the terrain changes to mountainous with a 5% grade and climbs to an elevation of 5401 feet.

After Coffee Creek Bridge is the community of Coffee Creek. Coffee Creek has a population of approximately 300 people. Coffee Creek Rd/Mann Rd is the only intersection in the community. Mann Rd leads to a stretch of low dispersed single-family houses. Coffee Creek Rd is a minor collector road that connects to single-family houses and an elementary school; Children cross SR 3 to get to the elementary school. Also, Coffee Creek Campground and RV Park, the US Forest Services Ranger Station, Coffee Creek Volunteer Fire Co, Bonanza King Resort, and the Trinity Alps are accessible from Coffee Creek Rd.

Leaving the community of Coffee Creek, the terrain continues to have a flat profile surrounded by forest land. Past the first couple miles of Coffee Creek there are a few scattered houses. Segment 7 continues into the Shasta-Trinity National Forest with some recreational areas along the route. Campgrounds located in this segment include, Trinity River Campground (PM 69.56), Eagle Creek Ranch (PM 70.34), Eagle Creek Campground (PM 72.24) and Horse Flat Campground (PM 72.24). Eagle Creek Ranch and Eagle Creek Campground are located off SR 3, across the Trinity River, and are accessible from the intersection of Eagle Creek Loop and SR 3. Bear Creek Rd (PM 78.23) leads to another recreational area, Bear Lake; this recreational area includes Bear Lake Trailhead. Forest Route 42N17 is the last intersecting road before Scott Mountain. This road leads to Eddy Mountain and can be an alternative route to Interstate 5 in case of emergency management and/or closure at Scott Mountain; however, this alternative route is unpaved and unmaintained.

The base of Scott Mountain starts near Forest Route 42N17. This approximately 10-mile section of SR 3 has a curvy alignment with a curve warning sign at the base of the mountain. Due to the mountainous terrain the road is narrow with a steep cut bank on one side and a steep drop off on the other which parallels Scott Mountain Creek. Tangle Blue (Forest Route 39N20, PM T80.74) is a location that accesses the Trinity Alps and where recreational users can hike to Tangle Blue Lake in a day. During the winter

Scott Mountain does receive snow, however due to the limited resources and limited use Scott Mountain may not get snow plowed on nights, weekends or holidays. Near the summit of Scott Mountain, SR 3 enters the Klamath National Forest, trees are more dispersed as there is a camping ground and the Pacific Crest Trail near the summit.

Segment Issues:

- Terrain and lack of utilities may prevent the implementation of ITS elements.
- Heavy snow in Scott Mountain may affect operations during winter.
- High elevations with steep grades and curvy alignment at Scott Mountain Summit (PM TRI 85.06) with 5401 feet elevation.
- Limited lane and shoulder widths can make maintenance difficult.
- Limited opportunities to pull off the travel way.

Segment Management:

- Consider ITS elements; the Closed-Circuit Television (CCTV) and the Roadside Weather Information System (RWIS) near post mile 83.00 to alert drivers of severe weather conditions at Scott Mountain Summit.
- Consider turnouts to facilitate operations and maintenance.
- Consider expanding shoulder widths when feasible.

Segment 8 Map




Factsheet for Segment 8

County:	Siskiyou	Route:	3	Post Mile Limits	0.0 - 6.96
Location:	Siskiyou County Line to Gazelle Callahan Rd			Segment Length in miles	6.96

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	6
Terrain:	Mountainous	Percent 5-axle Trucks:	4
Lane Width:	12 foot	Treated Shoulder Width:	4 foot

SYSTEM DESIGNATIONS	BICYCLE AND PEDESTRIAN STATUS
Functional Classification: Minor Arterial	Allowed

Other Classifications	State Highway System, California Legal Advisory Route (SIS 0 – 8.90), Scenic Byway
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	40	130	A
2039	90	290	A
*The segment was analyzed to a Class II two-lane highway for LOS Analysis.			
Caltrans, District 2, Office of System Planning and Traffic Census			

Segment 8 starts at the Trinity/Siskiyou County line (PM SIS 0.00) near Scott Mountain Summit and ends at Gazelle Callahan Rd (PM 6.96) in Siskiyou County. This segment is a two-lane conventional highway with 12-foot lane widths and 4-foot treated shoulders. The posted speed is 55 mph, however due the curvilinear geometry of Scott Mountain the speed may vary. The AADT is 130 vehicles and truck AADT is 10. The segment advises that California-Legal Truck Route by recommending tractor-semis over 30 feet kingpin to rear axle are not advised; this sign is posted in the southbound direction near postmile 6.95. This segment is surrounded by the Klamath National Forest and private timber lands. There are some unpaved access roads located near postmiles 2.74, 4, 4.64, and 6.38. Trip Proposes in this segment are primarily for logging activities and intraregional travels between Trinity County communities and Siskiyou County communities.

Segment Issues:

- Terrain is mountainous with steep grades and curvy alignment on Scott Mountain (elevation 5401 feet).
- California-Legal Truck advisory sign is blocked by vegetation and placed after the point break on the route, making it nearly impossible for drivers to turn around or change their route.
- Segment has limited lane and shoulder widths.
- Heavy snow on Scott Mountain, which can cause delays or closures on the route.
- Chain control requirements are common during the winter.

Segment Management:

- Limited turnouts for emergency and maintenance vehicles.
- Consider paving existing gravel pullouts.
- Consider conducting a turnout study with Siskiyou County Transportation Commission to identify potential turnout locations.
- Consider moving the California-Legal Truck Advisory before the break of the intersection.
- Management of this segment should include way of providing information to drivers such as CMS, signs, etc.

Segment 9 Map




Factsheet for Segment 9

County:	Siskiyou	Route:	3	Post Mile Limits	6.69 – 21.00
Location:	Gazelle Callahan Rd to Main St in Etna			Segment Length in miles	14.31

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	5
Terrain:	Mountainous to Flat	Percent 5-axle Trucks:	26
Lane Width:	11-12 feet	Treated Shoulder Width:	0 - 8 feet

SYSTEM DESIGNATIONS		BICYCLE AND PEDESTRIAN STATUS
Functional Classification:	Minor Arterial	Allowed

Other Classifications	State Highway System, California Legal Advisory Route (SIS 6.69 - 85.06), Scenic Byway
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	140	1200	A
2039	160	1400	A

*The segment was analyzed to a Class III two-lane highway for LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 9 begins at Gazelle Callahan Rd (PM 6.95) to Main St (PM 21.00) in Etna. This segment is a two-lane conventional highway with 12-foot lane widths and treated shoulders widths ranging from 0 to 10 foot (mainly 2-4 foot). Terrain on this segment is level and parallels Scott River throughout the Scott Valley. Traffic increases from an AADT of 220 vehicles at Gazelle Callahan Rd to 1,200 vehicles at Main St in Etna; truck AADT is 62. The route changes from California Legal Advisory Route to Terminal Access Route around postmile 8.90. Trip purposes on this portion of the route are for local commute and agricultural and logging activities.

This segment starts at the intersection with Gazelle Callahan Rd; this road is a major collector, and it leads to the community of Gazelle and passes through ranch and agricultural lands, houses, and sometimes is used as an alternative route to Interstate 5 via Old Highway 99. The route is surrounded by grazing, hunting and agricultural lands with scattered trees. The speed limit decreases from 55 mph to 35 mph as the route approaches the community of Callahan. At postmile 8.54, the Callahan Station (Klamath National Forest) is located and is the start of the community of Callahan. The route continues by S. Fork Rd (PM 8.72) which is a popular local road that leads to many residential housing, agricultural lands and houses, and the local church. Then SR 3 enters the Historical Downtown of Callahan.

The Historical Downtown of Callahan is less than a quarter of a mile long. The historical downtown has the Emporium Store and Bar, an empty Wells Fargo and Farrington's Store, Callahan Grange brick buildings, the historical Callahan Ranch Hotel, the US Post Office, and other businesses. Recently, the historical Callahan Ranch Hotel has been restored. In the historical downtown area, vehicles park on the street; there are sidewalks in the front of the stores.

After the historical downtown of Callahan, SR 3 intersections with Callahan-Cecilville Rd (PM 8.88); Callahan-Cecilville Rd is a major collector route that leads to the community of Cecilville to the west and agricultural and ranch areas to the east, as well as being an alternative route to Etna via Horn Ln (PM 20.06); Horn Ln is a major collector route. Once out of the community of Callahan, the speed limit increases to 55mph and continues into the desert-like vegetation with scattered trees, agricultural lands, scattered houses and limited businesses (sand and gravel business, an old lumber mill, and auto garbage dump facility) before entering Etna.

Segment Issues:

- Pedestrians may walk from the Callahan Station (Klamath National Forest) into the downtown of Callahan with limit shoulder widths.
- Vehicles may be slowed down due to heavy agricultural and logging activities in this segment.
- Elk crossing sign is posted near postmile 14.
- Near postmile 9-10 there is a rock fall sign.
- Limited shoulder widths along this segment.

Segment Management:

- Achieve standard shoulder widths when feasible, especially to accommodate the pedestrians and bicyclist within the Callahan area.
- Consider adding "slow moving" warning signs due to the agricultural and logging activities.
- Consider constructing turnouts to accommodate extra-large agricultural and logging vehicles

Segment 10 Map



Factsheet for Segment 10

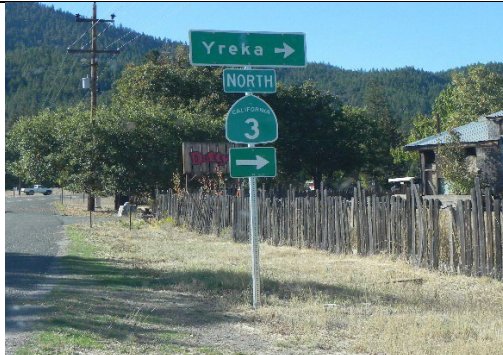
County:	Siskiyou	Route:	3	Post Mile Limits	21.00 – 31.67
Location:	Main St in Etna to Scott River Bridge			Segment Length in miles	11.67

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	4
Terrain:	Flat	Percent 5-axle Trucks:	15
Lane Width:	12 feet	Treated Shoulder Width:	0 - 8 feet

SYSTEM DESIGNATIONS		BICYCLE AND PEDESTRIAN STATUS
Functional Classification:	Minor Arterial	Allowed

Other Classifications	State Highway System, Scenic Byway
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	Route Concept	Segment Concept
Present:	2C	2C
20-Year:	2C	2C
Concept Level of Service		C/D Threshold



TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	240	2200	A
2039	300	2400	A

*The segment was subjected to a Class III two-lane highway LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 10 starts at Main St (PM 21.00) in Etna and ends at Scott River Bridge (PM 31.67). This segment is a two-lane conventional highway with 12-foot lane widths and treated shoulder widths ranging from 0 to 8 foot. The AADT is 2200 vehicles and truck AADT is 87. Trips on this section include intraregional travel between Etna, Greenview, and Fort Jones, farming and agricultural activities, and local commute within the communities.

This segment starts surrounded by agricultural fields in the outer area of Etna before the intersection of Main St (Sawyers Bar Rd) and Island Rd. Main St (Sawyers Bar Rd) is a major collector and runs to the west which leads to residential housing before entering Etna's Historic Downtown; Island Rd runs to the east and leads to a park, agricultural lands and ranch houses. Then the route continues past local roads, mini storage, gas station, laundry mat, Dollar General, bank, bakery, and the watershed council. At postmile 21.48, SR 3 reaches the intersection of Collier Way and Howell Ave; Collier Way is a minor collector road and leads to Etna's Historical Downtown, schools, and local businesses. Howell Ave is a major collector route and leads to Etna Union High School.

After the intersection of Howell Ave, SR 3 leaves Etna and continues into dispersed agricultural homes, widespread grazing and irrigated agricultural lands. The segment then passes the community of Greenview (PM 27.15); Greenview has scattered ranches, single-residence housing and a few local businesses. Around Greenview there are a few minor collector roads that intersect with SR 3 (Ellen Ln [PM 25.11], Main St [PM 27.15], Quartz Valley Rd [PM 27.79]). SR 3 continues through dry desert like vegetation, scattered housing, farm, and agricultural lands as SR 3 heads towards Fort Jones.

Segment Issues:

- There are limited speed signs throughout this segment, especially as the drivers are entering Etna.
- Limited shoulder widths.
- Areas with heavy agricultural activities can produce unexpected traffic conflicts and slowdowns from equipment using SR 3, and entering or exiting the highway.
- STAA Terminal route according to the Truck Route Designation map, however there is a sign advisory CA legal truck.

Segment Management:

- Consider adding speed limit signs when entering Etna.
- Achieve standard shoulder widths around Etna, Greenview and other small communities to benefit pedestrians and bicyclists.
- Consider adding cautionary signs in areas with heavy farming activities.

Segment 11 Map




Factsheet for Segment 11

County:	Siskiyou	Route:	3	Post Mile Limits	31.67 – 38.26
Location:	Scott River Bridge to Moffett Creek Rd			Segment Length in miles	6.59

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	4
Terrain:	Flat to Rolling	Percent 5-axle Trucks:	77
Lane Width:	12 feet	Treated Shoulder Width:	0 - 8 feet

SYSTEM DESIGNATIONS		BICYCLE AND PEDESTRIAN STATUS
Functional Classification:	Minor Arterial	Allowed

Other Classifications	State Highway System, Scenic Byway
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	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	420	3850	B
2039	485	4050	B

*The segment was analyzed to a Class III two-lane highway for LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 11 starts at Scott River Bridge (PM 31.67) to Moffett Creek Road (PM 38.26). This segment is a two-lane conventional highway with 12-foot lane widths and treated shoulder widths ranging from 0 to 4 foot (mainly 4 foot). The AADT is 3,850 vehicles and truck AADT is 159. Traffic volumes increase as the route heads north. Trip purposes along this segment are local within Fort Jones and serves as an intraregional connect to Etna, Yreka, and Interstate 5.

The segment starts at Scott River Bridge and passes large irrigated agricultural and grazing lands before the route enters Fort Jones; SR 3 is the main street in Fort Jones and the speed limit decreases to 30 mph within the city limits. The route passes Eastside Rd and Scott River Rd. Eastside Rd (PM 32.16) is a minor collector and leads to a cemetery and grazing and agricultural lands and housing. Scott River Rd (PM 32.18) is a major collector route, about 150 feet away from Eastside Rd. Scott River Rd leads to Scott River Ranger Station, church (United Methodist Church), Fort Jones City Hall, grocery store, single-family houses, industrial area, sand and gravel businesses, lumberyard, massive irrigated agricultural lands and connects to SR 96.

SR 3 then passes Matthew St, which is a local road and leads to residential areas and Fort Jones Elementary School. Past that intersection, the route continues by single-residential housing. At postmile 32.49, SR 3 intersects with Carlock St, which is a minor collector route and connects to residential housing and the elementary school; also, there is a crosswalk at this location, even though there are no sidewalks on the east side of the street, and the west side has a paved walking trail. After Carlock St, SR 3 continues past residential housing and a church before intersecting with a local road, Newton St (PM 32.57) which leads to the fire department and residential housing. At this intersection, there is a school crossing sign and a crosswalk leading to sidewalks on both sides of the route heading in the north bound direction.

The segment then enters the historical downtown of Fort Jones; the historical downtown has local businesses, such as restaurants, churches, Fort Jones Museum, Scott Valley Unified School, public and private offices, private businesses, and single-family dwellings. The sidewalk continues on the east and west side; however, the sidewalks are dispersed throughout Fort Jones and look as if they were designed per store front by some having multiple curbs, the store front overhang attached to the sidewalk, and are uneven and not wide enough to be ADA compliant. However, in the historic downtown area there are a couple of crosswalks with curb ramps that are ADA compliant. At postmile 32.72 is a local road named Sterling St, which connects to Fort Jones City Hall, US Post Office, church (United Methodist Church), and single-family homes. At this intersection sidewalks end on the east side of the route.

After Sterling St, the route continues through Fort Jones with single-residence housing on the east and businesses on the west side until Butte St (PM 32.76) before the route passes single-residential houses. At postmile 32.90 is the Cal Fire Station with a crosswalk connecting the residential housing on the east to the sidewalk on the west. There is the community park with a baseball field located at postmile 33.57 on the outside of Fort Jones before the city limits end. Past the city limits, the speed limit increases to 55 mph

and the route is surrounded by open space and agricultural fields and ranches with deer warning signs.

Segment Issues:

- Within the city limits, there are intermittent sidewalks and ADA curb ramps (PM 32.50-33.00).
- Pedestrian crossing sign is near Allison Way and Cal Fire is placed oddly due to no crosswalk.
- Limited shoulder width throughout the segment. (Shoulder widths are 4-foot from pm 32.76 to 33.06).
- No dedicated bike lanes within Fort Jones.
- Drainage issues within the downtown area due to poor slope and drains.

Segment Management:

- Consider complete streets within the city limit of Fort Jones.
- Consider achieving standard shoulders widths when feasible.
- Consider replacing and fixing some of the drains along SR 3, the city or county may be responsible for it.

Segment 12 Map




Factsheet for Segment 12

County:	Siskiyou	Route:	3	Post Mile Limits	38.26 – 46.22
Location:	Moffett Creek Rd to Richmond Ln in Yreka			Segment Length in miles	7.96

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	7
Terrain:	Flat to Rolling to Mountainous to Rolling	Percent 5-axle Trucks:	38
Lane Width:	12 feet	Treated Shoulder Width:	0 - 4 feet

SYSTEM DESIGNATIONS		BICYCLE AND PEDESTRIAN STATUS
Functional Classification:	Minor Arterial	Allowed
Other Classifications	State Highway System, Scenic Byway	

	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	300	2950	B
2039	360	3150	B

*The segment was analyzed to a Class II two-lane highway for LOS Analysis.

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 12 runs from Moffett Creek Road (PM 38.26) to Richmond Ln (PM 46.22) at Yreka's city limits. This segment is a two-lane conventional highway with 12-foot lane widths and the treated shoulder widths range from 0 to 8 foot. The posted speed limit is 55 mph with rolling and mountainous terrain. The AADT is 2950 vehicles and truck AADT is 195. This segment has a few passing lanes; in the north direction the passing lanes are located near postmile 39.50 and 41.50 and the south bound passing lanes are located near postmile 42.00 and 43.50. In this segment, trip purpose is mainly logging and farming activities with intraregional travel between the cities of Fort Jones and Yreka.

At the start of the segment, the route is surround by open space and there is a warning falling rock sign as SR 3 starts to climb through Forest Mountain. Forest Mountain has an elevation of 4097 feet and the terrain is mountainous; along the route there are Alexander Mann Water Fountains located on the east side at postmile 40.43 and another one at postmile 42.39 on the west side. The landscape of this segment is a drier, dessert- like valley vegetation of pine and cedar trees. After Forest Mountain, the segment continues by agricultural and ranch houses surrounds by forested lands located outside of Yreka's city limits. There are local roads that intersection SR 3 along this segment, the local roads lead to small communities with logging, farming, and agricultural activities.

Segment Issues:

- Terrain is mountainous and rolling with curvy alignment
- Limited shoulder widths.
- Limited roadside Clear Recovery Zone.
- Falling rocks from the terrain can impact the roadway.
- Unpaved turnouts with no signage.
- Excessive snow during winter with a southbound chain control (PM 45.00) could impact operation.

Segment Management:

- Consider constructing turnouts where passing lanes are not available to accommodate slow moving vehicles.
- Consider achieving standard shoulder widths when feasible.
- Consider increasing rock patrol frequency to look for debris and rocks on the highway.
- Maintain chain control sign (PM 45.00) for a better operation during winter.
- Consider completing the Closed-Circuit Television (CCTV) and the Roadside Weather Information (RWIS) ITS Elements (PM 41.69).

Segment 13 Map




Factsheet for Segment 13

County:	Siskiyou	Route:	3	Post Mile Limits	46.22 – L50.15
Location:	Richmond Ln to Interstate 5 in Yreka City Limits			Segment Length in miles	3.93

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	3
Terrain:	Rolling to Flat	Percent 5-axle Trucks:	150
Lane Width:	12 feet	Treated Shoulder Width:	0 - 8 feet

SYSTEM DESIGNATIONS	BICYCLE AND PEDESTRIAN STATUS
Functional Classification: Other Principal Arterial	Allowed

Other Classifications	State Highway System, Eligible Scenic Byway
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	Route Concept	Segment Concept	
Present:	4C	4C	
20-Year:	4C	4C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	900	8900	C
2039	960	9900	C
*The segment was analyzed to a Class II two-lane highway for LOS Analysis.			
Caltrans, District 2, Office of System Planning and Traffic Census			

Segment 13 starts near the Yreka City Limits at Richmond Ln (PM 46.22) and ends in Yreka at the junction with Interstate-5 (PM 50.16). This segment starts as a two-lane conventional highway and changes to a four-lane conventional highway from Oberlin RD (L48.16) to Yreka St (L48.85) with 12-foot lane widths and treated shoulder ranging from 0 to 8 foot. The AADT increases to 8900 vehicles and truck AADT 175; this is due to the proximity of Interstate-5 (I-5).

The segment starts at Richmond Ln at the city limits of Yreka, Siskiyou County. The route passes single-residence housing and agricultural fields before passing Westside Rd and entering the commercial area of Yreka. In the commercial area of Yreka, there are many shopping outlets, such as grocery stores, shopping stores, fast food, gas stations, and Yreka DMV. At postmile R46.88, sidewalks are located on the east side of the route near the shopping outlets, however at postmile R47.17 sidewalks appear on the west side of the street until the intersection of Moonlit Oak Ave.

Moonlit Oak Ave (PM L47.26), which is a major collector road and leads to local roads and College of the Siskiyous to the west and Interstate 5 (I-5), industrial yards and open space to the east. Moonlit Oak Ave has crosswalks allowing pedestrians to cross at the intersection, however on the northbound side there is no crosswalk intersecting SR 3 and pedestrians are advised/permitted not to walk along the east side of SR 3 due to the lack of shoulders and proximity of I-5.

After the intersection of Moonlit Oak Ave, SR 3 parallels I-5 on the east, and passes Black Bear Diner, A hotel, Caltrans Maintenance Yard (Yreka Maintenance Station # 486), California Highway Patrol (CHP), and Klamath National Forest Headquarters on the west. The route intersections with 4H Way (PM L47.49) and is a major collector road leading to local roads, College of the Siskiyous, and US Social Security Administration Office. After the intersection with 4H Way, the route continues past US Fish and Wildlife, local businesses, and a car dealership. Greenhorn Rd (PM L47.83) is a major collector road, and it connects to local streets, Greenhorn Reservoir, and open space and agricultural land. The route continues passes local businesses before intersecting with Oberlin Rd (PM L48.16) where sidewalks are present on all four corners. Oberlin Rd is a major collector route leading to local roads and businesses, such as the Yreka Bowl, Golden Eagle Charter School and Yreka Adventist Christian School to the west and leads to open space and agricultural fields, residential housing, Rain Rock Casino, and connects with Montague Grenada Rd (Siskiyou County Road A28) to the east, which can be alternative route to Montague.

After the intersection of Oberlin Ln, SR 3 changes into four lanes with a middle lane dedicated to turning until Yreka St (PM L48.84). Yreka St is a major collector road and leads to residential housing, schools, and businesses. From Oberlin Ln to Yreka St, there are a few pedestrian crosswalks, and some have been emphasized by sharks teeth. The route continues past local business, motels, gas stations, restaurants, Klamath National Forest Service Center, and Siskiyou County Museum. At the intersection of Yreka St, SR 3 condenses into a two-lane highway with a middle lane dedicate as a turn lane. After the intersection of Yreka St, there is an island where it splits the highway and has a left

turn lane in the northbound direction for S Broadway Street. In the Southbound direction, S Broadway St yields as it merges into SR 3.

After the intersection, the route continues through Yreka and passes public and private businesses, motels, restaurants, car shops, and local roads. The local roads connect with residential housing, historic downtown, US Post Office and other public and private businesses. Vehicles can use street parking along SR 3 and sidewalks are on both sides; there are pedestrian crossing signs and crosswalks located at South St (PM L49.03), Raymond St (PM L49.06), Butte St (PM L49.10), and Lane St (PM L49.15). The next major collector intersection is E Center St (PM L49.21) and Miner St (PM L49.25).

E Center St and Miner St are unique intersections. E Center St and Miner St lead to similar areas, to the west is the historical downtown area and single residential-housing, and to the east the streets lead to I-5, open space, and industrial and agricultural activities. The unique quality of these intersections is that E Center St is a one-way heading east, and Miner St is a one way heading west from I-5 into the historical downtown area of Yreka. After these intersections, SR 3 continues pass local and private businesses before entering a residential area.

Near the intersections of Blake St (PM L49.76) the surrounding landscape changes from residential housing to public and private businesses until Tebbe St (PM L49.87). Tebbe St is a major collector road and intersections with SR 3 and SR 263; SR 263 runs south to north, which connects to SR 96 and can be used an alternative route if I-5 is closed. At this intersection, SR 3 continues to the east and connects with on/off ramps with I-5.

Caltrans has started the Yreka Rehab Project, which is a pavement rehabilitation project in the City of Yreka that will bring State Route 3, also known as Main Street, up to current design standards and increase its service life. The project spans from Westside Road (south end) to Montague Road (north end). This project will make for a significantly smoother ride for motorists driving on State Route 3. Other improvements include a clean, pedestrian-friendly look as well as upgraded traffic signals, drainage improvements and curbs and sidewalks that comply with current Americans with Disabilities Act standards. This is a three-season project beginning summer of 2022, with completion expected in 2024. Construction will begin at the south (Westside Road) and north (Montague Road) ends of the project for the 2022 construction season. Construction will then move to the area between Moonlit Oaks Avenue and Yreka Street during 2023, with Yreka Street to Montague being constructed in 2024 (<https://dot.ca.gov/caltrans-near-me/district-2/d2-projects/d2-yreka-rehab>).

Segment Issues:

- Signalized intersections in the Central Business District (CBD).
- No street sign posted at postmile 46.75 (Westside Rd).
- Middle lanes used as a turning lane through the segment.
- Numerous of access points open on along the route.
- Pedestrian access is not allowed on the eastside of SR 3 heading northbound from the intersection of Moonlit Oak Ave (PM L47.26).
- There are no dedicated bike lanes on this segment.

- Lack of sidewalks on the eastside around Oberlin Rd (PM 48.16).
- There is a potential of high pedestrian and bicycle use along the segment.

Segment Management:

- Consider constructing sidewalks where heavy pedestrian used is observed, especially around shopping center and access points.
- Improve and construct bike facilities along SR 3 in Yreka where feasible.
- Consider posting a no pedestrian crossing or pedestrians not allowed sign to warn pedestrian for no accessibility on the east side of the street.
- Consider dedicated right turn lane at the intersection of SR 3 with Moonlit Oak Ave (PM 47.26) this could require relocation of the signal and other utilities.

Segment 14 Map




Factsheet for Segment 14

County:	Siskiyou	Route:	3	Post Mile Limits	L50.15 – 54.19
Location:	Interstate-5 to End of the route at Siskiyou County A28			Segment Length in miles	6.44

CURRENT HIGHWAY INFORMATION			
Number of Lanes:	2	Percent Trucks:	7
Terrain:	Rolling to Mountainous to Flat	Percent 5-axle Trucks:	152
Lane Width:	10-12 feet	Treated Shoulder Width:	0 - 7 feet

SYSTEM DESIGNATIONS	BICYCLE AND PEDESTRIAN STATUS
Functional Classification: Minor Arterial	Allowed

Other Classifications	State Highway System, Scenic Byway		
	Route Concept	Segment Concept	
Present:	2C	2C	
20-Year:	2C	2C	
Concept Level of Service		C/D Threshold	

TRAFFIC VOLUMES AND LEVEL OF SERVICE (LOS)			
Year	Peak Hour (PH)	Annual Average Daily Traffic (AADT)	Level of Service (LOS)*
2019	330	3250	B
2039	390	3650	B

*The segment was analyzed to a Class II two-lane highway for LOS Analysis. Volume and LOS undefined from PM 79.50-85.06 (Scott Mountain).

Caltrans, District 2, Office of System Planning and Traffic Census

Segment 14 starts in Yreka at the interchange with Interstate-5 (I-5) and ends in Montague, where SR 3 turns into a county road (Siskiyou County A28). This segment is a two-lane conventional highway with 12-foot lane widths and shoulders ranging from 0-8 foot. The ADDT ranges from 3250 to 1450 vehicles, the highest being near I-5 and the lowest in Montague. Travel on this segment is mainly local trips from Yreka to Montague.

SR 3 begins at the interchange with I-5 on/off ramps near postmile R47.38. Past the I-5 interchange, SR 3 surrounding landscape changes into open space with some industrial developments. At Montague Rd (PM R47.59) there is the Yreka RV Park, Hotel Inn-Express, and a gas station/truck stop being developed. After Montague Rd, SR 3 continues by the Juniper Terrance Apartments and single-residence housing and agricultural housing/land.

At postmile R48.95, SR 3 passes Yreka Ager Rd, which is a major collector route and leads to a church, agricultural lands and housing. SR 3 continues through open space and agricultural fields until intersecting with Phillipe Ln (PM R49.45); Phillipe Ln is a major collector and leads to agricultural lands, industrial developments, and the Shasta Forest Products. Past Phillipe Ln, the route continues through open space and agricultural lands before Montair Dr (PM 51.11) which leads to the Montair Estates. After Montair Estates, SR 3 continues through the open space and agricultural fields with scattered homes. The route then passes the Montague-Yreka Airport at Airport Way (PM 52.71). From Montague city limits (SIS 53.00), the segment passes a large mobile home park and low-income housing and vacant lots before coming to a T- stop intersections, in the northbound direction, and sharing alignment with Siskiyou County A28. Siskiyou County A28, runs south to ranch and agricultural homes/lands and connects to Oberlin Rd which can be an alternative route to SR 3 in Yreka. SR 3 continues to north to the historic downtown of Montague.

SR 3 becomes the main street of Montague where the route passes by local streets W Scobie St (PM 53.33), W King St (PM 53.42) W Webb St (PM53.5), which all lead to high density single-family residential housing. The route also passes a steel fabrication company, Montague Depot Museum, US Post Office, restaurants, private business and a park. In Montague, sidewalks along the route are in the downtown area located around PM 53.36-53.53 and 53.61 – 53.68, however the sidewalks aren't ADA compliant. At the intersection of Webb St, the segment makes a right turn from the northbound direction to cross the Central Oregon and Pacific Railroad tracks before proceeding through mix-used development of single-family dwellings, gas station, stores, church, Montague Fire Department, closed businesses, and vacant parcels. The intersections of Grenada Rd/11th St (PM 53.22) and Willow Creek Rd/9th St are major collector routes and the intersections of 8th St (PM 53.76)/7th St (PM 53.83)/6th St (PM 53.91) which lead to the residential housing and the elementary school. The route continues past residential housing before turning into Siskiyou County A28 at postmile 54.19.

Segment Issues:

- Incomplete network of sidewalks and lack of ADA compliant; as well as lack of bike lanes throughout Montague.
- There are industrial, timber, and agricultural activities within the segment.

Segment Management:

- Consider filling in sidewalk gaps and making them ADA compliant, as well as adding bike lanes within Montague when feasible.

Appendix:

Appendix A: County Information



Trinity County

Trinity County is in the lower reaches of the Cascade Range in California and include the 500,000-acre Trinity Alps Wilderness Area and the Trinity Lake, the third largest lake in California. The 2019 U.S. Census Bureau County Population Estimates, based on the 2010 census population is 12,285* and the County Seat is Weaverville, the largest community. The county has no incorporated cities and covers a total area of 3,208 square miles (8,309 km²). Water area is 28.93 square miles (75 km²) and land area is 3,179 square miles (8,233 km²), of which approximately 72% is publicly owned.

Trinity County is bordered by five counties, which include, Siskiyou to the north, Humboldt to the west, Mendocino to the south, Tehama and Shasta to the east. The county is rugged, mountainous, heavily forested, and lies along the Trinity River within the Salmon and Klamath Mountains. Six national protected areas, such as, Shasta-Trinity National Forest, Trinity Alps Wilderness Area, Six Rivers National Forest, Mendocino National Forest, Whiskeytown-Shasta-Trinity National Recreation Area, and Yolla Bolly-Middle Eel Wilderness are completely or partly located in the county.

The summers tend to be clear, sunny, warm, and very dry, with little rain from June to September except for some mountain thunderstorms in the highest elevations. abundant precipitation occurs in winters, falling mostly as rain under 1000m/3300 ft in the valley bottoms, and mostly as snow over 1000m/3300 ft on the mountainsides. December, January, and February are the rainiest. There is an extensive wild river and stream system, and the terrain is quite rugged and forested, with the highest point at Mount Eddy, over 9,000 ft (2,700 m). The Klamath Mountains occupy the vast portion of the county.

Trinity County has three major Highways, State Routes 299 running east-west, SR 36 parallels to the south, and SR 3 runs north-south connecting the two routes. State highways are 10 percent of maintained public roads mileage in the county, but account for 60 percent of daily vehicle miles travelled (DVMT).

*2019 Census - United States Census Bureau (Estimates)



Siskiyou County

Siskiyou County is located in northern California, adjacent to Oregon. Yreka is the County's Seat and its highest point is Mount Shasta. Surrounding counties include: Del Norte, Humboldt, and Trinity to the west and southwest, Shasta to the south, and Modoc to the east. Among the western canyons and peaks and the eastern lava plateaus and mountain ranges, the county is also home to Mount Shasta, the southernmost volcano in the Cascade Range, ascending to over 14,000 feet. The county's rich natural resources support recreation and tourism.

The climate of the county varies according to elevation and location. Valley areas have hot summers (over 100°F) and relatively mild winters, while the summers become cooler and winters colder at higher elevations. Generally, precipitation in the county decreases from west to east and also from higher to lower elevations. The total seasonal precipitation received within the county varies from approximately 10 inches in the northeastern corner to 100 inches or more along the northern part of the western border. The western one-quarter of the county normally receives from 40 to 60 inches of precipitation per year annually at higher elevations. The central one-half of the county receives from 12 to 20 inches of precipitation below 4,000 feet, and up to 60 inches in the mountains and along the extreme southern border. The southeastern one-quarter of the county receives 40 to 50 inches of precipitation over some of the mountains, and even more on Mt. Shasta, while stations on the 4,500-foot plateau receive only 10 to 20 inches of precipitation per year.

The 2019 U.S. Census Bureau County Population Estimates based on the 2010 census population is 43,539*. Siskiyou's 6,347.5 square miles (16,440 km²) encompass a wide variety of landscapes. Water area is 60.7 square miles (157 km²) and land area is 6,286.8 square miles (12,283 km²). The federal and state government manages more than 60 percent of Siskiyou County's land.

Siskiyou County has US 97, Interstate 5 (I-5) and six State Highways: SR 3, SR 89, SR 96, SR 161, SR 263, and SR 265. State highways are 11 percent of the maintained public roads mileage in the county, but account for 66 percent of Daily Vehicle Miles Travelled (DVMT).

*2019 Census - United States Census Bureau (Estimates)

Appendix B: Public Outreach Activities and Summaries

SUMMARY OF COMMENTS - HAYFORK PUBLIC WORKSHOP
Tuesday November 19, 2019
SR 3 Corridor Plan

Curves:

- Reduce the number of curves.
- Improve sharp turns.
 - 20 mph curve warnings – at “spring” (approx. PM 22.0) and near “candy-cane tree” (two curves – approx. PM 24.5-25.0).
 - Other signed curves (such as 25 mph near PM 18.2).
- Add guardrail:
 - From bottom to top of Hayfork Summit – both sides (approx. PM 15.0 – 25.5).
 - Browns Creek to Deerlick Springs Rd, northbound (approx. PM R26 – 27.8).

Accidents:

- General feeling that accidents are under reported.
- Need for alternative reporting system or faster response from CHP.
- Specific locations noted:
 - About three miles east of Post Office between Big Creek Road (PM 9.29) and Wildwood Road (PM 11.65) near Raven Lane (private road at approx. PM 10.0). Vehicles have gone through fence even though not on a curve.
 - Just west of Wildwood Road is a curve followed by an even bigger curve (approx. PM 11.0-11.5).
 - The second (bigger) curve has a 40 mph warning sign but the first (smaller) curve does not.
 - There is some guardrail northbound around PM 11.4.
 - Consider more signs and guardrail.

Pullouts/Passing:

- Add more of both.
- Multiple comments in support of pullouts.
- Reaffirmed need for turnouts between SR 36 and SR 299.
- Agricultural vehicles (hay, cattle hauling) need and will use pullouts.
- Pave the larger turnouts.

Emergency Planning:

- Evacuation routes:
 - Options into and out of Hayfork Valley are limited.
 - Need more wide spots to pull over and allow emergency vehicles to pass.
 - Community fire protection plan is being updated.
 - Led by Fire Safe Council and includes Calfire and BLM.
 - Next meeting is December 9th at the fairgrounds.
- FOLLOW-UP NOTE: Roadside Maintenance is the lead for Caltrans involvement.*

Hayfork Elementary School:

- Board of Supervisors member Bobbi Chadwick and members of the community would like a pedestrian activated beacon at the existing school crosswalk on highway 3 in front of Hayfork Elementary School. The school is on one side and the Hayfork Family Dairy Store/Hayfork Youth Center/Hayfork Tire are on the other side.
- Supervisor Chadwick has been in contact with Rob Stinger (Caltrans) and Rick Tippet (Trinity County Department of Transportation).
- The community is very interested in this and some people are even willing to help pay for it.

FOLLOW-UP NOTE: The criteria used to warrant a flashing beacon for a school crossing is at least 40 school aged pedestrians using the crosswalk in a one hour period, twice a day. Counts taken by Caltrans for two full days in September 2019 showed 25 and 48 pedestrians for the entire day, so state-only funding is not an option. County representatives were subsequently informed that the most likely way to move forward would be for the County to partner with the state on funding a flashing beacon project, or the County could pursue various grant opportunities to purchase/install the beacons under encroachment permit.

Caltrans has issued a work order to have maintenance forces freshen up the existing crosswalk pavement markings and add longitudinal markings inside the crosswalk (ladder) to enhance its visibility. Yield line markings (sharks teeth) in advance of the crosswalk will be added in both directions to indicate where drivers are to stop and wait for pedestrians crossing the highway.

South of Hayfork:

- This section of highway has narrow lanes.
FOLLOW-UP NOTE: About half of the lanes between PM 0.0 and 6.0 are less than twelve feet in width.
- This section of highway has limited shoulder width.
FOLLOW-UP NOTE: Most of the shoulders between PM 0.0 and 6.0 are two feet or less in width.
- Bicycle tourism is growing and cyclists ride here. Some kind of improvement for bikes is needed.
- Speed limit is 45 by the fairgrounds, but 55 further south toward the SR 36 junction.
 - Why is the speed lower on the straight section but then higher to the south where the highway is curvy?
- Consider speed reduction near 13 Dips Road and Rattlesnake Road (approx. PM L3.5-L4.5).
- Roadbed in front of the fairgrounds needs to be redone.
 - Soil is poor and becomes saturated in the winter.
 - Past paving projects in this area have lasted less than ten years.
- Drivers pass over the double yellow line.
- Widen shoulders when possible.

- Pave several turnouts south of Hayfork. Specific locations include:
 - “Horseshoe turn” (approx. PM L1.11-L1.45).
FOLLOW-UP NOTE: Investigation showed the gravel turnouts mentioned are located at:
 - Turnout southbound approx. PM L1.11.
 - Turnout northbound approx. PM L1.27.
 - Turnout southbound approx. PM L1.64.
 - A mile from this one.
FOLLOW-UP NOTE: Location unclear:
 - Southbound location approx. PM L0.30.
 - Northbound location approx. PM L2.33.

Miscellaneous:

- Will this ever be a freeway?
- Attendees appreciate the work Caltrans maintenance crews do.
- Lots of wildlife cross highway 3, especially deer.
- Broadband was mentioned by several:
 - The community wants to have access to broadband.
 - Worried about the potential impact on highway 3.
 - Wants there to be coordination between Caltrans and the broadband companies.
FOLLOW-UP NOTE: Department has a policy that states Caltrans must coordinate with broadband companies.
- Paved shoulders are useful for driving and help with preventing weeds and fire control.
- Support of no herbicides use in the county.
- Attendee ask about the Ditch Gulch Curve project happening on SR 36, west of the SR 3 junction (approx. PM 26.70-27.10); why is Caltrans building a bridge to change one turn when that money could be used on multiple projects?
FOLLOW-UP NOTE: Ditch Gulch Curve Improvement (02-4F860) is funded through the safety program. This project is to improve safety along this segment of SR 36. However, it turns out that there was a fish passage issue which required a structure on the new alignment.
- Recent pavement job in the northbound direction from Browns Creek to Deerlick Springs Road (approx. R26 to 27.8) isn't smooth.
- Consider additional public meeting in a more central location like Douglas City or Weaverville.
- Sign heading south towards Deerlick Springs Road informs drivers “Slower Traffic Use Turnouts to Allow Passing” (approx. PM 28.45) but there are no designated turnouts.
FOLLOW-UP NOTE: There are paved turnouts southbound at 27.84 and 26.53. Placement of “Turnout” signs will be evaluated for both locations.

SUMMARY OF COMMENTS - TRINITY CENTER PUBLIC WORKSHOP
Tuesday November 12, 2019
SR 3 Corridor Plan

Caltrans Effort:

- We really appreciate your outreach to us.
- The local Caltrans crew does a good job.
- Turnouts! GREAT, really appreciate Caltrans.

Turnouts:

- They are used and make driving the route better.
- However, the signs used are not consistent:
 - Drivers comply with "Slow vehicles must use turn out".
 - Drivers don't comply with "Slow vehicles with 5 or more following vehicles must use turn-out".
- Can an advisory sign "check your mirrors" be placed to remind drivers to use their mirrors, so drivers know when they need to pull over?

Emergency Services, Management and Evacuations:

- Ambulance:
 - Wider shoulders along the route would benefit emergency vehicles.
 - Widen or realign the Mule Creek bridge (PM 48.53). The turn at the bottom of the southbound grade is problematic for an ambulance. It has to slow to a crawl for the safety of patients and crew in the back then strain the engine trying to regain speed on the uphill grade. Large RVs and trucks do not always stay in their lane.
- Fuels:
 - Multiple agencies are doing fuel reduction work between Weaverville and Scott Mountain:
 - Trinity Center VFD has obtained small grants to implement shaded fuel breaks at the evacuation point for Trinity Center (SR 3 and Airport Rd – PM 59.95).
 - Trinity PUD has reduced fuel loads under power lines that parallel the highway.
 - Trinity County RCD has obtained grants for shaded fuel breaks along SR 3.
 - It would support local efforts if Caltrans did more to reduce fuel loads along the highway within the State right-of-way.
- Evacuations:
 - SR 3 is the primary evacuation route available to residents in north-eastern Trinity County.
 - It is essential for Caltrans to keep at least one direction of travel open during emergencies.

- Caltrans and other State agencies should be developing emergency response plans for disasters such as fires, floods and earthquakes.
 - What can the public and local officials do to help this happen?
- Plans:
 - Review/reference the following local documents related to public safety and mitigation.
 - Safety Element of Trinity County General Plan (2014),
 - Local Hazard Mitigation Plan (2016),
 - Trinity County Community Wildfire Protection Plan [CWPP] (2015).
 - CWPP is currently being updated.
 - Caltrans should give input to the plan.

Bike and Pedestrian:

- Trinity County Collaborative is working to develop a Bike/Pedestrian Trail around Trinity Lake by using USFS/SPI/Public (county) Roads.
 - The proposed trail will be near SR 3 at the following locations:
 - Tannery Gulch Campground (approx. PM 42.58).
 - Stuarts Fork Bridge (approx. PM 44.1).
 - Stoney Creek Day Camp (approx. PM 44.8).
 - Stoney Creek Group Campground (approx. PM 44.9).
 - Mule Creek Bridge (approx. PM 48.51).
 - Mule Creek Bridge (approx. PM 48.6).
 - Bowerman Ridge Road (approx. PM 56.25).
 - Eastside Road (approx. PM 65.47).
- FOLLOW-UP NOTE: District 2 Complete Streets Coordinator and Traffic Operations staff informed of effort.*
- Children cross the highway in Coffee Creek to get to the elementary school (Mann Road/Coffee Creek Road – approx. PM 67.89).
 - Wider shoulders would be good for bicycles and pedestrians.
 - Trinity County Active Transportation Plan target completion is March 2020.
FOLLOW-UP NOTE: District 2 Complete Streets Coordinator informed of effort and contacted County staff to request review of draft plan.

Traveler Information:

- Scott Mountain in the winter needs current (and accurate) information.
Attendees mentioned;
 - Web cams/CCTV.
 - Flip signs along route need to be changed.
 - Add a sign at Caltrans Trinity Center maintenance yard “Highway open/closed”.
 - Crews can change the sign as they go in or out.
 - Concerned about equipment reductions and losing plows.

- During the Delta Fire people did not have good information about what Scott Mountain is like. Ideas mentioned to address this included:
 - More signage (at points like Weaverville and Yreka, as well as closer to Scott Mountain).
 - Positioning CHP or Sheriff to monitor trucks.
 - Place temporary CMS.
 - Make sure truck drivers understand what the Trinity County side is like.
- How does Caltrans interface with private GPS providers?
 - Private providers do not always have accurate information.
 - Private providers do not give truck regulations.

Highway Operation:

- SR 3/SR 299 intersection (near Douglas City, approx. PM L30.89):
 - The bridge to the west on SR 299 is on a curve (Trinity River Bridge No. 5-18).
 - Riverview/Steiner Flat Road is just west of the intersection (SR 299 PM R57.87).
 - Douglas City Elementary School is off Steiner Flat Road.
 - What improvements could be considered:
 - More signage,
 - More lighting,
 - Modify intersection,
 - Move intersection.
- Vehicles towing boats left out of Trinity Center to southbound SR 3 need an acceleration lane (approx. PM 60).
- Community members noted speed and driveway conflicts at the passing opportunity south of Airport Road and Swift Creek Bridge (approx. postmile TRI 59.5-60).
FOLLOW-UP NOTE: Traffic Operations office will investigate the passing opportunity.
- When pulling onto Highway 3 from Carrville Loop Road at the north end (approx. PM 67.15), it is hard to see traffic approaching northbound due to the soil bank and vegetation.
- North of Weaverville:
 - "S" Curves should be straightened out (approx. PM 33-35).
 - Erosion and sediment issues (ponds get full).
 - The Weaver Basin Trailhead is in vicinity (approx. PM 33.56).

Miscellaneous:

- Attendees asked about the status of Swift Creek Bridge replacement project.
 - Caltrans staff provided status to attendees – project is funded and in progress.
- Shoulders are not repaired after the ditches are cleaned or roads are plowed.
- General feeling that accidents are unreported.

- South of Stuart's Fork Bridge (approx. PM 43.25-43.85) are three USFS Facilities; Tanbark Picnic Area, Osprey Info Site, Stuart Fork Public Boat Ramp, which are currently open. The USFS plans to close Osprey Info Site, however Caltrans is seen using this area during the winter for plowing and maintenance. Is there away for Caltrans to acquire this?

FOLLOW-UP NOTE: District 2 Maintenance and Operations staff informed about issue

SUMMARY OF COMMENTS - SISKIYOU COUNTY PUBLIC WORKSHOP
January 4, 2022 – February 4, 2022
SR 3 Corridor Plan

In March 2020, Coronavirus (COVID-19) spread throughout world and shortly through the United States. COVID-19 made the world come to a stop; public gatherings of all types were not advised. Since the beginning of the pandemic the United States has started to reopen allowing public gatherings to happen again. Due to COVID_19 still spreading with high number of cases and hospital rates, Caltrans District 2 wants to keep the public and their employees safe by deciding that in person public outreach is not an option.

From January 4, 2022 until February 4, 2022 we were open to taking comments from the public. The public outreach was done through an informational video that was posted on Caltrans District 2 Facebook page and YouTube. The public could email or call our Public Information Office or System Planning's Natalie Kinney. Once we received the feedback from the public, System Planning went through the comments and sorted them out into different sections.

Etna:

- Intersection of SR 3, Collier Way and Howell Ave
 - The yield sign from SR 3 merging north onto SR 3 after the intersection with Collier Way and Howell Ave needs to be installed (near PM R21.47).
 - Cars are coming from North to South Hwy 3, Collier to Hwy 3 N and S, and Hwy 3 S to N and Howell Ave. People will drive fast in both directions at this intersection. This location doesn't have a signal but has multiple different areas to turn on and off SR 3.
 - This area is near the high school and students cross this intersection multiple times coming and going to school or during lunch heading into town. There is no crosswalk at the intersection (note: Previously there was a crosswalk, however not a lot of pedestrians used it).
 - Can we reexamine this location?
- Intersection of Quartz Valley Rd near Greenview (PM 27.8)
 - Add a flashing yellow light or beacon for pedestrians to cross. This location has a lot of foot traffic due to there being a bank, feedstore, gas station, etc.
- Heading into Fort Jones near East Side Rd (PM 32.16):
 - Add a flashing yellow light or beacon for pedestrians to cross. This location has a lot of foot traffic due to the Supermarket.

Fort Jones:

- Sidewalks:
 - Excited and glad to be getting new sidewalks.
 - I'm handicapped and our sidewalks desperately need to be fixed.
 - New and level sidewalks.

- accessible for ADA.
- New sidewalks where none exist. Big Ball Park on North to Rays Market to South.
- Fix the road in Ft. Jones so it is even with the sidewalks. Right now it is extremely difficult for ADA people to navigate.
- Crosswalks:
 - Drivers speed through this area, especially heading in and out of town, make sure the crosswalks is visible.
 - Add rumble strips, speed bumps, shark teeth before the crosswalks.
 - Add flashing lights to crosswalks.
 - Sterling ST (PM 32.62/32.72)
 - Add more crosswalks through town.
 - Carlock St (PM 32.50)
- Add streetlighting along the downtown.
 - Possible vintage looking streetlamps
 - New Historical looking streetlights standards along Main St. (similar to Highway 12 through Boyes Hot Springs in Sonoma County or Highway 49 through Sutter Creek in Amador County.)
- Mow the right of way and plow snow between Ft. Jones and Callahan so people can commute to work.
- Please keep some kind of flag holder, as we enjoy the flags, and our lion club uses the flag holder.
- Consider adding in bulb out or pop outs to make the sidewalk wider in some spots for outdoor dining in front of the restaurants.
- Would like to see all the utilities under the ground.
- Post no U-turn signs throughout Main St (Especially at both ends of Main Street).
- Post Speed limit signs (Especially at both ends of Main Street).
- Lower the speed limit in Fort Jones. Reduce the speed limit down to 30 for a longer stretch of road through. (Possibility all the way to Douglas Street (PM 33.04) and then increase the speed after.)
- Consider adding a roundabout at Sterling St (PM 32.72) and/or Butte St (PM 32.77).
- Consider adding a sign over SR 3 with the town's name and logo (Example: Downtown Weed).
- Consider adding traffic calming tools to the north and south of tow.
 - Pavement cutouts/bulb outs.
 - Something to slow the vehicles down.
 - Something to keep the cars from straying off the road.
- A center divider down main street.
 - The community has differed opinions when it comes to parking on the street. Some people expressed diagonal parking, while others stated they didn't want diagonal parking.
 - We have our annual Christmas Parade that goes through Main Street.
 - There are many businesses along this route, so a center divider could block driveways. Alleys, etc for business owners.
 - Is not practical for our small town.

- Parking:
 - The community has differed opinions when it comes to parking on the street. Some people expressed diagonal parking, while others stated they didn't want diagonal parking.
 - Parking went from vertical to horizontal. Some people are confused by this change and would like to see it back to Vertical. In Addition, some people still park vertically.
- Consider adding planter boxes and trees through the downtown of Fort Jones.
 - Who would plant and maintain them?
 - Put tree guards on the bottom of the trees.
 -
- Can SR 3 be widened in the surrounding areas and through the town of Fort Jones?
- Please look at the drainage within Fort Jones.

Montague:

- Webb Street (PM 53.5 – 54.19) needs to add a sidewalk. Since there isn't a sidewalk, pedestrians walk along the shoulder of the road.
- Many years ago, a left turn lane was added for out subdivision, and it made a big difference with safety!

Yreka:

- North end of the SR 3 in Yreka the roadway there is a lack of drainage.
- Rehab in Yreka:
 - The spotlight at the intersection of Foothill and Main Street, and at Oberlin Rd and Main St work well!
 - The Intersection of Moonlit Oaks and South Main has a north and south lane that merges after the intersection. This intersection is very busy. Drivers will try to speed up to cut off other cars when the lane is merging. In addition, cars headed south will slow down and use the middle lane to turn into the shopping center and cars from the west shopping center will use the middle lane as a way to cross over traffic until they can merge going north.
 - SR 3 through Yreka needs to be address. Can it be widened if that's not possible are there other solutions?
- Street Lighting:
 - Current street lights are LED Lights and are very bright.
 - Most of the lights are before or after the crosswalks, can they be over the crosswalks, so we can see the crosswalks better?
- Crosswalks:
 - Can the crosswalks be painted white inside of yellow?
 - The bright yellow pedestrian signs are distracting as a driver.

Wildlife on SR 3

- A big issue regarding the wildlife is people driving over the speed limit.
- It's horrible to see wildlife carcasses on the side of the roadway.

- There are no "watch out for deer" signs between Etna and Fort Jones.
- What can we do about wildlife fatalities?
 - The community wants to reduce the number of wildlife, especially deer killed along SR 3.
 - The worse area of this is Scott Valley going into Yreka.
 - Suggestions for wildlife signage along SR 3"
 - Lighthill Rd (PM 31.14) to Greenview
 - Crystal Creek to Kellems Lane (PM 23.34 - 25.97)
 - Callahan to Etna.
- There were a lot of comments on about animals, especially deer, being hit and being left on the side of the road dead. The community members are wondering if there is a way to keep track of the road kill maybe with a digital sign or count.

Maintenance Operations:

- Wildcat Bridge (PM 9.5):
 - Entering the curve area in the NB direction there is a 'S' curve sign warning with a 40 mph warning sign.
 - Many community members are concern and want to know what can be done?
 - Can we put guardrail up? Add more signage?
- Is there a way to widen Forest Mountain?
- Please add some passing lanes along SR 3.
- Add signs in different languages for warning truckers that STAA trucks are not advised on the route. Every year when the other routes get closed, GPS will send them through SR 3 and they will get stuck.
- Is there a way maintenance can trim the vegetation earlier in the season? The road shoulders are kept trimmed but could be done a little earlier.
- It might not be possible, but these are my suggestions for safer roads in Scott Valley area of Hwy 3.
 - turning lane or two in Greenview
 - turning lane at Kellems Lane
- At the Quartz Valley Rd intersection, on the west side of SR 3, it's hard to see traffic coming down Forest Mountain Pass. This is a spot where a lot of people run the stop sign. There have been a lot of wrecks there.
- Serpa Lane (PM 30.22):
 - The location of the stop sign is difficult to see the northbound traffic coming. Drivers will usually pull out in front of the stop sign to oncoming traffic.
 - Terrain in this location is difficult (Sloping up to the south).
 - East bank is not cut far enough back to have good visual site.
 - When at the stop sign on Serpa Lane, Fort Jones area, there are bushes growing on the east side bank of Hwy 3 that obstruct the view of oncoming north bound traffic. They should be cut back for a better view of oncoming Hwy 3 traffic.
 - Drivers can get impatient when cars are turning onto Serpa lane from the south, causing them to pass un the northbound lane.

- Visibility at the intersection of Quartz Valley and Glendenning Rd (PM 27.8) is poor regarding southbound traffic.

Speed Limit and Traffic Increase on SR 3:

- In Yreka at the northern area, the speed limit is 30 mph on the south bound side (heading into downtown) and 35 mph on the north bound side (Heading towards SR 265); however, a lot of drivers speed, especially during the night. It would be helpful to have electronic speed monitors along this portion.
- Most of the residents along SR 3 and the surrounding communities have seen an increase of traffic.
- Drivers tend to speed along SR 3.
 - The speed limit is 55 mph, but most drivers go faster.
 - Drivers will pass illegally.
 - Drivers will not slow down when the people are walking on the side of the road.
 - It's difficult for residents to feel safe collecting their mail from along SR 3.
 - Drivers speeding will hit or kill the wildlife population.
 - Many residents have issues getting out of their driveway and onto SR 3.
- There are only a few double yellow lines along SR 3, drivers don't obey the double yellow lines and will pass over them.
 - Is there a way to add signs for no passing?
- Considered adding a passing lane or two.
- CHP and other law enforcers should monitor speed more regular.
 - Why doesn't CHP take the serious effort to control the speeders?
- Post more speed limit signs along SR 3.
- The speed limit drops in the Town of Yreka; however, you are heading southbound out of Yreka, the speed limit increases to 55mph; this area is a residential area.
 - Can the 40-mph speed limit be extended through this residential area? It would just need to be extended about 1 mile south of Yreka Town limits, south of the Eastman Road (PM BLANK).
- The speed limit surrounding Fort Jones is 55 mph before decreasing. This area has pedestrians and drivers don't slow down entering the town. Is it possible to add stop signs at both end of the main street in Fort Jones?
- Drivers speed going through Callahan; many people are towing boats heading to Trinity Lake.

ITS elements:

- Traffic Cameras:
 - One thing that badly needs improvement is more timely updates on chain requirements, especially when they are no longer required, online or otherwise. Map apps don't seem to show it.
 - Multiple people mentioned having Traffic Cameras on Forest Mountain.
 - Siskiyou Telephone Company had one at some time in the past and it was very helpful in winter, but it was taken out. A Traffic

Camera would add to safety on Highway 3 because drivers would know conditions during the snow season and stay home when conditions were dangerous.

- It would be most beneficial to be able to judge whether the pass is safe for transit during storms.
- We rely heavily on the HWY 5 webcams for weather, traffic, and road conditions, especially during winter. It would be so helpful to have webcams on Forrest Mountain.
- Cameras on the tops of every summit of Hwy 3 would be the most beneficial, especially during winter. I.e. Forest summit, Scott Mountain...ALL SUMMITS.
 - It seems that more and more vehicles are using Highway 3 over Scott Mountain and it is imperative that the Trinity Center Station be given the resources to keep this route open. Scott Mountain receives high snowfall in relatively short time periods and sufficient snow blowers including adequate staffing are critical to this task. Also, Changeable Message Signs should be installed in Weaverville, Yreka, Callahan and Trinity Center that state when Highway 3 is closed over Scott Mountain so travelers know at these junctures and can take an alternate route. The current CA Road Conditions program is many times inaccurate on the actual conditions on Highway 3 and needs to be updated on a timelier basis.

Complete Streets:

- Is there a way to have a bike path through Scott Valley?
 - It would allow for safer travel for recreational and commuting
 - It would allow for safer travel for cyclists both recreationally and as an option for commuting to school and/or work. The current narrow shoulders make sharing the road a bit risky. Ideally, a loop could be made using a bike path on highway 3 and Eastside Road connecting at least Etna to Fort Jones where traffic and highway use is heaviest.
- Add a bike lane from Yreka to Montague. Since the shoulder widths are wide enough, many drivers must cross over the center line to pass the bicyclists. It would be such a great addition for bikers to have the road extended out to accommodate them.
- Add a walking and/or bike path in Fort Jones from Eastside Road (PM 32.16) to McAddams Creek Road (PM 34.05). (Bike path Big Ball Park on North to Rays Market to South)
- Add a walking trail from Yreka to Montague. This road is a traffic and scenic place to walk. However, there are issues with this area such as the traffic being too close and zooming by, the roadway is uneven, filled with weeds (or mowed down weeds), steep drop-off of the road and other issues. It would be a great addition to have a walking trail!
- Add a crosswalk light in the northern end of Yreka; pedestrian cross the street down here and it would help alert the traffic that someone is crossing. (A similar idea to the crosswalk light at Main and Bruce St (PM L48.32).)

Miscellaneous:

- People need to be reminded it is a highway, not a freeway.
- Moffett Creek Bridge (PM 38.28) :
 - The new bridge at Moffett creek is great.
 - The areas surrounding leading up to bridge seem to have the same bumps and load sways are the same. I thought this would be eliminated with a completely new bridge.
- There has been an increase of heavy equipment on the highway, such as semi-trucks. We usually noticed the semi-trucks have trailers attached to them; this is especially noticeable during the fire season. What kind of wear and tear does this have on SR 3?
- Multiple people commented that they appreciate the job Caltrans do.
 - I appreciate having a well-kept highway.
 - Hwy 3 is in pretty good shape overall!!
 - I frequently travel the road over Scott Mountain on my way to the coast. I think the highway is very user friendly. I realize there are curvy spots on 299 side of the summit, but the road is in good shape, and I just slow down. We also travel the length of the highway in Scott Valley. Road is always in good shape.
 - I think Caltrans does an amazing job keeping our roads clear of rocks and snow.
 - I'm always appreciative of the excellent job the county does in keeping the roads open.
 - Hwy 3 is generally open and clear and mostly in good repair.
 - We have lived in Scott Valley for over 26 years. I would give Caltrans an overall grade of A to A+. Yes, there are often delays and people get impatient but considering the increase in traffic over the years, the impacts of weather, rocks, condition of the road surface and all, the people at the local Caltrans are doing an excellent job.
 - I drive on highway 3 several times a week, sometimes every day. Caltrans does an excellent job in my opinion on maintaining the surface of the road and keeping the markings on the road such as the lane dividing lines, the fog lines, etc.. I have driven Hwy. 3 from Scott Valley to Hwy 1, several times and again the maintenance on the road has been fantastic in my view,
 - Road crews do a good job and the Hwy is in good shape. They are very good at keeping rocks off the road on Forest Mountain, especially during freezing and thawing weather when rocks continuously roll into the road from above.
 - I think you have done a good job with the highway
- I think inviting public feedback is a great idea. Thanks for the opportunity for public input.
- I am responding to the article in the Siskiyou Daily Newspaper regarding Caltrans request for feedback on State route 3.
- I saw this request for input from Caltrans on a "Siskiyou County Grapevine" Facebook Post.

- County Road Department:
 - Thank you, County Road Department, for helping keep the road clear of ice and snow.
 - Excellent work is done from the Etna County Crews.

State of California • Department of Transportation

News Release

Date: October 25, 2023

District: 2 – Trinity/Siskiyou County

Contact: Natalie Kinney

Phone: (530) 782-3303



FOR IMMEDIATE RELEASE

State Route 3 Corridor
Plan Available for Review,
Public Comment
Public Comment Period Open Until November 30, 2023

REDDING – Caltrans District 2 would like to announce the public comment period for the State Route 3 Corridor Plan. A Corridor Plan is an analysis of a transportation route that establishes a 20-year course of action to address a set of issues. The plan contains a variety of data that influences the route such as traffic volumes, land uses, economic conditions, local arterials, alternative transportation modes, and environmental conditions. This plan is intended to identify potential future projects, however does not commit funding to projects.

The State Route 3 Corridor Plan is available for review and public comment from October 25 to November 30.

Physical copies of the plan and comment boxes can be found at the locations listed below. If you would like to request a digital copy of the plan, please email Natalie Kinney at Natalie.Kinney@dot.ca.gov.

- **Trinity County Hayfork Library.** 6641 CA-3, Hayfork CA 96041.
- **Trinity Center General Store.** 55 Scott Blvd., Trinity Center CA 96091.
- **Fort Jones City Hall.** 11960 East Street, Fort Jones CA 96032.
- **Etna Branch Library.** 1115 Collier Way, Etna CA 96027.
- **Montague City Hall.** 370 W. Scobie Street, Montague CA 96064.

Public comments can also be mailed to the Caltrans District Office, located at 1657 Riverside Drive, Ms 3, Redding CA 96001, by email at Natalie.Kinney@dot.ca.gov, or by phone by calling (530) 782-3303.

###

| [QuickMap](#) | [Twitter](#) | [Facebook](#) |

SUMMARY OF COMMENTS – PUBLIC COMMENT ON DRAFT
SR 3 CORRIDOR PLAN
October 25, 2023 – November 30, 2023
SR 3 Corridor Plan

In October, Caltrans District 2 sent out a News Release regarding SR 3 Corridor Plan for Public Comment. District 2 dropped off the documents at various locations along SR 3; Hayfork, Trinity Center, Etna, Fort Jones, and Montague. The public was able to leave their comments at these locations or by calling or emailing our Public Information Office or System Planning's Natalie Kinney. Once we received the feedback from the public, System Planning went through the comments and added them into the document or included them below.

Comments from Public Comment Period:

- SR 3 over Scott Mountain is (usually) the best way to travel between Yreka and Trinity/Humboldt County destinations. I travel this way occasionally during the winter and I am never completely confident that I have current information. Caltrans' Current Conditions web page for this location is often inaccurate. One sunny day last winter the sign at south Yreka said it was closed so I pulled off to use the phone to confirm. It took several phone calls (Yreka Maintenance Station, Yreka CHP, Redding Caltrans) to determine that it was in fact open, which demonstrated that even State employees who should have access to current information often do not.
- The south side of Scott Mountain is hazardous for long trucks, and they sometimes get stuck here. It would be interesting to check CHP statistics to see how often this occurs. In any case, an analysis to determine whether more signing and/or a higher level of restriction is necessary would be appropriate.
- Would it be feasible to correct the offset between Eastside Road and Scott River Road, so they meet SR 3 opposite each other?

Appendix C: Tribal Factsheets

Karuk Tribe

Tribal Government Profile and Summary

2020

Status

The Karuk Tribe is Federally Recognized. The Karuk Tribe's government-to-government relationship with the US Federal Government was established in 1851. However, the lack of formal contact with the Spanish according to the terms of the Treaty of Limits (1828) and the Treaty of Guadalupe Hidalgo (1848), left the United States' jurisdiction over Karuk lands dubious, and it continues to be disputed today. In 1851, Karuk tribal people met with the Redick McKee US Senate delegation, and participated in treaties signed in Weitchpec, Somes Bar, and near the mouth of the Scott River. That government-to-government relationship continues to the present day; however, there was a reduction and eventual termination of services following WWII and during the termination era of the 1950's. Federal Recognition was reaffirmed by the Bureau of Indian Affairs officially in January of 1979. The Tribe's Constitution was adopted on April 6th, 1985, with amendments adopted July 19th, 2008.

Land Base

The Karuk Tribe is a historic tribe, and still lives in its ancestral homelands along the middle part of the Klamath River channel - roughly between Weitchpec and Seiad, California. The Karuk Ancestral Territory spans 1,053,600 acres or 1,646 square miles (planar measurement). Since our treaties were not ratified by congress, the Tribe was not granted a reservation either in 1851 or in 1979. But starting in 1977 the Tribe began purchasing property for the benefit of our tribal members, starting with 6.6 acres in the Orleans community and 10.65 acres in Happy Camp. The Happy Camp property was designated a "Proclaimed Reservation" in 1989. The Tribe has worked hard to accumulate more Trust land over the years. The current total is 914 acres of Trust land, and 822 acres of Fee land. These acres are held mostly within the communities of Orleans, Happy Camp, and Yreka. These centers are a considerable distance apart: it is 47 road miles from Orleans to Happy Camp, and 120 road miles from Orleans to Yreka. Historical and anthropological work has demonstrated a strong connection with the Yreka area, in pre-contact times through to the present day. In the Karuk language, the three main population centers have the ancient names of Panámniik for Orleans; Athithúvuunupma for Happy Camp; and Kahtishraam for Yreka.

Tribal Government

The Tribe currently has 3,751 Enrolled Tribal Members, making it the second-largest tribe in California. There are about 5,000 registered descendants. In June of 1978 the office of the Secretary of the Interior instructed the Tribe to consolidate the three existing councils, in Orleans, Happy Camp, and Yreka, into a single unified government. Orleans, Happy Camp, and Yreka have become the three Council Districts. Monthly Council meetings rotate between these locations, so each District hosts a meeting on a quarterly basis. In addition, there are monthly Health Board Meetings, Tribal Council Planning Meetings, and Special Meetings to accommodate the wide variety of departments and services under the Karuk Tribe's operation.

Tribal Council

The Tribal Council consists of nine members. The Executive Council consists of the Chair, the Vice-Chair, and the Secretary-Treasurer. There are six members-at-large on the Council, two from each district. Seats on the Council are open to Tribal members who are over 18, have lived near the Ancestral territory for the last six months, and who pass standard background checks. Council members are elected by the membership, and serve four-year staggered terms.

Staff

The Karuk Tribe has nearly 500 staff members, (currently 260 tribal employees, 42 in housing, 41 in KCDC, and 142 in the casino). There are numerous departments, spread across the three Council District centers. The Administrative Center in Happy Camp houses the Fiscal Department, Human Resources, Enrollment, Grant Writing, Self-Governance, Maintenance, TERO, Education, Information Technology, Health Services, the People's Center (Museum, Gift Shop and Smoke Shop), a Dental Clinic and a Medical Clinic. Other offices in Happy Camp include the Karuk Tribe Housing Authority, the Karuk Community Development Corporation, Child and Family Services, TANF, Head Start, and a Nutrition Center. Two departments based in Orleans are the Department of Natural Resources and the Department of Transportation. Land Management, Office of General Counsel, the Rain Rock Casino, the Gaming Authority and the Gaming Commission are based in Yreka. All three District locations have Medical Clinics and Dental Services, TANF, Victim Services, Child and Family Services, IT, Housing, and Maintenance.

Services

Independent Operations of the Karuk Tribe:

The Tribe has established the Karuk Community Development Corporation, which was chartered on July 24th, 1994. The KCDC board comprises seven members.

The Karuk Tribe established a TDHE (Tribally-Designated Housing Entity). The Karuk Tribe Housing Authority (KTHA) oversees housing services, and is headquartered on Jacobs Way in Happy Camp, CA. The KTHA Board of Commissioners comprises seven members.

The Karuk Tribe developed and established a gaming enterprise called the Rain Rock Casino. It opened in April 2018, and is located on trust land off Sharps Road in Yreka, CA, near I-5.

Committees

Council Members, Commissioners, Committee Members and appointed representatives serve on several commissions and committees including the following:

Election Committee: oversees Tribal Elections

TERO Commission: oversees employee rights issues.

ICWA Committee: oversees matters of child welfare and care.

Education Committee: oversees the Education department and student needs.

Health Board: The Tribal Council serves in this capacity, and oversees health services for the Tribe.

Housing Board of Commissioners: oversees Tribal Housing

KCDC Board: oversees the operations of the Karuk Community Development Corporation.

The Karuk Resources Advisory Board: delegated by Council to make recommendations on Cultural Resources issues and to oversee the Tribal Historic Preservation Office.

People's Center Committee: oversees the activities in the Peoples Center museum in Happy Camp.

Gaming Commission: is the regulatory body of the gaming enterprise.

Gaming Authority: oversees the operations of the gaming enterprise and any economic enterprise arising out of gaming revenue.

Enrollment Committee: oversees compliance with the Karuk Tribe's Enrollment Ordinance.

Judicial Committee: oversees and supports the Judicial Systems of the Karuk Tribe.

Yav Pa Anav Wellness Forum: oversees and supports wrap-around services with identified representatives from several departments.

Address

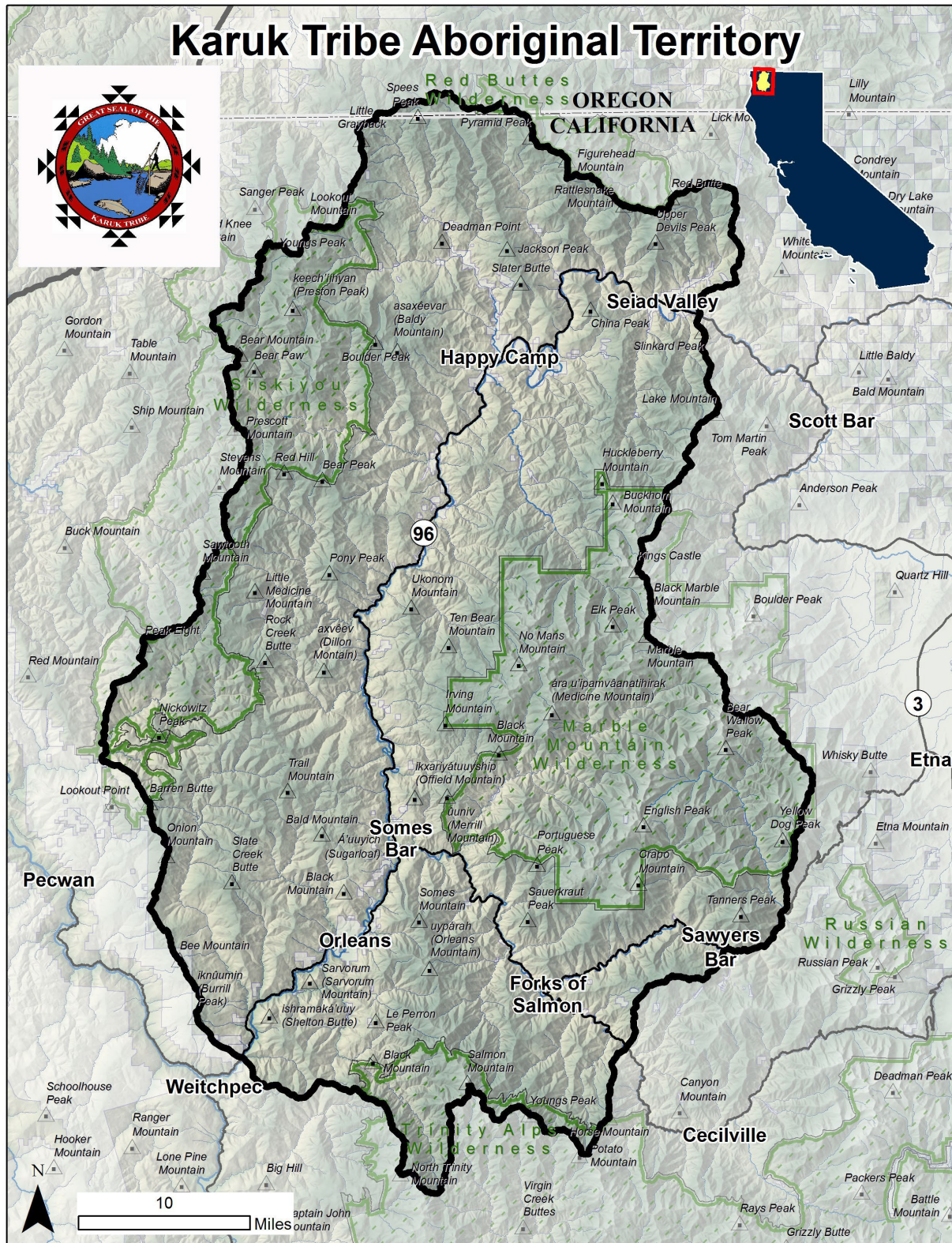
The Address of the Karuk Tribe is:

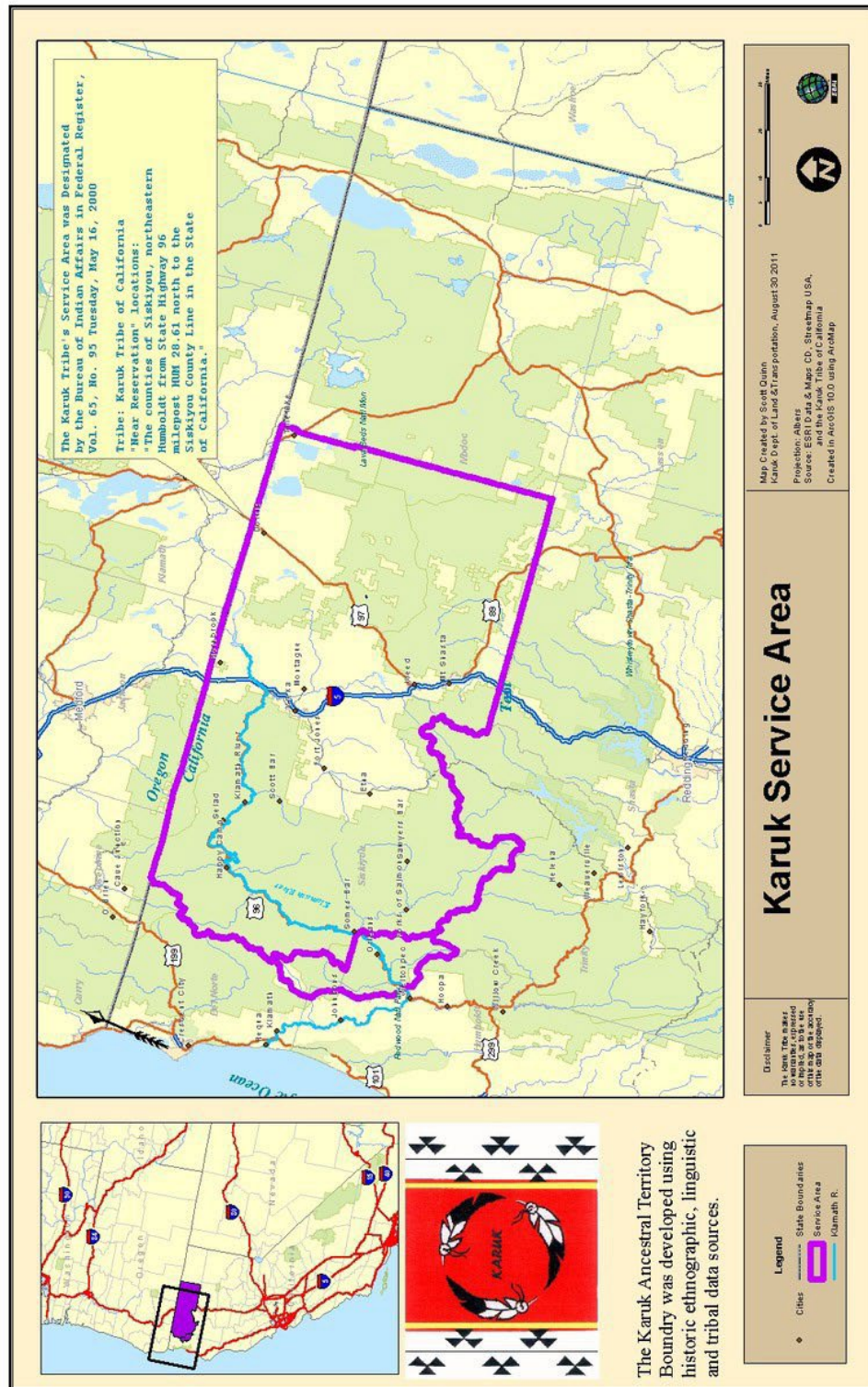
P. O. Box 1016,
64236 Second Avenue,
Happy Camp, CA 96039
Telephone:
(530) 493-1600

Maps

1. Karuk Aboriginal Territory
2. Karuk Service Area
3. Karuk AB52 (CEQA) Notification Area Map

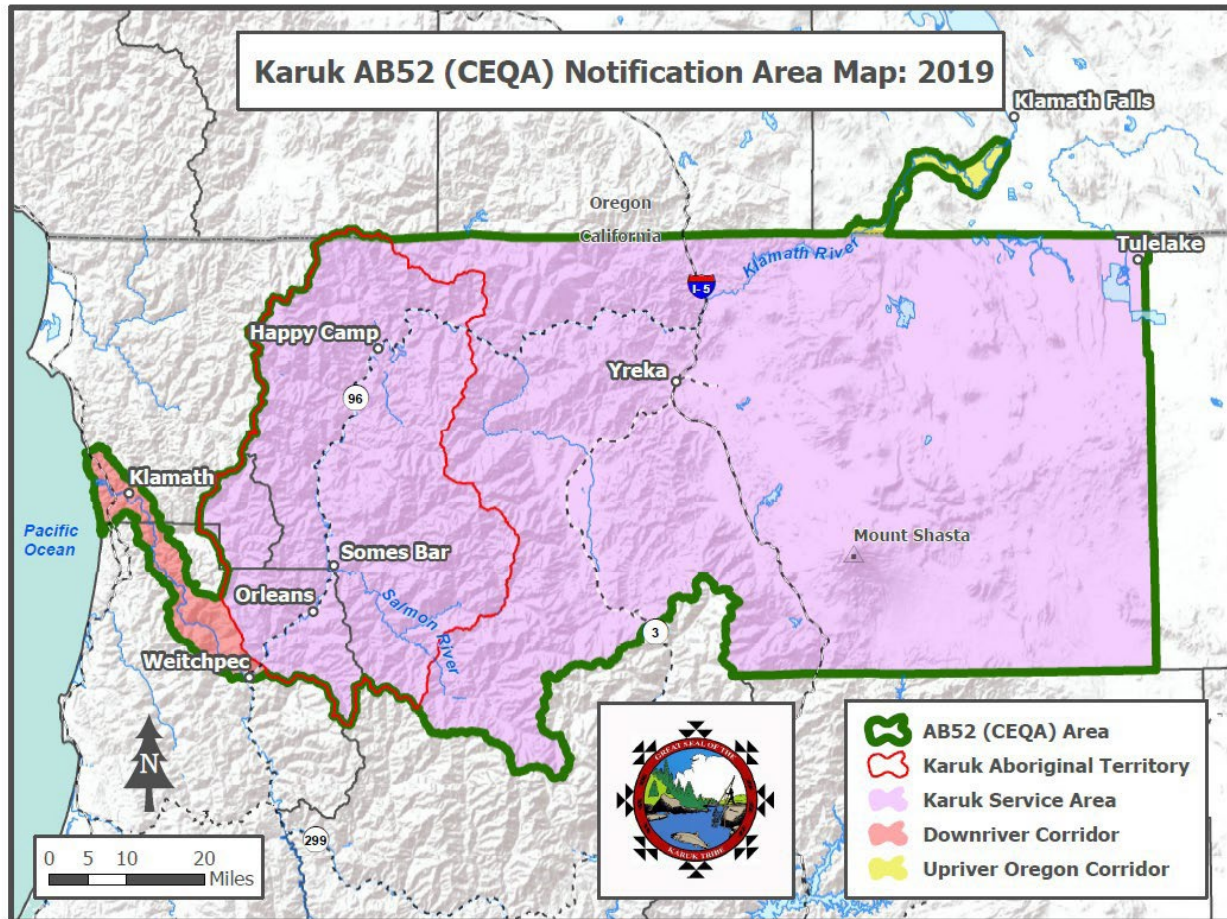
Karuk Aboriginal Territory





Karuk Service Map

Karuk AB52 (CEQA) Notification Area Map



QUARTZ VALLEY RANCHERIA FACT SHEET

STATUS

The original Quartz Valley Reservation was approximately 364 acres located in northwestern California, eight miles from Greenview, 10 miles from Fort Jones, 16 miles from Etna, and 30 miles from Yreka. The Scott River was three miles away. The original reservation was terminated in the 1960s, as a result of the House of Representatives and the Senate, Concurrent Resolution 108. "To end their status as wards of the United States." The tribe was reinstated on December 15, 1983 as a result of the class-action suit *Tillie Hardwick v. United States of America* and is still in the process of reacquiring land for the reservation.

LAND BASE

Quartz Valley is a federal reservation of Upper- Klamath, Karuk, and Shasta Indians. Total area 174.02 acres, Tribally owned 7 acres, Planned purchase 142 acres, Federal trust 31.02 acres, Government 91 acres, Allotted 24.2 acres, Population 57, Tribal enrollment 150. Many tribal members live in or near the communities of Greenview, Fort Jones, and Etna in Siskiyou County, in northwestern California.

In addition the Tribe claims ancestral territories that were once inhabited by the Tribes to camp, hunt, and fish, as well as gathering of vegetation for food consumption and basketry material, sacred ceremonial and burial sites.

TRIBAL GOVERNMENT

After the *Tillie Hardwick v. United States of America* decision in 1983, which restored federal recognition to the tribe, the General Council of all adult tribal members elected an interim government. The present government has amended the 1939 constitution, written under the authority of the Indian Reorganization Act. The tribe governs itself through the General Council, headed by a Tribal Chairperson, a Vice-Chair, a Secretary, and a Treasurer. The current Tribal enrollment is approximately 225 members. Elections are held annually.

The tribe has a number of plans for economic development, but these depend on the acquisition of a suitable land base. The tribe is involved in a forestry operation that is contracted by the U.S. Forest Service for erosion control, rehabilitation of burnt areas, forest improvement, and surveys. The tribe employs approximately 25 people. The tribe owns and operates the Kee-Tutch Gift Shop in Etna.

Today the reservation provides services to the Indian people and to the Scott Valley community. Goals include education, health, cultural programs and housing.

Appendix D: Route Designations

FEDERAL DESIGNATIONS

National Highway System (NHS)

Added: 1995

Legislation: National Highway System Designation Act

The purpose of the NHS is to provide an integrated national highway system that serves both urban and rural America; to connect major population centers, international border crossings, ports, airports, public transportation facilities, and other major travel destinations; to meet national defense requirements; and to serve interstate and interregional travel.

Strategic Highway Network (STRAHNET)

Added: 1990

Legislation: Federal Defense Act

The purpose of STRAHNET is to provide a network of highways that are important to the United States strategic defense policy and provide defense access, continuity, and emergency capabilities for defense purposes.

Surface Transportation Assistance Act (STAA) Network

Added: 1982

Legislation: Surface Transportation Assistance Act (STAA)

The STAA Act requires states to allow certain longer trucks on a network of Federal highways, referred to as the National Network (NN). The NN is comprised of the Interstate System plus the non-Interstate Federal-aid Primary System. "Larger trucks" includes (1) doubles with 28.5-foot trailers, (2) singles with 48-foot semi-trailers and unlimited kingpin-to-rear axle (KPRA) distance, (3) unlimited length for both vehicle combinations, and (4) widths up to 102 inches. STAA trucks are limited to the NN, Terminal Access Routes, and Service Access routes (STAA Network). For further information, regarding truck classifications, please see State Classifications-California Truck Route Classifications.

National Network (Federal): The National Network (NN) is primarily comprised of the National System of Interstate and Defense Highways, for example I-5. STAA trucks are allowed on the NN.

Terminal Access (State, Local): Terminal Access (TA) routes are portions of State Routes, or local roads, which can accommodate STAA trucks. TA allows STAA trucks to (1) travel between NN routes, (2) reach a truck's operating facility, or (3) reach a facility where freight originates, terminates, or is handled in the transportation process.

Service Access (State, Local): STAA trucks may exit the NN to access those highways that provide reasonable access to terminals and facilities for purposes limited to fuel, food, lodging, and repair, when that access is consistent with safe operation. The facility must be within one road mile of an exit from the NN and that exit must be identified by signage.

National Highway Freight Network

Added: 2015

Legislation: Fixing America's Surface Transportation Act (FAST Act)

The Fixing America's Surface Transportation Act (FAST Act), signed into law December 4, 2015, repealed both the Primary Freight Network and National Freight Network from Moving Ahead for Progress in the 21st Century Act (MAP 21), and directed the FHWA Administrator to establish a National Highway Freight Network (NHFN) to strategically direct federal resources and policies toward improved performance of highway portions of the U.S. freight transportation system.

The National Highway Freight Network (NHFN) will be used to strategically direct federal resources and policies toward improved performance of highway portions of the U.S. freight transportation system. The NHFN will include four subsystems of roadways: The Primary Highway Freight Network (PHFN), other interstate portions not on the PHFN, Critical Urban Corridors and Critical Rural Freight Corridors. These networks are currently under development and the designations are expected to be finalized by the end of 2017. After the initial designation, FHWA must redesignate the PHFS every five year, with up to three percent growth each time.

STATE CLASSIFICATIONS

State Highway System

Added: 1964

Legislation: California Streets and Highways Code-Sections 300-635

The intent of the legislature was to identify a set of routes in the State Highway System that serve the state's heavily traveled rural and urban corridors, connect the communities and regions of the state, and support the state's economy by connecting centers of commerce, industry, agriculture, mineral wealth, and recreation.

The Interregional Road System is a subset of the State Highway System.

Interregional Road System (IRRS):

Added: 1989

Legislation: California Streets and Highways Code-Sections 163-164.2 (Transportation Blueprint for the Twenty-first Century)

The IRRS was conceived as part of a larger effort to address the critical transportation funding and development needs of the state. The legislation required the California

Department of Transportation to define IRRS routes and create an interregional road system plan. IRRS is a series of interregional state and highway routes, outside the urbanized areas, that provide access to, and links between, the state's economic centers, major recreation areas, and urban and rural regions. In 1989 the IRRS plan identified 81 state highway routes, or portions of routes, that serve the interregional movement of people and goods. Most interstates were included in the system, and all major interregional routes (conventional, expressway and freeway). Six additional routes have been added to the system since that time by locally sponsored legislation, so there are currently 87 IRRS routes in statute.

High Emphasis Routes are a subset of the IRRS.

High Emphasis Route:

Added: 1990 IRRS Plan; 1998 Interregional Transportation Strategic Plan (ITSP)

Legislation: Not in Statute

Due to the large number of routes and capacity improvements needed on the IRRS, the 1990 IRRS Plan identified a subset of the 87 routes as being the most critical routes and identified them by the term "High Emphasis Routes." High Emphasis Routes are a priority for programming and construction. Originally, there were 13 routes listed as High Emphasis Routes in the 1990 IRRS Plan. The 1998 ITSP kept the original 13 High Emphasis routes and added an additional 21 routes to the category for a total of 34. In some cases, the High Emphasis routes in the ITSP are a series of joined portions of routes that constitute a major logical transportation corridor. An example of a High Emphasis Route corridor that is comprised of major portions of a primary route but also includes sub-portions of other routes is SR 36/SR 44/SR 299.

Focus Routes are a subset of the High Emphasis Routes.

Focus Routes-Interregional Transportation Strategic Plan:

Added: 1998 Interregional Transportation Strategic Plan (ITSP)

Legislation: Not in Statute

The term "Focus Route" is a phrase specific to the ITSP and represents a subset of the 34 High Emphasis Routes. The routes represent the 10 IRRS corridors that should be of the highest priority for completion to minimum facility standards by 2020. Focus routes serve as a system of high-volume primary arteries to which lower volume and facility-standard state highway routes can connect for purposes of longer interregional trips and access into statewide gateways. All Focus Routes are on the NHS, Freeway and Expressway System (F & E), and are STAA Truck or Truck Terminal Routes. As an example, the SR 36/SR 44/SR 299 corridor is also designated as a Focus Route.

Strategic Interregional Corridors:

Added: 2015 Interregional Transportation Strategic Plan (ITSP)

Legislation: Not in statute

The term Strategic Interregional Corridor is a phrase specific to the 2015 ITSP which identifies 11 strategic interregional corridors as the most significant in California for interregional travel. The vision and objectives in the 2015 ITSP are significantly different than the objectives of the 1998 ITSP. While the 1998 ITSP objective focused on connecting all urban, urbanizing, and high-growth areas to the trunk system at expressway or freeway standards, the 2015 ITSP focused on improving the interregional movement of people and freight in a safe and sustainable manner that supports the economy.

Freeway and Expressway System (F & E)

Added: Statues of 1959

Legislation: California Streets and Highways Code-Sections 253.1-253.8

The statewide system of highways declared by the Legislature to be essential to the future development of California.

California Truck Route Classifications

Added: AB 66 (1983) and SB 2322 (1986)

Legislation: California Vehicle Code-Sections 35400-35414

"California Legal" trucks can use the STAA Network and California Legal routes. The route classifications are listed below and see additional STAA designations under "Federal Designations."

California Legal (State): California Legal routes are State Routes that allow California Legal-size trucks. STAA trucks are not allowed on these routes because of limiting geometrics, such as sharp curves and/or lack of turn-around space.

California Legal-Advisory (State): California law allows regulatory prohibition of a 38-foot KPRA or greater where posted in black-on-white. However, many California legal routes cannot safely accommodate California Legal-size trucks with a KPRA less than 38 feet, due to limiting geometrics such as sharp turns and limited highway width. Although California Legal trucks may travel on these segments, the driver is legally responsible for unsafe off-tracking (crossing the centerline or driving on shoulders and sidewalks).

Restricted (Federal, State, Local): Some route segments have restrictions on certain truck or loads, such as gross weight, number of axles or hauling of flammable materials or explosives. Restrictions on federal or state routes are listed on the Caltrans Truck Route List.

California Freight Mobility Plan 2015:

The California State Transportation Agency (CalSTA) and the California Department of Transportation (Caltrans) developed the California Freight Mobility Plan (CFMP) to comply with provisions of the federal Moving Ahead for Progress in the 21st Century Act

(MAP-21), which encouraged each state to develop a freight plan. Additionally, California Assembly Bill 14 (Lowenthal, 2013) requires a comprehensive freight plan that informs the immediate and long-range planning activities and capital investments of the state consistent with Map-21. The primary purpose of the plan was to identify freight routes and transportation facilities that are critical to California's economic growth and that are of high priority for investment to meet federal and state transportation and air quality goals.

The California Freight Mobility Plan (CFMP) established three tiers of major freight routes to help prioritize freight investments. Tier 1 is the highest priority, Tier 2 second highest, and Tier 3 third highest. All three tiers are of higher priority for freight funding than the much larger balance of the transportation system. It is expected that the preponderance of freight funding will be applied to projects along Tier 1 network segments and the gateways, hubs, and last mile connectors they serve.

Tier designated routes within District 2 include:

Tier 2 - Interstate 5

Tier 3 - SRs 44, 99, and portions of SRs 89 and 299

SCENIC DESIGNATIONS

America's Byways:

The National Scenic Byways Program was established by Congress in 1991 and is part of the U.S. Department of Transportation, Federal Highway Administration. The program was created to preserve and protect the nation's scenic byways, while also promoting tourism and economic development. Participation in the program is voluntary and may encompass any public road or highway. The program emphasizes local involvement.

Under the program, the U.S. Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on their archeological, cultural, historic, natural, recreational, and scenic qualities. "America's Byways" is a term used for this distinctive collection of National Scenic Byways and All-American Roads. (Source: FHWA Press Release 27-02, dated June 13, 2002.)

National Scenic Byways (NSB):

To be designated as an NSB, a road must possess at least one of the six intrinsic qualities noted above, and also be regionally significant. These roads are often the "roads less traveled."

All-American Roads:

To be designated as an All-American Road, a road must possess multiple intrinsic qualities that are nationally significant and have one-of-a-kind features that do not exist elsewhere. The road or highway must also be considered a "destination unto itself." That is, the road must provide an exceptional traveling experience so recognized by travelers that they would make a drive along the highway a primary reason for their trip.

National Forest Scenic Byways:

National forest scenic byways connect the public to destinations and special places within our public lands. These designated roads traverse some of our country's most unique landscapes, noteworthy for their scenery as well as their natural and cultural resources. They provide access to attractions such as hiking trails, overlooks, historic sites, waterfalls, wilderness areas, and wild and scenic rivers. Such routes which traverse National Forest System lands can be designated as national forest scenic byways by the USDA Forest Service Chief.

Blue Star Memorial Highway:

Each legislative session produces a number of Senate and Assembly resolutions proposing to name state highway segments or structures in honor of some individual, group, or historical event. Highway System Engineering Branch publishes the document, "Named Freeways, Highways, Structures and Other Appurtenances in California" as an official record of these legislative proposed names.


Appendix E: Truck Information

Truck Legend

TRUCK MAP LEGEND




TRUCK LENGTHS & ROUTES

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION



Click here for the [Truck Network Map](#)

CALIFORNIA LEGAL ROUTES California Legal trucks (black trucks) can travel on STAA routes (green and blue routes), CA Legal routes (black routes), and Advisory routes (yellow routes). CA Legal trucks have access to the entire State highway system except where prohibited (some red routes).




California Legal Truck Tractor - Semitrailer
 Semitrailer length : no limit
 KPRA* : 40 feet maximum for two or more axles,
 38 feet maximum for single-axle trailers
 Overall length : 65 feet maximum *(KPRA = kingpin-to-rear-axle)

California Legal Truck Tractor - Semitrailer - Trailer (Doubles)
Option A
 Trailer length : 28 feet 6 inches maximum (each trailer)
 Overall length : 75 feet maximum
Option B
 Trailer length : one trailer 28 feet 6 inches maximum
 other trailer may be longer than 28 feet 6 inches
 Overall length : 65 feet maximum

CA LEGAL ADVISORY ROUTES - CA Legal trucks only; however, **travel not advised** if KPRA length is over posted value. KPRA advisories range from 30 to 38 feet.

STAA ROUTES The STAA Network allows the "interstate" STAA trucks which are the green trucks shown below. The STAA Network consists of the National Network (green routes, primarily interstates) and Terminal Access routes (blue, primarily State routes). ("STAA" = federal Surface Transportation Assistance Act of 1982.)



(Click here for the [Truck Network Map](#).)

Interstate "STAA" Truck Tractor - Semitrailer
 Semitrailer length : 48 feet maximum
 KPRA* : no limit
 Overall length : no limit *(KPRA = kingpin-to-rear-axle)

Semitrailer length : over 48 feet up to 53 feet maximum
 KPRA : 40 feet maximum for two or more axles,
 38 feet maximum for single-axle trailers
 Overall length : no limit

Interstate "STAA" Truck Tractor - Semitrailer - Trailer (Doubles)
 Trailer length : 28 feet 6 inches maximum (each trailer)
 Overall length : no limit

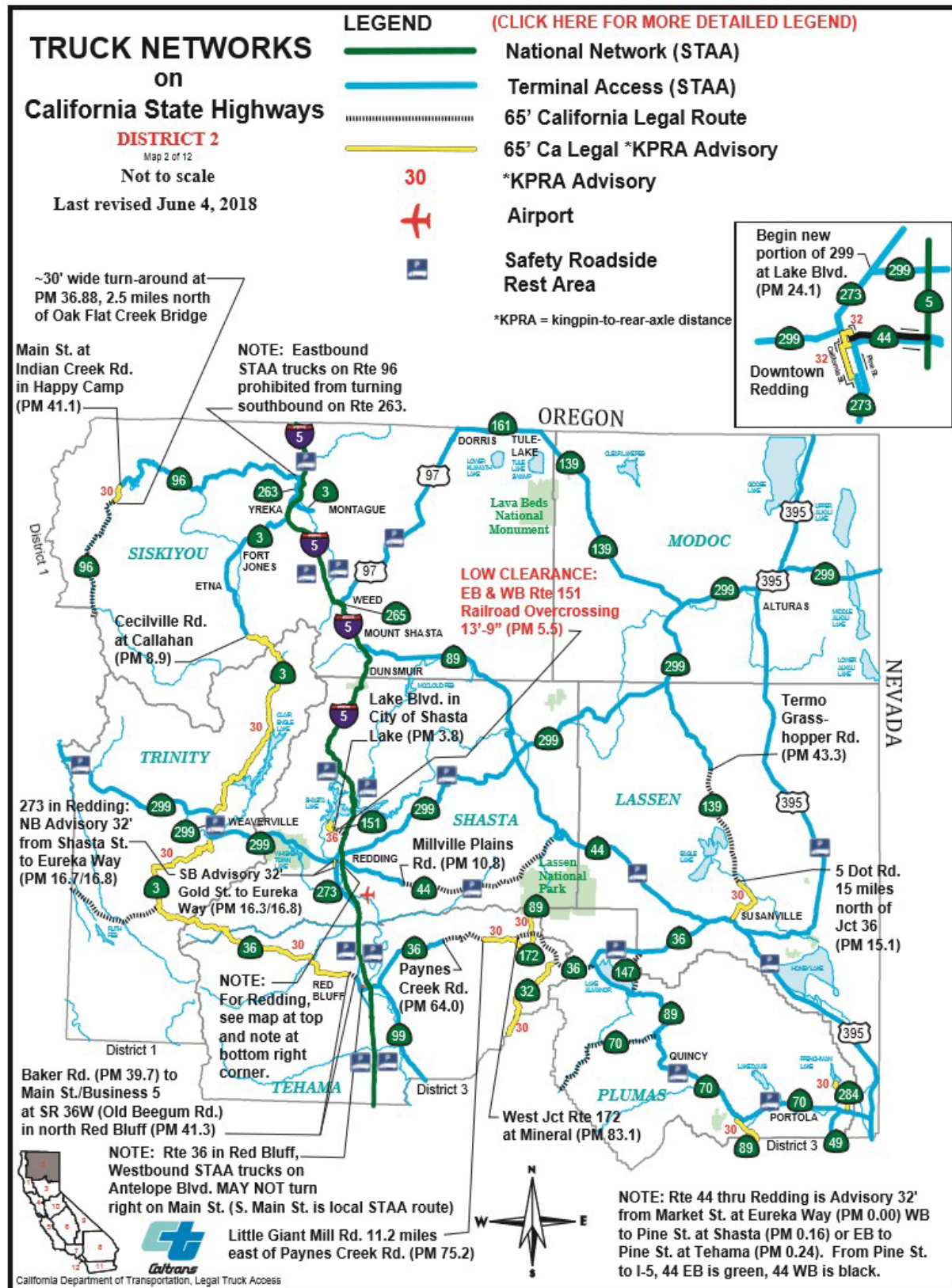



Terminal Access - Interstate "STAA" trucks may travel on State highways that exhibit this sign.

Service Access - Interstate "STAA" trucks may travel up to one road mile from the off ramp to obtain services (food, fuel, lodging, repairs), provided the route displays this sign.

SPECIAL RESTRICTIONS - Route restricted for vehicle length or weight, cargo type, or number of axles. Click here for the list of [Special Route Restrictions](#).

Truck Network Map



Appendix F: Recreational Sites along SR 3

Table 13 : Recreational Sites Located near SR 3

County	Campground Name	Location
Trinity	East Weaver Campground	Off East Weaver Creek Rd (PM 32.64)
	Rush Creek Vista	Around postmile 37.95
	Rush Creek Campground	Off Rush Creek Camp Rd/ Forest Route 34N97 (PM 39.46)
	Tannery Gulch Campground	Off Tannery Gulch Rd (PM 42.56)
	Tanbark Picnic Area	Around postmile 43.08
	Stuart Fork Public Boat Ramp	Around postmile 43.81
	Trinity Alps Resort	Off Trinity Alps Rd (PM 44.01)
	Stoney Point Campground	At postmile 44.33
	Stoney Ridge Trailhead	Off Stonewall Pass (PM 44.58)
	Stoney Creek Swim Area	At postmile 44.80
	Stoney Creek Group Campground	At postmile 44.89
	Pinewood Cove Resort & Marina	At postmile 45.08
	Fawn Campground	At postmile 45.44
	Trinity Lake Resort	Off Cedar Stock Rd (PM 46.01)
	Minersville Campground	Off Granite Peak Rd (PM 47.27)
	Minersville Boat Ramp	Off Granite Peak Rd (PM 47.27)
	Bushytail Campground	Off Granite Peak Rd (PM 47.27)
	Clark Spring Campground	Off Rainer Rd (PM 47.71)
	Clark Springs Beach, Boat Ramp, Picnic Area	Off Rainer Rd (PM 47.71)
	Hayward Flat Campground	Off Hayward Flat Rd (PM 50.59)
	Bowerman Boat Ramp	Off Guy Covington DR (PM 53.65)
	Alpine View Campground	Off Guy Covington DR (PM 53.65)
	Trinity Center Boat Ramp	Off Airport Rd (PM 59.95)
	Preacher Meadow Campground	At postmile 58.29
	Trinity Lake KOA	At postmile 60.67
	Enright Gulch Cabins	Off Enright Gulch Rd (PM 65.11)
	Banaza King Resort	Off Coffee Creek Rd (PM 67.89)
	Coffee Creek Campground and RV Park	Off Coffee Creek Rd (PM 67.89)
	Trinity River Campground	At postmile 69.56
	Ripple Creek Cabins	Off Eagle Creek Loop (PM 70.33)
	Eagle Creek Campground	Off Eagle creek Loop (PM 72.24)
	Sunflower Cabins	Off Bear Creek Loop (PM 78.22)
	Scott Mountain Campground	On Scott Mountain Summit
There are no campgrounds in Siskiyou County along SR 3.		

Appendix G: Capacity Analysis and Level of Service

Methodology:

The standard reference in highway capacity analysis is the **Highway Capacity Manual (HCM)** prepared by the Transportation Research Board (National Research Council, Washington, D.C.). The Highway Capacity Manual is a collection of the state-of-the-art techniques for estimating the capacity and determining the level of service for transportation facilities. It represents a systematic and consistent basis for evaluating transportation facilities with procedures that are applicable nation-wide.

Capacity Analysis:

The set of procedures and methodologies used for estimating the traffic-carrying ability of various transportation facilities is broadly referred to as capacity analysis. ***A principal objective of capacity analysis is to estimate the number of vehicles that a facility can accommodate during a specified period of time. Capacity analysis is also used to estimate the maximum amount of traffic that a facility can accommodate while maintaining a prescribed level of operation.*** Common outputs of capacity analysis are estimates of the quality of operation (level of service) for a given facility.

Capacity:

The capacity of a facility is the maximum hourly rate at which persons or vehicles reasonably can be expected to traverse a point or uniform section of lane or roadway during a given time period under prevailing roadway, traffic and control conditions. It represents the flow rate that can be achieved during peak periods of demand. Capacity is affected by a number of factors such as lane and shoulder widths, density of access points, interchange spacing, grade, and types of vehicles in the traffic stream. Capacity values are determined differently by mode (auto, bus, pedestrian, bicycle) and by facility (freeway, highway, urban street, intersection, etc.).

Level of Service:

Level of Service (LOS) is a qualitative measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. Six LOS are defined for each type of facility analyzed. Letters designate each level, from “A” to “F”, with LOS “A” representing the best operating conditions and LOS “F” the worst.

Methodologies:

The HCM contains analytical methodologies for the following situations: urban streets, signalized intersections, unsignalized intersections, pedestrians, bicycles, two-lane highways, multilane highways, freeway facilities, basic freeway segments, freeway weaving, ramps, interchanges and transit. *Capacity and level of service is determined differently for each facility type, so direct comparisons across facility types should not be made.*

Two-Lane Highway Methodology – Chapter 15, HCM 2010:

A two-lane highway is an undivided roadway with two lanes, one for use by traffic in each direction. On a two-lane undivided highway, traffic flow is affected by a number of factors, including geometric conditions (curvature, lane widths, shoulder widths, etc.), sight distance and grade. Traffic flow in one direction is also influenced by traffic flow in the other direction. Travel speeds fall, and time spent following other vehicles rises as volumes increase and traffic in the opposing direction reduces opportunities to pass.

The performance measures used to determine level of service for two-lane highways are percent time spent following, average travel speed and percent of free-flow speed. Percent time spent following is

the average percentage of travel time that vehicles must travel in platoons behind slower vehicles due to the inability to pass. Average travel speed is the average of the travel time of all vehicles over a designated interval. Percent of free-flow speed is the ratio of average travel speed to free flow speed (approximately equal to posted speed) over a designated interval.

For purposes of analysis, two-lane highways are divided into three classes based on the primary type of use and driver expectations:

Class I –

These are two-lane highways on which motorists expect to travel at relatively high speeds. Two-lane highways that are major inter-city routes, primary arterials connecting major traffic generators, or primary links in state or national highway networks generally are assigned to Class I.

Class II –

These are two-lane highways on which maintaining high travel speeds are not necessarily the most important objective of motorists. Two-lane highways that serve as scenic or recreational routes, are not primary arterials, or pass through rugged terrain generally are assigned to Class II.

Class III –

Class III is applicable in situations where a two-lane highway passes through a small town, recreational area or other location with posted speed limits less than 55 mph. In these situations, motorists primarily want to proceed at a reasonable speed and generally do not expect to have an opportunity to pass.

LOS for Class I highways is defined in terms of both Percent Time Spent Following (PTSF) and Average Travel Speed (ATS). For Class II facilities, the LOS is defined only in terms of Percent Time Spent Following (PTSF). The LOS on Class III segments is defined in terms of Percent of Free-Flow Speed (PFFS). The tables below provide the criteria (break-points) for level of service for each facility type.

Table 14: Level of Service Criteria for Two-Lane Highways in Class I		
LOS	Percent Time Spent Following	Average Travel Speed (mi/h)
A	< 35	> 55
B	> 35-50	> 50-55
C	> 50-65	> 45 –50
D	> 65-80	> 40-45
E	> 80	< 40
F	Vehicle flow rate exceeds capacity	

Table 15: Level of Service Criteria for Two-Lane Highways in Class II	
LOS	Percent Time Spent Following
A	< 40
B	> 40-55
C	> 55-70
D	> 70-85
E	> 85
F	Vehicle flow rate exceeds capacity

Table 16: Level of Service Criteria for Two-Lane Highways in Class III	
LOS	Percent of Free-Flow Speed
A	> .92
B	> .83-.92
C	> .75-.83
D	> .67-.75
E	< .67
F	Vehicle flow rate exceeds capacity

Source: Highway Capacity Manual 2010.

Appendix H: Additional Trinity Lake Information

In 1958, the Central Valley Project, which took the water from Trinity River and direct it into California's Central Valley. This project led to the construction of Trinity Dam and relocated and improved portions of Route 1089 (current SR 3) from Weaverville to Etna on the western side of Trinity Lake; Trinity Dam was finished in 1961. After Trinity Dam was built, Trinity Lake was renamed to Clair Engle Lake after the late Clair Engle, a U.S. Senator who was full of life in water policy and was influential in the erection of the Dam. The name was changed back to its initial name, Trinity Lake in 1997 to better mirror its location.

Although the Trinity Dam was built in 1961, there were communities that have been around since the gold rush area in the 1840s; when the Trinity Dam was built, many of the local communities were not in support; for example, the old Trinity Center is location where the Trinity Lake is now. Trinity Center was moved and is located near the northern area of the lake; Weaverville, Lewiston and other communities are located near the lake.

Trinity Lake is fed by numerous forks of the Trinity River and stores water for the Central Valley Project, which provides water for irrigation to the Central Valley and hydroelectric power to the local area. Trinity Lake is 2,370 ft above mean sea level (msl) with a capacity of 2,447,650-acre ft, making it the third largest reservoir in the State of California.

Today, the lake is a high recreational and tourism attraction center, especially during the summer months. Most of Trinity Lake is located in the Shasta-Trinity National Forest; the Whiskeytown-Shasta-Trinity National Recreational Area provides campgrounds, Trinity Alpines, resorts, lake activities, such as boating and fishing, and more.

Appendix I: Route Inventory

Table 17: Bridges					
County	Post Mile	Bridge Number	Structure Name	Year Built	Year Widened or Extended
Trinity	L003.84	05 0061	Salt Creek	1948	1969
	000.54	05 0042	Dobbins Gulch	1959	
	006.52	05 0088	Hayfork Creek	2006	
	009.24	05 0022	Big Creek	1938	
	013.96	05 0035	Carr Creek	1968	
	025.55	05 0036	Little Creek	1955	
	R026.30	05 0037	Browns Creek	1973	
	029.74	05 0041	Reading Creek	1968	
	038.73	05 0054	Rush Creek	2000	
	043.93	05 0055	Stuart Fork	1960	
	048.53	05 0056	Mule Creek	1960	
	049.71	05 0078	Diener Mine Viaduct	1986	
	053.69	05 0087	East Fork Stuart Fork Creek	2008	
	060.03	05 0059	Swift Creek	1957	
	067.70	05 0060	Coffee Creek	1962	
	067.98	05 0033	Coffee Creek Overflow	1968	
	068.50	05 0028	Trinity River	1968	2012
	068.95	05 0029	Scorpion Creek	1968	
	069.63	05 0032	Trinity River	1968	
	070.70	05 0089	Minnehaha Creek	2012	
	070.92	05 0047	Trinity River	1969	
	073.47	05 0049	Ramshorn Creek	1969	
	074.12	05 0050	Trinity River	1969	
	075.82	05 0062	Trinity River	1971	
	077.17	05 0063	Graves Creek	1971	
	077.93	05 0027	Sunflower Creek	1971	
	078.11	05 0064	Trinity River	1971	
	079.39	05 0065	Tangle Blue Creek	1971	
	T080.67	05 0068	Scott Mountain Creek	1982	
	T081.23	05 0069	Scott Mountain Creek	1982	
Siskiyou	006.82	02 0183	Mill Creek	1970	
	006.90	02 0184	East Fork Scott River	1968	
	008.66	02 0185	East Fork Scott River	1968	
	008.89	02 0165	South Fork Scott River	1958	1992
	009.75	02 0166	Wildcat Creek	1992	
	11.29	02 0167	Sugar Creek	1958	
	016.87	02 0168	French Creek	1959	1992
	020.44	02 0169	Etna Creek	1959	1992
	024.26	02 0038	Patterson Creek	1962	
	027.09	02 0052	Kidder Creek	1956	1986
	031.23	02 0056	Kidder Creek	1956	1986
	031.68	02 0057	Scott River	1956	1986
	038.26	02 0042	Moffett Creek	1956	
	L049.99	02 0151	Yreka Creek	1970	
	R047.38	02 0150L	North Yreka Separation	1970	
	R047.38	02 0150R	North Yreka Separation	1970	

	051.76	02 0044	Shasta River	1959	1993
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Table 18: Chain Control

County & Route	Chain Sign #	P.M.	Location
TRI - 3	1-N	14	7 Miles North of Hayfork
TRI - 3	2-N	16.3	9 Miles North of Hayfork
TRI - 3	*	18.6	Hayfork Mountain (3,654 ft.)
TRI - 3	3-S	22.5	8 Miles South of Douglas City
TRI - 3	4-S	26.1	5 Miles South of Douglas City
TRI - 3	5-S	29.8	1 Mile South of Douglas City
TRI - 3	6-N	31.9	1 Mile North of Weaverville (Watch Sign Only)
TRI - 3	7-S	38.6	7 Miles North of Weaverville (Watch Sign Only)
TRI - 3	8-N	38.7	7 Miles North of Weaverville (Watch Sign Only)
TRI - 3	9-S	59.7	Trinity Center (Watch Sign Only)
TRI - 3	10-N	60.1	1 Mile North of Trinity Center (Watch Sign Only)
TRI - 3	11-N	70.4	11 miles north of Trinity Center
TRI - 3	*	85.1	Scott Mountain (5,052 ft.)
SIS - 3	12-N	38.3	6 miles north of Fort Jones
SIS - 3	12A-S	6.5	3.3 miles south of Callahan

Table 19: Passing and Truck Climbing Lanes

Beginning Post Mile	End Post Mile	Location Description	Direction
TRI 15.91	TRI 16.25	Near Victoria Ln	NB
TRI 17.62	TRI 17.89	West of Summit Creek Rd	NB
TRI 21.33	TRI 21.60	North of Jordan Rd	SB
TRI 23.48	TRI 23.76	North of Jordan Rd	SB
SIS 41.35	SIS 41.66	West of Soap Creek Ridge Rd	NB
SIS 41.60	SIS 41.91	West of Soap Creek Ridge Rd	SB
SIS 42.99	SIS 43.37	Forest Mountain Summit	SB

Table 20: Maintenance Stations

County	Post Mile	Number	Location	Facility	Station Telephone Number
TRI	6.20	563	Hayfork	HMS, S/SS	(530) 628-5249
TRI	59.50	558	Trinity Center	HMS, S/SS	(530) 266-3413
SIS	47.40	486	Yreka	AS, HMS, LSMS, S/SS	(530) 842-2723
AS - Area Superintendent HMS - Highway Maintenance Station LSMS - Landscape Maintenance Station S/SS - Sand / Salt Storage					

Table 21: ITS Elements

County	Post Mile	Location	Type	Status	Notes
TRI	10.40	North of SR36-SR3	HAR FLASHER	Possible	Flasher FNBT and FSBT
TRI	18.67	Hayfork Summit	CCTV	Possible	
TRI	18.67	Hayfork Summit	RWIS	Possible	
TRI	30.30	Douglas City	CMS	Possible	FNBT - Model 510
TRI	30.50	Douglas City	CMS	Possible	FSBT - Model 510
TRI	31.74	5 Cent Gulch Road	HAR FLASHER	Existing	Flasher FNBT and FSBT - Upgrade w/BBS
TRI	83.00	Scott Mountain Summit	CCTV	Possible	Common Winter Closure
TRI	83.00	Scott Mountain Summit	RWIS	Possible	
SIS	19.70	Etna	CMS	Possible	FSBT - Model 510 – for Scott Mountain Closures
SIS	41.69	Forest Mt. Area	CCTV	Possible	Dave Guinea, Siskiyou Telephone 530-467-6107 - No nearby utilities
SIS	41.69	Forest Mt. Area	RWIS	Possible	Dave Guinea, Siskiyou Telephone 530-467-6107 - No nearby utilities
CCTV – Closed Circuit Television CMS - Changeable Message Sign FNBT - Facing northbound traffic FSBT - Facing southbound traffic HAR - Highway advisory radio RWIS - Roadway Weather Information System					

Table 22: Vista Points

County	Route	Post Mile	Location
Trinity	3	37.93	South side of Clair Engle Lake
Trinity	3	62.80	North side of Clair Engle Lake

Appendix J: SR 3 Turnout Study

State Route 3 Turnout Study
Weaverville to Coffee Creek

TRI 3 PM 30.86 – 67.89

May 2012

Prepared by: Caltrans, District 2, Office of System Planning
In cooperation with the Trinity County Transportation
Commission

Study
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1. Introduction and Purpose
2. Study Approach
3. Site Evaluations
4. Study

Recommendations

Attachments:

- A. Study Area Map
- B. Site Data Sheets

Northbound Locations

1. NB 1 PM 33.55
2. NB 2 PM 34.60
3. NB 3 PM 39.95
4. NB 4 PM 40.15
5. NB 5 PM 41.90
6. NB 6 PM 47.85
7. NB 7 PM 48.05
8. NB 8 PM 48.60
9. NB 9 PM 49.50
10. NB 10 PM 53.00
11. NB 11 PM 63.70
12. NB 12 PM 64.85

Southbound Locations

1. SB 1 PM 59.85
2. SB 2 PM 52.65
3. SB 3 PM 49.45
4. SB 4 PM 43.30
5. SB 5 PM 42.55
6. SB 6 PM 40.40

Introduction and Purpose

This study evaluates potential opportunities to develop improved (paved) turnouts on State Route (SR) 3 in Trinity County between the communities of Weaverville and Coffee Creek, Post Miles (PM) 30.86 to

67.89 (see Attachment A). Members of the public and elected officials expressed interest in developing turnouts along this section of highway during development of both the Trinity County Regional Transportation Plan and the State Route 3 Corridor Plan .

Current opportunities for slow-moving vehicles to pull out of traffic to allow passing are limited to dirt or graveled areas and a few paved locations (such as vista points), none of which are identified or signed as turnouts. Local residents have noted that drivers from out of the area often do not know these areas exist or are reluctant to use the locations that are not paved. Striping for passing is limited within the study area and there are no passing lanes or truck climbing lanes. The posted speed limit for most of the highway within the study area is 55 mph, however, highway alignment and/or grade result in lower speeds in some areas.

The highway within the study limits is located within mountainous terrain and generally curvilinear in alignment. The majority of the highway is located within the Shasta Trinity National Forest. Numerous recreational attractions can be accessed from SR 3, including: Shasta Trinity National Forest; Lewiston Lake; Trinity Lake; Trinity Alps Wilderness Area; Pacific Crest Trail, and; many public and private trails, marinas and camping areas. Recreational vehicles and vehicles pulling boats or trailers are common.

Goods movement along the route consists primarily of timber, aggregates, and parcel delivery. The Annual Average Daily Traffic (AADT) within the study limits ranges from 200 to 1250, with volumes decreasing as you travel north out of Weaverville. Summer volumes are about 25 percent higher and truck volumes are about 10% of AADT.

Study Approach

On October 27, 2011, staff from Caltrans District 2 and the Trinity County Transportation Commission met to discuss preparation of a turnout study for SR 3. Staff agreed that District 2 would take the lead on the study, with the desired outcome to be a list of locations that could feasibly be developed into paved turnouts. The determination of "feasibility" would be based on criteria established by the study team and would include factors such as potential benefit to traffic operations, opportunity for limited earth work, and cost effectiveness.

In November 2011, District 2 Maintenance and System Planning staff conducted a series of field reviews of SR 3 between Weaverville and Coffee Creek. The purpose was to identify:

- Existing paved areas (such as vista points) that may serve as turnouts.
- Unpaved locations that currently show signs of being utilized as turnouts.
- Unpaved locations that do not show signs of being utilized as turnouts but

appear to have sufficient existing length and width to meet the criteria established for turnouts in the Highway Design Manual (HDM).

The list of eighteen possible turnout locations identified can be seen on Attachment A. Of the eighteen, twelve are northbound and six are southbound.

A variety of details specific to each unpaved location were collected and/or estimated during the field review, including: Post Mile, approximate width, approximate length, sight distance, approximate grade, proximity to a curve, posted speed limit, and opportunity for passing. For some items (such as Post Mile limits and length) the field estimates were refined with Department data resources including the photolog and the Digital Highway Inventory Photography Program (DHIPP). This information (along with photographs and additional observations) has been incorporated into a Site Data Sheet (SDS) for each of the eighteen unpaved locations (see Attachment B).

Site Evaluations

Each location was first evaluated for its potential benefit and feasibility based on the information found on page one of the SDS and the guidance in Section 204.5(4) of the HDM. Each location was then evaluated in relation to any other nearby locations. Finally, the overall spacing and benefit to corridor mobility were considered. Based on this assessment, each location was ranked "High", "Medium", or "Low" regarding value for improvement. The evaluations are found on the second page of each SDS in Attachment B.

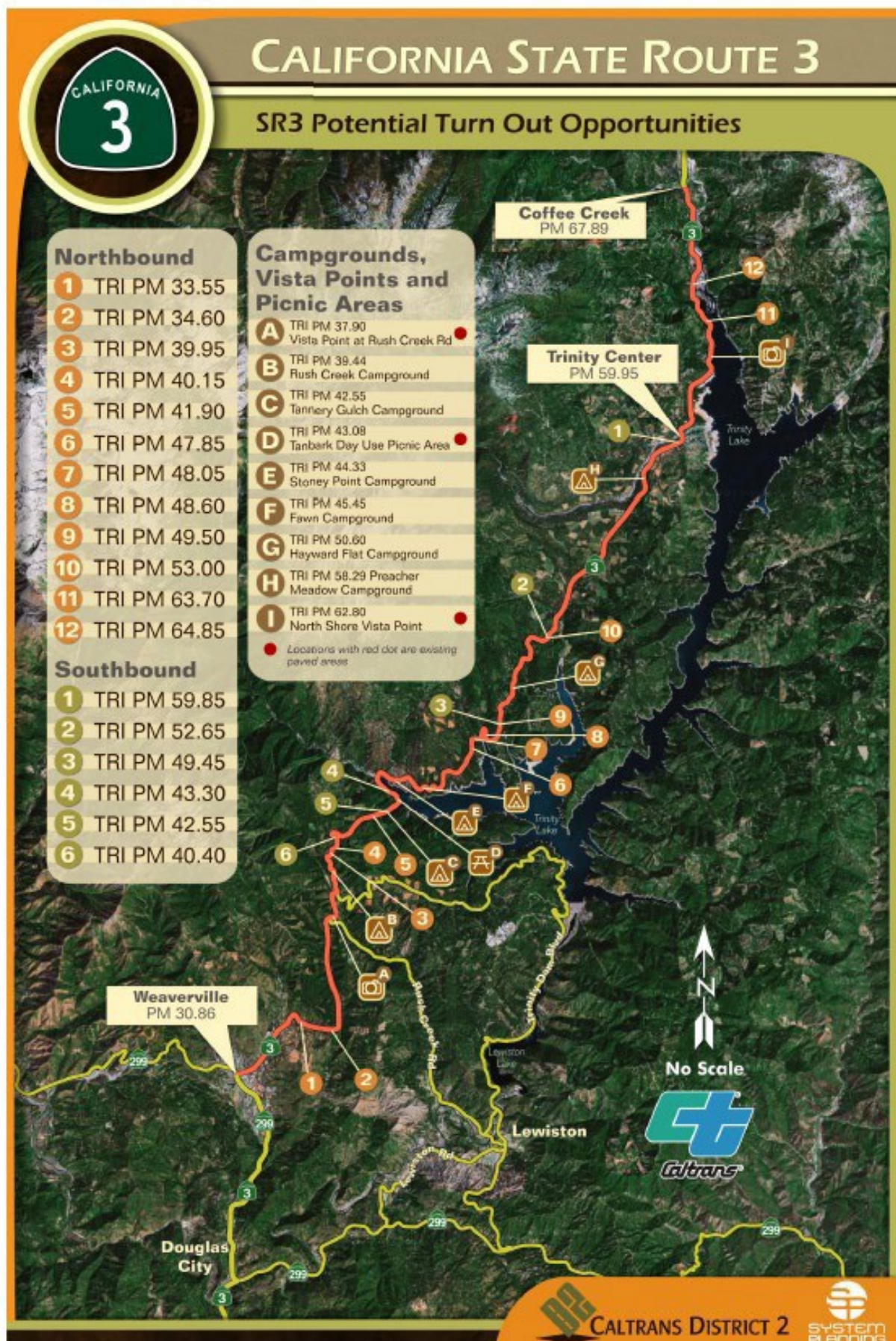
Study Recommendations

- Of the twelve potential NB turnouts, the following five ranked high are being recommended for improvement:
 - NB 2B, PM 34.70
 - NB 3, 39.95
 - NB 8, 48.60
 - NB 10, 53.00
 - NB 11, 63.70
- Of the six SB potential turnouts, the following three ranked high are being recommended for improvement:
 - SB 1, 59.85
 - SB 3, 49.45
 - SB 4, 43.30

Each of the recommended locations is between five and ten miles apart, which is an efficient spacing of opportunities to maintain mobility along the entire corridor. The recommended locations also offer the fewest constraints and therefore should prove to be the most cost effective to develop. The six locations ranked medium would not provide as much initial value for the corridor, but may be appropriate to consider pursuing at some point in the future.

Attachment A

Study Area Map



Attachment B

Site Data Sheets

Key to Site Data Sheets

Acronyms used include:

SDS – Site Data

Sheet NB –

Northbound

SB -

Southbound

PM – Post Mile

ETW – Edge of travel way

USFS –United States Forest

Service MPH – Miles per hour

The following categories of information are found on the Site Data Sheets (SDS):

Location – There are a total of 18 potential locations (twelve northbound, six southbound) identified for development as turnouts. Each location is designated as northbound (NB 1-12) or southbound (SB 1-6). The locations are numbered by ascending Post Mile (for NB) or descending Post Mile (for SB). The study area map in Attachment A depicts each location by corresponding number.

Rank – Each location has been given a rank of “high”, “medium” or “low” for consideration of improvement. The rank is based on the categories of information provided on page 1 of the SDS as well as the evaluation found on page 2. Further information regarding ranking and the evaluation process is included in the Site Evaluations section of this study.

Approximate Starting PM – This is the approximate beginning Post Mile (to within .05 mile) for each location as shown on the Caltrans Photolog.

Approximate Width – The approximate width (in feet) of the location as measured from the ETW. The value presented is either at the midpoint of the location if the width is fairly consistent or a range if the width varies. Measurement was taken in the field using a measurement wheel.

Approximate Length – The approximate length (in feet) for which the identified width is available. This is an estimate of the maximum length that could be achieved without having to undertake earthwork (cut and/or fill). It does not include areas needed for tapers.

Site Distance– Estimate of availability of required stopping sight distance (SSD) for drivers approaching the potential turn out location. Each location is rated as: “appears to be available” (location appears to meet SSD standard), “potentially

available" (location may meet SSD standard with only minor work on approach – such as tree trimming/removal) or "may not be available" (location may not currently meet SSD standard and will likely require substantial work at approach for it to do so).

The following were used in making the estimates:

- Minimum required distance of 500 feet for 55 mph speed.
- Distance is estimated from end of location (last point at which a vehicle could enter the through travel lane from the turnout) to the point at which a driver approaching the turnout could first see the end of the location.
- Vertical curvature of the highway is minimal at the study locations and therefore has no effect on required sight distance.

Curve – Indicates horizontal curvature of highway for both the entry and the exit of the location. Curve is categorized as "none" (no or slight curve), "yes" (curve with no speed advisory) or "yes – warning X mph" (curve with posted speed advisory).

Approximate Grade – Estimate of the roadway grade at the location taken by using a field level. The ranges used are: 0-2%, 3-5% and 6+%. "Uphill" or "downhill" for the subject direction of travel is also designated.

Passing – Indicates proximity to striping that allows for passing. Passing is categorized as "not allowed in either direction" (no striping for passing in either direction of travel) or "yes" (passing allowed, with direction and PM limits per the Photolog).

Current Surface – Identifies current surface of location as "dirt", "gravel", or "asphalt". For many locations, two or more surface types exist.

Comments - This section lists other factors relevant to evaluation of suitability for development as a turnout (such as need for cut and/or fill, utility poles, road/driveway connections, etc.).

Evaluation of Potential Turnouts – The top section illustrates the rank given to the individual site with details to support the rank. The bottom section discusses value and benefit of the site in relation to the section and overall corridor. The evaluation is found on the second page of each SDS

Northbound Site Data Sheets

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 1	PM 33.55	Rank: Medium
Approximate Width	35'		Approximate Length: 200'
Curve	Entry: yes		Exit: no
Sight Distance	May not be available		
Approximate Grade	0 – 2 % uphill		
Passing	Not allowed in either direction		
Current Surface	Dirt, gravel		
Comments: <ul style="list-style-type: none">• Utility Poles along NB edge approximately 220' apart and about 10' back from NB ETW• USFS road 34N95 directly across from location• At a trailhead for the Weaver Basin Trail System• Turn out length could increase to 600' +/- if utility poles are moved			



Evaluation of potential turnout NB 1

Rank: Medium. This location may not meet the minimum length guideline in the Highway Design Manual.

The length of this location could be increased and the rating higher if the utility poles, which are about 10' from ETW, were relocated. Operationally this is a good location to have slower moving vehicles pull off the roadway as it is just over 2.5 miles north of Weaverville and is at the end of a 3-5% climb and a very curve linear section of roadway with no other passing opportunities. This location shows signs of use, which may be due to it being the location of a trailhead for the Weaver Basin Trail System. The fact that it is located at the trailhead may make it eligible for other funding programs.

This location falls within a one mile stretch where four possible turnout locations have been identified, NB 1, 2A, 2B and 2C (PM 33.55, 34.60, 34.70 and 34.80). The highest ranked location in this section is NB 2B (PM 34.70).

Note: Trinity County has indicated interest in this location for a passing lane longer term, with other potential turn out candidates ranked high therefore preferable to pursue in the near term.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 2A	PM 34.60	Rank: Medium
Approximate Width	30 – 60'		Approximate Length: 250'
Curve	Entry: yes		Exit: no
Sight Distance	Potentially available		
Approximate Grade	0-2% downhill		
Passing	Yes - NB allowed 34.75 – 34.95/ allowed in both directions 34.95 – 35.35		
Current Surface	Dirt, gravel and some asphalt		
Comments: <ul style="list-style-type: none">• Very wide• Looks to be well used• Possible passing lane location if developed with 2B and 2C• Power pole approx 40' from ETW at 200' mark• Power pole spacing is approx 150'			



State Route 3 Turn Out Study Site Data Sheet

May 2012

Location	NB 2B	PM 34.70	Rank: High
Approximate Width	40'		Approximate Length: 300'
Curve	Entry: yes		Exit: no
Sight Distance	Appears to be available		
Approximate Grade	0-2 % downhill		
Passing	Yes - NB allowed 34.75 – 34.95/ allowed in both directions 34.95 – 35.35		
Current Surface	Dirt, gravel, asphalt		
Comments:			
<ul style="list-style-type: none">• Passing does not impact because it is in same direction as turnout location• Site is long and wide• Site looks to be well used• Possible passing lane location if developed with 2A and 2C• Asphalt remnants exist about 15' from ETW			



State Route 3 Turn Out Study Site Data Sheet

May 2012

Location	NB 2C	PM 34.80	Rank: Low
Approximate Width	30'		Approximate Length: 500'
Curve	Entry: yes, warning 35 mph		Exit: no
Sight Distance	Appears to be available		
Approximate Grade	0-2% downhill		
Passing	Yes - NB allowed 34.75 – 34.87/ allowed in both directions 34.87 – 35.35		
Current Surface	Dirt, gravel		
Comments:			
<ul style="list-style-type: none">• Turnout not feasible due to being striped for passing in both directions• Site is very long and wide• Site looks to be well used• Possible passing lane location if developed with 2A and 2B• Power poles on NB shoulder end at PM 34.80• At PM 34.85 is a culvert – out fall is 20'+ from ETW			



Evaluation of potential turnout NB 2A (PM 34.60), 2B
(PM 34.70) and 2C (PM 34.80)

The area discussed below is one segment with three separate potential turnout locations, NB 2A, B and C (PM 34.60, 34.70 and 34.80) that were evaluated independently but could be looked at as one larger area for future development. These locations are just over 3.5 miles north of Weaverville and just over a mile north of the NB 1 (PM 33.55), which is ranked medium. The area in general has few constraints. There are power polls that run along the outside perimeter of the segment but have a setback from ETW of roughly 40' and are spaced about 150' apart.

2A Rank: Medium. This location meets the guidelines set forth in the Highway Design Manual. This location looks to be used year round and has good solar exposure. However, approaching this location is constrained by a 35 mph curve which impedes the sight distance.

2B Rank: High. This location meets the guidelines set forth in the Highway Design Manual and has the highest benefit based on existing length, width and no constraints. This location is 300' long but could potentially be up to 800' in length if some earthwork (fill) was done between locations 2A & 2B (PM 34.60 & 34.70). If this location was developed, location A and C could still be used as undeveloped turnouts.

2C Rank: Low. Based on the fact that the roadway is striped for passing in the opposite direction it is likely that the Caltrans Headquarters Geometric Reviewer will not approve this location for a turnout.

In summary, this segment has a few possibilities for development. Out of the three locations studied, 2B ranks the highest due to meeting all the Highway Design Manual guidelines and eliciting the signs of highest usage year round and with little constraints to develop. Locations 2A (PM 34.60) and 2C (PM 34.80) can still be used as informal turnouts if 2B (PM 34.70) is developed. Developing 2B (34.70) does not preclude future development of a passing lane.

These locations fall within a mile stretch where four possible turnout locations have been identified NB 1, 2A, 2B and 2C (PM 34.60, 34.70 and 34.80). Location NB 2B (PM 34.70) has the highest rank for this section and is being recommended as the location with the highest benefit to travelers in this section of the corridor. This location is about 4.5 miles north of the intersection of State Route 3/299 (Weaverville) and is roughly five miles south of the next potential turnout location that is ranked high, NB 3 (PM 39.95).

Note: Trinity County has indicated interest in this location for a passing lane longer term, with other potential turn out candidates ranked high therefore preferable to pursue in the near term.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 3	PM 39.95	Rank: High
Approximate Width	15– 20'		Approximate Length: 400'
Curve	Entry: yes		Exit yes
Sight Distance	Potentially available		
Approximate Grade	3 – 5 % uphill		
Passing	Not allowed in either direction		
Current Surface	Gravel		
Comments: <ul style="list-style-type: none">• Tree trimming/removal would increase sight distance• Shows signs of use• High snow storage area during winter months			



Evaluation of potential turnout NB 3, PM 39.95

Rank: High. This location meets the guidelines set forth in the Highway Design Manual and has a high benefit based on existing length, width and no constraints. This location show signs of use year round. The length of this location (400') is of benefit given the approximate grade is 3-5% uphill making it easier for slower moving vehicles to exit and enter the roadway without completely stopping.

This location falls within a two mile stretch where three possible turnout locations have been identified, NB 3, 4 and 5 (PM 39.95, 40.15 and 41.90). Locations 4 and 5 (ranked medium and low respectively) show signs of standing water or water storage, rock fall nearby and snow storage in winter months. This location is ranked the highest out of the three because it meets the Highway Design Manual criteria, has the least constraints and offers the longest and widest options out of the three. NB 3 (PM 39.95) is roughly four miles from the last ranked high location, NB 2B (PM 34.70), and about eight miles from the next ranked high location, NB 6 (PM 47.85).

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 4	PM 40.15	Rank: Medium
Approximate Width	15'		Approximate Length: 400'
Curve	Entry: yes		Exit: yes
Sight Distance	May not be available		
Approximate Grade	3-5 % uphill		
Passing	Not allowed in either direction		
Current Surface	Gravel		
Comments: <ul style="list-style-type: none">• Will require some additional earthwork (cut)• Shows signs of use• High snow storage during winter months• Rock fall catchment area begins at north end of this location			



Evaluation of potential turnout NB 4

Rank: Medium. This location appears to meet the guidelines set forth in the Highway Design Manual, however it will likely require earthwork (cut) to accommodate drainage requirements. The sight distance on is poor due to the approach being on a tight curve. On the north end of this location there is a rock entrapment area that may or may not cause some constraints. This location does not have good solar exposure and is a high snow storage area in the winter months. The length of this location (400') could potentially add benefit to the mobility of the corridor as it is on a 3-5% uphill section which will allow slower moving vehicles to exit and enter the roadway without coming to a complete stop.

This location falls within a two mile stretch where three possible turnout locations have been identified NB 3, 4, and 5 (PM 39.95, 40.15 and 41.90). The highest ranked location in this section is NB 3 (PM 39.95).

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 5	PM 41.90	Rank: Low
Approximate Width	15'		Approximate Length: 300'
Curve	Entry: yes		Exit: no
Sight Distance	Appears to be available		
Approximate Grade	0-2% uphill		
Passing	NB only starts at PM 41.84 / Passing in both directions 41.96-42.32		
Current Surface	Dirt, gravel		
Comments: <ul style="list-style-type: none">• Turnout not feasible due to being striped for passing in both directions• May require some additional earthwork (fill)• At PM 43.1 is the Tanbark picnic area and at 43.3 is the Osprey viewing area• Creek immediately adjacent• High snow storage area during winter months			



Evaluation of potential turnout NB 5, PM 41.90

Rank: Low. This location appears to meet the guidelines set forth in the Highway Design Manual, however it will likely require earthwork (fill) to accommodate drainage requirements. The roadway is striped for passing in the both directions; therefore, it is likely that the Caltrans Headquarters Geometric Reviewer will not approve this location for a turnout. There is also a creek crossing immediately adjacent to this location.

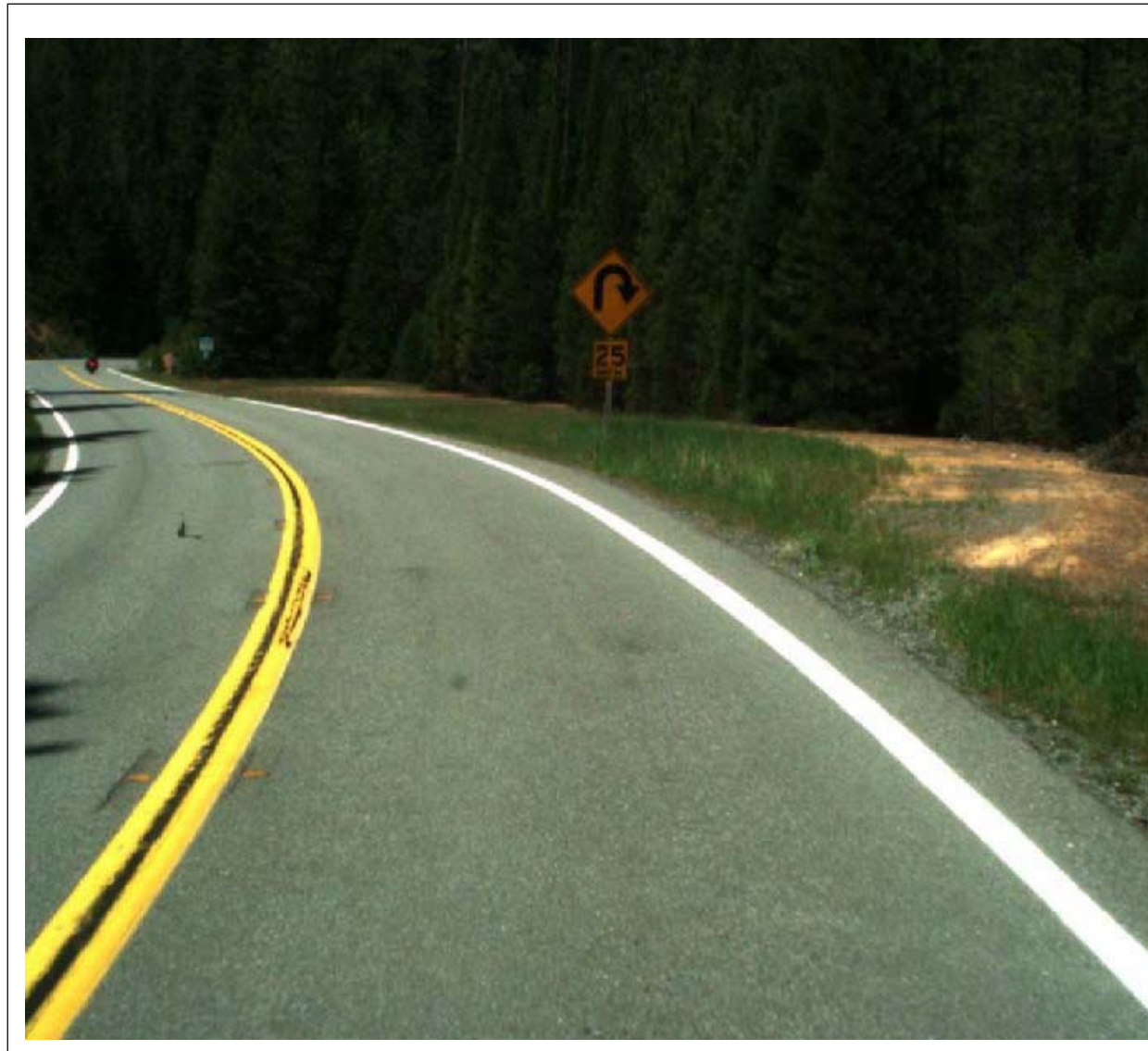
This location falls within a two mile stretch where three possible turnout locations have been identified, NB 3, 4, and 5 (PM 39.95, 40.15 and 41.90). The highest ranked location in this section is NB 3 (PM 39.95).

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 6	PM 47.85	Rank: Medium
Approximate Width	30'		Approximate Length: 300'
Curve	Entry: yes		Exit: yes, 25 mph warning
Sight Distance	Potentially available		
Approximate Grade	3-5% downhill		
Passing	Not allowed in either direction		
Current Surface	Dirt		
Comments: <ul style="list-style-type: none">• A 25 mph curve separates NB 6 and 7• Tree trimming/removal would increase entry sight distance• Earthwork may be required at taper at north end• Creek crossing at northern tip of location• Culvert at PM 47.86 and 47.94			



Evaluation of potential turnout NB 6, PM 47.85

Rank: Medium. This location meets guidelines set forth in the Highway Design Manual. The segment of roadway leading up to this location is very curve linear. A 25 mph curve warning just at the north end separates this location and the next potential turn, NB 7 (PM 48.05). The location is also constrained on the south and north ends with culverts that may need to be improved with any roadway projects. Also, at the north end of this location is a perennial water source.

Along this section of the corridor there are four potential turnout locations, NB 6, 7, 8, and 9 (PM 47.85, 48.05, 48.60 and 49.50) that are all within two miles. The highest ranked location in this section is NB 8 (PM 48.60).

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 7	PM 48.05	Rank: Low
Approximate Width	30'		Approximate Length: 230'
Curve	Entry: yes, 25 mph warning		Exit: no
Sight Distance	May not be available		
Approximate Grade	0 – 2% uphill		
Passing	Not allowed in either direction		
Current Surface	Dirt		
Comments: <ul style="list-style-type: none">• A 25 mph curve separates NB 6 and 7• Tree trimming/removal and earthwork may increase sight distance• Very wet ground and has minor snow storage during winter months• Creek crossing at very southern tip of location			



Evaluation of potential turnout NB 7, PM 48.05

Rank: Low. This location meets the guidelines set forth in the Highway Design Manual. Coming into this section is very curve linear with a 25 mph curve upon entry of this location making sufficient sight distance difficult to obtain. There tends to be a fair amount of standing water at this location as well as a creek adjacent to it. This location has poor solar exposure and has snow storage during winter months.

Along this section of the corridor there are four potential turnout locations, NB 6, 7, 8, and 9 (PM 47.85, 48.05, 48.60 and 49.50) that are all within two miles. The highest ranked location in this section is NB 8 (PM 48.60).

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 8	PM 48.60	Rank: High
Approximate Width	10 – 30'		Approximate Length: 1050'
Curve	Entry: yes , 30 mph warning		Exit: yes, 30 mph warning
Sight Distance	Appears to be available		
Approximate Grade	3 – 5% uphill		
Passing	Not allowed in either direction		
Current Surface	Gravel		
Comments: <ul style="list-style-type: none">• Possible location for a climbing lane• Location looks to be well used• Width varies: 0-250' is 10', 250'-600' is 15', 600'-800' is 30' and 800'-1050' is 20' wide• Culverts at PM 48.61 and 48.67 – outfall is 15' plus from ETW			



Evaluation of potential turnout NB 8, PM 48.60

Rank: High. This location meets the guidelines set forth in the Highway Design Manual. The length of this location is 900' but could easily be up to 1050' with minor improvements. The width is mostly 15' or more. This location shows signs that it is heavily used year round and has great solar exposure. The length of this location (400') is of great benefit given the approximate grade is 3-5% uphill making it easier for slower moving vehicles to exit and enter the roadway without completely stopping. There is one short section approximately 600' from the south end that may require guardrail due to a drop off.

This location falls within a two miles stretch where four possible turnouts have been identified, NB 6, 7, 8 and 9 (PM 47.85, 48.05, 48.60 and 49.50). This location is ranked the highest out of the four because it meets the Highway Design Manual criteria, has the least constraints and offers the longest and widest options out of the four. When considering corridor mobility this location would allow more than one vehicle to get off the roadway creating better mobility along this section of the corridor. The last high ranking potential turnout was about 10 miles ago, NB3 (PM 39.95) and the next high ranking location is roughly five miles north of here, NB 10 (PM 53.00).

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 9	PM 49.50	Rank: Low
Approximate Width	50'		Approximate Length: 225'
Curve	Entry: no		Exit: no
Sight Distance	Potentially available		
Approximate Grade	3 - 5 % uphill		
Passing	Not allowed in either direction		
Current Surface	Dirt		
Comments: <ul style="list-style-type: none">• Location for both a NB and a SB turnout (see SB 3)• K-rail on NB side• Tree trimming/removal would increase sight distance• Area used by maintenance for winter material storage• Culvert at PM 49.55			



Evaluation of potential turnout NB 9, PM 49.50

Rank: Low. This location meets the guidance set forth in the Highway Design Manual. It is on a 3-5% uphill grade and it would take substantial earthwork (fill) to add any additional length. There is a culvert on the north end (PM 49.55) that would need to be extended with any roadway improvement that included adding length to the site. Maintenance staff stated they use this location at times to store material but feel the width could accommodate their use as well as a turnout. They are in favor of paving it to reduce damage to the edge of pavement from their equipment and vehicles exiting and entering the roadway.

Along this section of the corridor there are four potential turnout locations, NB 6, 7, 8, and 9 (PM 47.85, 48.05, 48.60 and 49.50) that are all within two miles apart. The highest ranked location and NB 8 (PM 48.60).

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 10	PM 53.00	Rank: High
Approximate Width	40'		Approximate Length: 250'
Curve	Entry: yes		Exit: yes
Sight Distance	Appears to be available		
Approximate Grade	0 -2 % downhill		
Passing	Not allowed in either direction		
Current Surface	Gravel		
Comments: <ul style="list-style-type: none">Looks to be well usedGreat solar exposure			



Evaluation of potential turnout NB 10, PM 53.00

Rank: High. This location meets the guidelines set forth in the Highway Design Manual. With minor earthwork (fill) this site could be made longer. The width of this location exceeds the minimum guidelines and at times is 40' wide. This location shows signs of being highly used year round and has great solar exposure with little snow storage during winter months.

This location is roughly five miles north of the last high ranking potential turnout location, NB 8 (PM 48.60) and about 10 miles south of the next high ranking location, NB 11 (PM 63.70). This location is being recommended for improvement because it meets the Highway Design Manual criteria, requires minimal improvements and will enhance mobility in the corridor given spacing between the other high ranking locations.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 11	PM 63.70	Rank: High
Approximate Width	30'		Approximate Length: 300'
Curve	Entry: no		Exit: yes
Sight Distance	Appears to be available		
Approximate Grade	0 -2% uphill		
Passing	Not allowed in either direction		
Current Surface	Dirt, gravel		
Comments:			
<ul style="list-style-type: none">• Tree trimming/removal would increase sight distance• This location is identified by field maintenance as heavily used and requires significant efforts to keep maintained• Edge of pavement shows signs of damage from vehicles exiting and entering the roadway• Great solar exposure• Drainage system in cut area on north side of highway• Culvert at PM 63.72			



Evaluation of potential turnout NB 11, PM 63.70

Rank: High. This location meets the guidelines set forth in the Highway Design Manual. This location has good sight distance, great solar exposure and shows signs of use year round. Paving this location would help keep the ETW from getting worn from vehicles exiting and entering onto the roadway. Maintenance staff has expressed that this location works well as a turn out but needs to be paved in order to preserve the edge of pavement and keep dirt and rocks off the travelled way.

This location falls within a 1.5 mile stretch where two possible turnout locations have been identified, this location and NB 12 (PM 64.85). This location is being recommended for improvements in this section of the study corridor. The last potential turnout ranked high was NB 10 (PM 53.00) and is just over ten miles south of this location. The next and last NB potential turnout is NB 12 (PM 64.85) for this study and is located just over a mile north of this location and is ranked medium. It could be cost effective to improve both NB 11 and 12 as little work is needed to either location.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	NB 12	PM 64.85	Rank: Medium
Approximate Width	30'		Approximate Length: 275'
Curve	Entry: no		Exit: no
Sight Distance	Appears to be available		
Approximate Grade	0 – 2% uphill		
Passing	Yes - Start of NB passing at 64.86		
Current Surface	Dirt, gravel		
Comments: <ul style="list-style-type: none">• This is at the north end of Trinity Lake near Eastside Road• Edge of pavement shows signs of damage from vehicles exiting and entering the roadway• Culvert at PM 64.94			



Evaluation of potential turnout NB 12, PM 64.85

Rank: Medium. This is the last northbound potential turnout location in this study. This location meets the guidelines set in the Highway Design Manual. This location has good sight distance, great solar exposure and shows signs of use year round. Paving this location would help keep the ETW from getting worn from vehicles exiting and entering onto the roadway.

This location falls within a 1.5 mile stretch where two possible turnout locations have been identified, this location and NB 11 (PM 63.70). The last potential turnout was NB 11 (PM 63.70), which is ranked high and is located just over a mile south of this location. It could be cost effective to improve both locations as little work is needed to either. Just north of this location at PM 65.47 is Eastside Road to the right. There is a large graveled area to pull off the roadway if needed before heading north to Coffee Creek and on over Scott Mountain into Siskiyou County.

Southbound Site Data Sheets

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	SB 1	PM 59.85	Rank: High
Approximate Width	20'		Approximate Length: 450'
Curve	Entry: yes		Exit: yes
Sight Distance	Appears to be available		
Approximate Grade	0 – 2 % uphill		
Passing	Not allowed in either direction		
Current Surface	Gravel, dirt		
Comments: <ul style="list-style-type: none">• Directly across from Airport Road, which is to the unincorporated town of Trinity Center• Just south of Swift Creek Bridge• Gated utility access road at the beginning of location• Water line crosses highway just over half way through location• High pedestrian/bike usage in vicinity of Swift Creek Bridge			



Evaluation of potential turnout SB 1, PM 59.85

Rank: High. This location meets the guidelines set forth in the Highway Design Manual. There is a road connection (Airport Road) across from this location that serves the small community of Trinity Center. Just north of this location is the Swift Creek Bridge, which is currently being looked at for improvements. It may be feasible to incorporate this potential turnout location into the bridge project. This area is known for heavy bike and pedestrian activity.

This location is the first southbound potential turnout along the corridor. There is benefit to improving this location not only to accommodate through traffic but to assist the small community of Trinity Center with the tourism related traffic that increases during the summer months.

This location is being recommended for improvement. The next recommended turnout location is SB 3 (PM 49.45) is just over ten miles to the south.

Note: Trinity County has indicated that other improvements may be desirable at this location (such as addition of turn lanes), so other potential turn out candidates ranked high are therefore preferable to pursue in the near term.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	SB 2	PM 52.65	Rank: Low
Approximate Width	20'		Approximate Length: 180'
Curve	Entry: yes		Exit: no
Sight Distance	Potentially available		
Approximate Grade	0 – 2 % uphill		
Passing	Not allowed in either direction		
Current Surface	Dirt, gravel		
Comments:			
<ul style="list-style-type: none">• Could increase length to approximately 450' if fill some spots at entry and exit• There are trees and vegetation that are indicative of water near the culverts at entry and exit• Culverts would need to be extended to lengthen this location• This location is noted by field maintenance as heavily used and requires significant effort to keep maintained during wet or snow weather• During wet and snow weather mud is pulled onto the roadway			



Evaluation of potential turnout SB 2, PM 52.65

Rank: Low. This location does not meet the length guidelines set forth in the Highway Design Manual. It is also appears there may be the potential environmental concerns due to standing water in the area and growth of some vegetation. If there were no significant environmental issues and some earthwork (fill) and culvert work were done, this location could rank higher. This location has some snow accumulation in winter months but has good solar exposure. Maintenance staff expressed this area is used heavily by trucks which often carry mud back onto the roadway, which tends to create a hazard.

This location sits between two potential turnouts, SB 1 and 3 (PM 59.85 and PM 49.45) that are within a ten mile stretch and both ranked high. Given the level of work that would be required, there is not a great benefit to improve this location based on the other locations that add value to be the entire corridor.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	SB 3	PM 49.45	Rank: High
Approximate Width	10 – 15’		Approximate Length: 500’
Curve	Entry: no		Exit: yes
Sight Distance	Potentially available		
Approximate Grade	0 – 2% downhill		
Passing	Not allowed in either direction		
Current Surface	Dirt and gravel		
Comments: <ul style="list-style-type: none">• May need minor earthwork to achieve uniform width (cut)• Tree trimming / removal would increase sight distance• Location for both a SB and a NB turnout (see NB 9)			



Evaluation of potential turnout SB 3, PM 49.95

Rank: High. This location appears to meet the guidelines set forth in the Highway Design Manual. This location exceeds the minimum length guidelines, which is very beneficial for tappers and being able to accommodate more than one vehicle off the roadway. This location has great solar exposure and shows little signs of snow accumulation in the winter months. Even though there are slight curves on entry and exit there is good sight distance.

This location provides a high benefit for travelers along the corridor. The last location ranked high was roughly ten miles ago, SB 1 (PM 59.85). The next high ranked location is SB 4 (PM 43.30) and is six miles south of this location. This location is directly across from the NB 9 (PM 49.50), which is ranked low.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	SB 4	PM 43.30	Rank: High
Approximate Width	20'		Approximate Length: 500'
Curve	Entry: no		Exit: yes, 35 mph warning
Sight Distance	Appears to be available		
Approximate Grade	0 -2 % downhill		
Passing	Not allowed in either direction		
Current Surface	Dirt, gravel		
Comments: <ul style="list-style-type: none">• Location could be longer with some earthwork (cut)• Perennial stream culvert at PM 43.21• Location is across from Osprey - National Recreation Area• Show signs of use• Culvert at PM 43.38			



Evaluation of potential turnout SB 4, PM 43.30

Rank: High. This location meets the guidelines set forth in the Highway Design Manual. This location exceeds the minimum length guidelines, which is very beneficial for tappers and being able to accommodate more than one vehicle off the roadway. This location offers good sight distance, great solar exposure and shows signs of use year round.

There is a great corridor benefit to improving this location. It has been roughly six miles since the last potential turnout location, SB 3 (PM 49.45), which has a rank of high. The final two potential turnout locations, SB 4 and 5 (PM 43.30 and 42.55) are ranked medium and low and both fall within the next 3.5 miles. There is an Osprey viewing area directly across from this location.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	SB 5	PM 42.55	Rank: Medium
Approximate Width	15-20'		Approximate Length: 650'
Curve	Entry: no		Exit: no
Sight Distance	Appears to be available		
Approximate Grade	0 -2 % uphill		
Passing	Not allowed in either direction		
Current Surface	Dirt, gravel		
Comments: <ul style="list-style-type: none">Tannery Gulch campground entrance is located at the southern end of this locationEdge of pavement shows signs of damage from vehicles exiting and entering the roadwayThe inlet for culvert at 42.70 would require relocation as it is less than 10' from ETWLocation shows signs of some rock fall from slope aboveCulverts at PM 42.58, 42.62, and 42.70			



Evaluation of potential turnout SB 5, PM 42.55

Rank: Medium. This location meets the guidelines set forth in the Highway Design Manual. This location exceeds the minimum length guidelines, which is very beneficial for tappers and being able to accommodate more than one vehicle off the roadway. This location offers good sight distance, great solar exposure and shows signs of use year round. Possible issues with this location are there is the potential for drainage or culvert work that would need to be done and there are signs of rock fall from the slope.

The last potential turnout was just under a mile north of this one and is ranked high, SB 4 (PM 43.30). Even though this location is ranked medium and there is another potential turnout closely that is ranked high, this location would add some benefit to the corridor. This location is the last good option for a turnout until the town of Weaverville, which is 12 miles south of here. There is one more potential turnout along this corridor just over two miles south of this location, SB 6 (PM 40.40) that is ranked low and is not being recommended for full development to a turnout.

State Route 3 Turn Out Study

Site Data Sheet

May 2012

Location	SB 6	PM 40.40	Rank: Low
Approximate Width	20' (10' paved)		Approximate Length: 500'
Curve	Entry: yes, 30 mph warning		Exit: no
Sight Distance	May not be available		
Approximate Grade	3 - 5 % uphill		
Passing	Not allowed in either direction		
Current Surface	10' paved shoulder plus 10-15' gravel and dirt		
Comments: <ul style="list-style-type: none">• Minor additions could enhance usage – signage and longer pavement• Tree trimming / removal and earthwork may increase sight distance			

This picture was taken looking northbound



Evaluation of potential turnout SB 6, PM 40.40

Rank: Low. This location already provides a paved shoulder area for vehicles to get off the roadway but has no signage or advance warning of its existence. Sufficient sight distance will be hard to obtain. There doesn't appear to be any snow accumulation during winter months. This location does show signs of use year round.

This is the last potential turnout location identified in this study. In this three mile section of the corridor there is a location ranked high, SB 4 (PM 43.30) and another ranked medium, SB 5 (PM 42.55) that would generate higher benefits from being improved than this location. Even without further improvements, this location provides some benefit to the corridor. Weaverville is ten miles from this location.

Appendix K: History of SR 3

State Route 3, under various names and locations, has served Trinity and Siskiyou Counties for well over a century. The road over Scott Mountain was the main route through Northern California to Oregon from 1851 to 1886. It ran through Redding, Shasta, Lewiston, Trinity Center, Callahan and down into the valley at Gazelle, north of Weed.

Completion of a road in the Sacramento River Canyon linking Redding, Dunsmuir, Mt. Shasta and eventually Weed took through traffic away from the older, longer, and higher route.

It was not until Siskiyou and Trinity Counties improved the road in the 1910s, under various FAS and county projects, that it came to life again. However, its true rebirth can be attributed to the construction of the Trinity Dam and formation of Trinity (Clair Engle) Lake.

Since the last remaining gap between Weaverville and Etna became a state highway in 1959, SR 3 has become a respectable part of the system. In a little over 140 miles, SR 3 offers up as many scenic riches as any transcontinental route. As it meanders through the Siskiyou and Trinity Alps, SR 3 links together some of California's smallest communities: Montague; Yreka; Fort Jones; Greenview; Etna; Callahan; Trinity Center; Weaverville and Hayfork.

SR 3 had the following designations prior to the beginning of the Federal Aid Secondary Program in 1945, and the Collier/Burns Act in 1947:

Route 29- South of Peanut

Route 35- Peanut to SR 299

Route 82- Etna to Weaverville

County Road: Weaverville to Etna (Became FAS 1089 in 1945)

In 1964, routes 82 and 35 became components of SR 3. Two years later, in 1966, SR 36 was relocated between Forest Glen and Wildwood, by-passing Peanut to the south. A new realignment was built adding approximately 4.8 miles to SR 3, however, instead of renumbering the highway Caltrans with a L in front of the postmiles which start in SR 36 to Peanut.

Appendix L: Director's Policy 37 "Complete Streets".

California Department of Transportation

Director's Policy

Number: DP-37

Effective Date: December 7, 2021

Supersedes: DD-64-R2 (10/16/2014)

Responsible

Programs:

Finance

Maintenance & Operations

Planning and Modal Programs

Project Delivery

Safety Programs

Sustainability

Title Complete Streets

Policy

The California Department of Transportation (Caltrans) recognizes that walking, biking, transit, and passenger rail are integral to our vision of delivering a brighter future for all through a world-class transportation network. Additionally, Caltrans recognizes that streets are not only used for transportation but are also valuable community spaces. Accordingly, in locations with current and/or future pedestrian, bicycle, or transit needs, **all transportation projects funded or overseen by Caltrans will provide comfortable, convenient, and connected complete streets facilities for people walking, biking, and taking transit or passenger rail unless an exception is documented and approved.** When decisions are made not to include complete streets elements in capital and maintenance projects, the justification will be documented with final approval by the responsible District Director.

Opportunities for complete streets exist in all phases of project development from planning and design to construction, operations, and maintenance. Complete streets projects should prioritize underserved communities that have been historically harmed and segmented by the transportation network and should serve people of all ages and abilities. Furthermore, Caltrans commits to removing unnecessary policy and procedural barriers and partnering with communities and agencies to ensure projects on local and state transportation systems improve the connectivity to existing and planned pedestrian, bicycle, and transit

facilities, and accessibility to existing and planned destinations, where possible.

Intended Results

This policy establishes Caltrans' organizational priority to encourage and maximize walking, biking, transit, and passenger rail as a strategy to not only meet state climate, health, equity, and environmental goals but also to foster socially and economically vibrant, thriving, and resilient communities. To achieve this vision, Caltrans will maximize the use of design flexibility to provide context-sensitive solutions and networks for travelers of all ages and abilities.

Definitions

Complete Street

A complete street is a transportation facility that is planned, designed, constructed, operated, and maintained to provide comfortable and convenient mobility, and improve accessibility and connectivity to essential community destinations for all users, regardless of whether they are travelling as pedestrians, bicyclists, public transportation riders, or drivers. Complete streets are especially attuned to the needs of people walking, using assistive mobility devices, rolling, biking, and riding transit. Complete streets also maximize the use of the existing right-of-way by prioritizing space-efficient forms of mobility, such as walking and biking, while also facilitating goods movement in a manner with the least environmental and social impacts. Complete streets shift the focus of transportation planning and project development from vehicle movement as the primary goal to the movement of people and goods.

All Ages and Abilities

The "all ages and abilities" concept strives to serve all users-regardless of age, gender, race, or ability and inclusive of the mobility needs of children, older adults, and people with disabilities-by embodying national and international best practices related to traffic calming, speed reduction, universal design, and roadway design to increase user safety and comfort, as well as accessibility for people with disabilities. This approach also includes the use of traffic calming elements or facilities separated from motor vehicle traffic, both of which can offer a greater feeling of security and appeal to a wider spectrum of the public.

Design Flexibility

Caltrans policy supports designers in their application of guidance to achieve our goals of developing complete facilities to serve all members of the community.

Design flexibility refers to the ability to develop a design suited to its users and context, and to employ professional judgment and experience to interpret, apply, and adapt appropriate design standards and guidance. Flexibility in design is essential to achieving Caltrans' goals of putting safety first, enhancing and connecting the multimodal network, leading on climate action, and advancing equity and livability in all communities. Design flexibility includes consideration of diverse user needs, assessment of risk, review of applicable guidance, and documentation of design decisions.

Underserved Community

Underserved communities include low-income, frontline environmental justice, and vulnerable communities, including but not limited to Black and Indigenous peoples, communities of color, people experiencing homelessness, people with disabilities, older adults, and youth. Refer to guidance from the Caltrans Office of Race and Equity for the most current definition.

Accessibility (Access to Destinations)

Accessibility is the ease by which travelers can reach - or access - desired destinations such as work, shopping and other retail, school, health care, and recreation. Accessibility reflects the number and proximity of destinations, as well as the directness and condition of walking, biking, and transit facilities. This is distinct from accessibility in the context of the Americans with Disabilities Act (ADA); refer to Deputy Directive 42 for more information on ADA and State Disability Laws.

Connectivity

A connected multimodal network allows people to travel by whichever mode they choose and provides convenient, accessible connections between different modes.

State Transportation Network {STN}

Refers to the State Highway System (SHS) and all other multimodal facilities, including parallel and intersecting paths, frontage roads, and other facilities not directly on the SHS mainline.

Responsibilities

All employees in the following functional groups have specific responsibilities related to implementation of this policy in their program areas:

Director's Office - Headquarters Sustainability

- Lead, coordinate, and facilitate development of implementation plan for this policy in coordination with appropriate functional groups.
- Facilitate alignment of policy, guidance, and training to meet state's climate, health, equity, walking, biking, transit, and passenger rail goals.
- Facilitate coordination, information sharing, and collaboration among Divisions and Districts on topics related to complete streets.
- Track, monitor, report, and communicate Caltrans' progress toward meeting its policy and strategic goals related to walking, biking, transit, and passenger rail.
- Establish and facilitate internal/external advisory committees to provide technical input, strategic direction, and implementation guidance to Caltrans policies related to complete streets.

Planning and Modal Programs

Headquarters

- Develop, maintain, and update state plans, training, and resources to assist in the identification and prioritization of pedestrian, bicycle, transit, and passenger rail needs and recommended improvements on or across the SHS.
- Develop guidance for integrating pedestrian, bicycle, transit, and passenger rail needs from the corridor planning process into future complete streets projects.
- Identify best practices for increased and meaningful engagement with partners, stakeholders, and communities during the development of plans and projects that facilitate the inclusion of complete streets elements as appropriate.
- Work with local and regional transit and rail partners to identify and implement first mile/last mile solutions, both on and off the STN.
- Provide technical support and guidance to internal and external stakeholders on enhancing rail and transit reliability and operations

related to complete streets within and adjacent to the STN.

- Promote Caltrans policies related to complete streets in rail and transit planning documents and grant program guidelines.

Districts

- Develop, maintain, and update plans, tools, and other planning documents to identify and prioritize pedestrian, bicycle, and transit needs and recommended improvements on or across the SHS.
- Verify that proposed projects are in alignment with local, regional, and state planning documents detailing pedestrian, bicycle, transit, and passenger rail needs on or across the SHS.
- Integrate pedestrian, bicycle, transit, and passenger rail improvements from the corridor planning process into projects.
- Include complete streets elements in projects during the pre-Project Initiation Document (pre-PID) and PID phases.
- Participate in Project Development Teams (PDTs) to assist in delivering complete streets elements identified in PID phase.
- Develop and implement strategy for meaningful engagement with partners, stakeholders, and communities during the development of plans and projects that facilitate the inclusion of complete streets elements as appropriate.
- Identify and pursue partnerships and funding opportunities with local, regional, and state agencies.
- Work with local and regional transit and rail partners to identify and implement first mile/last mile solutions, both on and off the STN.
- Promote pedestrian, bicycle, and transit improvements and land uses supportive of these modes in local projects through the Local Development- Intergovernmental Review process.

Project Delivery

Headquarters

- Develop, maintain, and update policy, procedures, guidance, and standards pertaining to the design and construction of complete streets facilities in alignment with Caltrans and state walking, biking, transit, and passenger rail goals, including but not limited to temporary access during construction.
- Provide training and guidance to promote the use of "world-class" design best practices related to complete streets throughout Caltrans, including the

adoption of design flexibility guidance, contextual guidance, and others.

- Cultivate subject-matter expertise for design excellence of complete streets facilities in projects on or across the STN.
- Designate a complete streets asset manager to track and monitor progress of complete streets statewide as an asset in the State Highway System Management Plan (SHSMP) and develop funding and performance targets for complete streets in the State Highway Operation and Protection Program (SHOPP).
- Establish and oversee processes for documenting decisions related to complete streets elements.

Districts

- Implement project delivery strategies and best practices to further enhance the delivery of complete streets, including coordination of community engagement efforts.
- Implement "world-class" design best practices related to complete streets.
- Cultivate subject-matter expertise for design excellence of complete streets facilities in projects on or across the STN.
- Promote and exercise design flexibility throughout project development process.
- Document decisions related to complete streets elements.
- Implement and oversee use of standard plans and specifications, as well as best practices, for temporary pedestrian, bicycle, and transit access routes during construction.

Maintenance

Headquarters

- Develop, maintain, and update policy, procedures, guidance, manuals, training and standards pertaining to the maintenance of complete streets facilities.
- Work with Districts to determine equipment needs for maintenance of current and future complete streets facilities, including application-specific equipment such as sweepers for sidewalks and bikeways where standard maintenance equipment cannot be used.
- Coordinate with Division of Equipment to procure complete streets maintenance equipment.
- Develop and provide training to Maintenance staff on maintenance best practices for complete street facilities.
- Facilitate collection and maintenance of active transportation facility inventory and condition data to inform maintenance decisions.
- Develop, maintain, and update maintenance agreement

templates for complete streets facilities.

Districts

- Maintain complete streets facilities on the SHS in accordance with maintenance policy, procedures, guidance, manuals, and standards.
- Develop, execute, and update, as needed, maintenance agreements with local agencies for complete street facilities that are mutually beneficial to both entities and protect the investments made in new infrastructure.
- Collaborate with Headquarters Divisions of Maintenance and Equipment to purchase or lease equipment necessary to maintain current and future complete streets facilities, including application-specific equipment such as sweepers for sidewalks and bikeways where standard maintenance equipment cannot be utilized.
- Maintain and use active transportation facility inventory and condition data to inform maintenance decisions.
- Collaborate with Planning, Safety, and Complete Streets Coordinators to identify opportunities for complete streets improvements in Highway Maintenance projects.

Traffic Operations

Headquarters

- Develop, maintain, and update policy, procedures, guidance, and standards pertaining to the operations of facilities to improve access to destinations by walking, biking, transit, and passenger rail, including but not limited to temporary access during construction.
- Develop policy and framework for collecting and maintaining current pedestrian and bicycle count data.
- Develop, maintain, and update training, guidance, and procedures to improve encroachment permit application process for local agency-sponsored complete streets projects that are on or cross the SHS.
- Identify and develop proposals to address policy and procedural barriers to implementing locally-sponsored complete streets projects on and across the SHS.

Districts

- Collect and maintain current pedestrian and bicycle count data.
- Identify opportunities to leverage traffic control devices, where needed, to better facilitate the throughput of people walking, biking, and taking transit.
- Implement standard plans and specifications for temporary pedestrian, bicycle, and transit access routes during construction.
- Support the delivery of complete streets improvements in capital projects.
- Identify strategies to streamline the approval process for complete streets projects seeking encroachment permits.

Safety Programs

Headquarters

- Develop, maintain, and update policy, procedures, guidance, plans, documents, and technical assistance to proactively or responsively identify pedestrian and bicycle safety needs on the SHS.
- Develop and administer programs to investigate locations and provide recommendations for improvements at locations with pedestrian and bicycle safety needs.
- Identify opportunities to leverage traffic control devices, where needed, to better facilitate the throughput of people walking, biking, and taking transit.

Districts

- Develop and implement innovative, context-sensitive solutions to address the safety of vulnerable roadway users.
- Investigate and implement countermeasures at locations with pedestrian and/or bicycle safety concerns/needs.
- Engage with internal functions and seek input from external stakeholders on pedestrian and bicycle safety needs during investigations.

Equipment

- Procure and provide training on equipment needed to maintain current and future complete streets facilities.
- Track and share with districts the national state of the practice for equipment used to maintain pedestrian, bicycle, and transit features.

Asset Management

Headquarters

- Track, monitor, and report on progress of complete streets as an asset in the SHSMP.
- Finalize funding and SHSMP performance targets for complete streets in the SHOPP.
- Support Districts in tracking and reporting on complete streets assets.

Districts

- Compile identified complete streets needs into SHOPP projects to support Districts in meeting performance targets.
- Regularly update Asset Management Tool with complete streets assets identified in all projects.
- Track and monitor progress of complete streets as an asset in the SHSMP and report progress to Headquarters Asset Management and Complete Streets Program Manager.

Local Assistance

Headquarters

- Provide support and technical assistance to local and regional agencies and Caltrans Districts applying for state or federal active transportation funding.
- Provide tools, training, and resources to support the successful delivery of local and regional active transportation projects on time, in scope, and within budget.

Districts

- Provide support and technical assistance to local and regional agencies and Caltrans Districts applying for state or federal active transportation funding.
- Provide tools, training, and resources to support the successful delivery of local and regional active transportation projects on time, in scope, and within budget.

Legal

- Provide counsel and support on legal issues pertaining to complete streets policies, procedures, and projects.

District-Designated Complete Streets Coordinator(s)

- District Directors will designate complete streets coordinator(s).
- Work with PDTs to maximize opportunities for inclusion of complete streets in all project phases by actively participating in the pre-scoping, project initiation, and project development phases.
- Support the asset manager in tracking and monitoring complete streets assets.
- Assist with identifying project-specific complete streets needs throughout project planning, development, and delivery.
- Review and provide concurrence to decision documents related to complete streets.
- Work with other functions to provide technical assistance to local agency sponsored projects that are on or cross the SHS to incorporate complete streets elements.
- Collaborate with local and regional partners, advocacy and community groups, and District engineers to identify pedestrian, bicycle, and transit gaps to incorporate into planning documents and projects.
- Provide recommendations for partnerships and funding opportunities with local, regional, and state agencies.

Applicability

This policy applies to all Caltrans employees



Toks Omishakin Director

12/07/2021

Date Signed

Appendix M: Airport Inspection Letters

STATE OF CALIFORNIA-----CALIFORNIA STATE TRANSPORTATION AGENCY
Newsom, Governor

Gavin

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40
1120 N STREET
P. O. BOX 942874
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PHONE (916) 654-4959
FAX (916) 653-9531
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www.dot.ca.gov



*Making Conservation
a California Way of Life.*

Hayfork Airport

Trinity County

May 4, 2023

Mr. Panos Kokkas, Director
Department of Transportation
County of Trinity
P.O. Box 2490
Weaverville, CA 96093-2490

Electronically Sent
pkokkas@trinitycounty.org

Dear Mr. Kokkas:

The California Department of Transportation (Caltrans), Division of Aeronautics, conducted a State permit compliance inspection and Federal Aviation Administration (FAA) Airport Master Record (5010) update at Hayfork Airport (FAA Site No. 01650.01*A) on April 26, 2023. The updated information will be entered into our records.

The airport was evaluated using Airport Reference Code B-I based on your latest Airport Layout Plan. The current State Airport Permit (No. TRI-002) dated June 22, 1977, and previous inspection letters were also used in our evaluation.

As a result of our inspection, we bring the following discrepancies to your attention:

1. Power poles and trees continue to penetrate the Federal Aviation Regulation (FAR) Part 77, 7:1 Transitional Surface south of the runway (please see Photograph 1). FAA Aeronautical Studies No. 2009-AWP-2833-OE through 2009- AWP-2846-OE issued September 10, 2009, identified 17 power poles south of the airport as "Presumed Hazards." In reviewing the status of these studies, it has come to our attention that they have been terminated. Please go to <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> to resubmit the study and contact the FAA's San Francisco Airports Districts Office for assistance if needed.

The suspension of night operations remains in effect until the following actions are taken:

- The trees are removed or topped and maintained so as not to exceed the height of the power poles.
 - This office is provided a copy of the FAA determination letter, and FAA remediation measures (if required) have been accomplished.
 - All runway lights have been repaired, made operational, and tested for functionality.
2. Large rocks, in excess of three inches in diameter, brush and small trees are in the Runway Safety Area (RSA) and must be removed or relocated beyond 240 feet from the ends of the runways and beyond 125 feet laterally from the runway centerline IAW FAA Advisory Circular (AC) 150/5300-13B, *Airport Design*, Chapter 3.10, and 14 CFR Part 77, *Safe, Efficient Use, and Preservation of Navigable Airspace*.
 3. The runway and taxiway markings are faded and must be re-marked IAW FAA AC 150/5340-1M, *Standards for Airport Markings*.
 4. Numerous cracks in the runway (please see Photograph 2) and taxiways, some exceeding three inches across and three inches in depth, must be repaired to enhance operational safety and reduce the potential for Foreign Object Damage to aircraft operating at your airport.
 5. Blackberry plants located adjacent to the parallel taxiway are within the Taxiway Safety Area (TSA). These plants and any other obstructions must be removed from within 24.5 feet lateral to the

taxiway centerline IAW FAA AC 150/5300-13B, *Airport Design*, Chapter 4.

It is Caltrans' objective to ensure that airports meet all current applicable FAA minimum design safety standards and AC criteria, FAR, PUC section 21001 et seq., the California Code of Regulations, Title 21, sections 3525-3560, and all required conditions depicted in your State Airport Permit issued by Caltrans. All referenced publications in this letter, including many FAA ACs, may be found on our website at www.dot.ca.gov/aeronautics.

We are pleased to support and assist you in enhancing safety and utility at Trinity County airports and look forward to working with you again in the future. We remind you that the use of California Aid to Airports Program annual credit grant funds to correct safety discrepancies is considered an eligible expenditure. Please notify us by June 9, 2023, of your intended or completed actions concerning these items. If you have questions or we may be of further assistance, please contact me at (916) 654-5507 or via email at phillip.miller@dot.ca.gov.

Sincerely,

Original Signed By

PHILLIP C. MILLER, C.M.

Aviation Safety Officer

Enclosures

c: amy.l.choi@faa.gov
Lemuel.del.castillo@faa.gov

Bc: Brett Ditzler, Deputy District Director, District 2

Photoaraph 1



Multiple trees and power poles penetrating the south FAR
Part 77, 7:1 Transitional Surface

Photograph 2



Large cracks on runway and taxiways.

DEPARTMENT OF TRANSPORTATION

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*Making Conservation
a California Way of Life.*

Scott Valley Airport
Siskiyou County

April 18, 2023

Mr. Angie Stumbaugh, Manager
Transportation Services
County of Siskiyou
190 Greenhorn Road
Yreka, CA 96097-3004

Sent Electronically
astumbaugh@co.siskiyou.ca.us

The California Department of Transportation (Caltrans), Division of Aeronautics, conducted a State permit compliance inspection and Federal Aviation Administration (FAA) Airport Master Record (5010) update at Scott Valley Airport (FAA Site No. 01583.*A) on April 11, 2023. We applaud your efforts related to the clearing of brush from the Runway Safety Area (RSA) and the completion of your runway pavement improvement and remarking project since your last inspection. The updated information will be entered into our records.

The airport was evaluated using Airport Reference Code B-I (small) based on your current Airport Layout Plan (ALP). Your current State Airport Permit (No. 47-4 [SIS-004]) dated August 17, 1981, and previous inspection letters were also used in our evaluation.

As a result of our inspection, we bring the following items to your attention:

1. Your FAA 5010-1 Form indicates that the runway is 50 feet in width, while we measured it at 60 feet in width. Please contact the FAA San Francisco Airports District Office to coordinate this 5010-1 update. Also, please ensure that applicable pilot guides are revised to reflect the current runway configuration. This is a repeat discrepancy.
2. The taxiway, and apron pavements are raveling and cracking and should be addressed in the near future to prevent further deterioration.

It is Caltrans' objective to ensure that airports meet all current applicable FAA minimum design safety standards and AC criteria, FAR, California Public Utilities Code, section 21001 et seq., the California Code of Regulations, Title 21, sections 3525-3560, and all required conditions depicted in your State Airport Permit issued by Caltrans. All referenced publications in this letter, including many FAA ACs, may be found on our website at www.dot.ca.gov/aeronautics.

Understanding the significant resource burden associated with operating a safe, secure, and utilitarian airport, Caltrans will continue to offer both financial and technical assistance to Siskiyou County. The use of California Aid to Airports Program annual credit grant funds to correct safety discrepancies is considered an eligible expenditure. Please notify us by May 23, 2023, of your intended or completed actions concerning these items. Should you have questions or we may be of further assistance, please contact me at (916) 654-5507 or via email phillip.miller@dot.ca.gov.

Sincerely,

Original Signed By

PHILLIP C. MILLER, C.M.

Aviation Safety Officer

Enclosures

Enclosures

c: Laurie.Suttmeier@faa.gov
Lemuel.del.castillo@faa.gov

bc: Brett Ditzler, Deputy District Director, District 2

Appendix N: Glossary of Terms and Acronyms

Aa

Access Control: The condition where the right of owners or occupants of abutting land or other persons to access in connection with a highway is fully or partially controlled by public authority.

Access Management: Involves managing where vehicles enter the highway to improve highway operations and reduce accidents.

Access Point: Location where vehicles can enter or exit a highway.

Active Transportation: Getting around that is powered by human energy, such as walking and bicycling.

Agricultural Inspection Stations: These stations conduct agricultural inspections on all private and commercial vehicles near major borders.

Air Basin: An area or territory that contains similar meteorological and geographical conditions. In California, the Air Resources Board (ARB) has established nine air basins.

Air Quality: A general term used to describe various aspects of the air that plants and human populations are exposed to in their daily lives.

All-Way Stop Control: Traffic control at an intersection where all approaches are controlled by stop signs.

Americans with Disabilities (ADA): In 1990, the act was enacted, which prohibits discriminations against persons because of their disabilities.

Ancestral boundaries: The boundaries represent the areas that were once inhabited by Indian Tribes to camp, hunt, fish, and gather vegetation for food consumption and basketry material, or had sacred ceremonial and burial sites.

Annual Average Daily Traffic (AADT): Daily traffic that is averaged over a calendar year or fiscal year.

At-grade Crossings: A junction at which two or more intersections cross at the same grade

Attainment: Air quality status indicates that the area has never been designated non-attainment for that particular standard.

Arterial: A class of street that primarily serves through-traffic and major traffic movements.

Auxiliary Lane: The portion of the roadway for weaving, truck climbing, speed change, or other purposes supplementary to through traffic movement.

Average Daily Traffic (ADT): The average number of vehicles passing a specified point during a 24-hour period. Frequently used in relation to the "peak-month" average daily traffic.

Bb

Bicycle Status: The ability to ride the bike on the freeway or provide an alternate facility for bicycle travel.

Bike Route Class: Classification of a bicycle facility. There are three classes:

Class I - (bicycle facility separate from roadway) provides completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flow minimized.

Class II - (designated bicycle facility adjacent to roadway) provides a striped lane for one-way bike travel on a street or highway.

Class III - (non-designated but open to bicycles) provides for shared use with pedestrians or motor vehicle traffic.

Bridges: Structures of more than 20 feet in length that span a body of water.

Cc

California Environmental Quality Act (CEQA): 1970 state legislation which requires state agencies to regulate activities with major consideration for environmental protection.

California Transportation Commission: A body appointed by the governor responsible for the STIP, the development of the RTP guidelines, and the statewide transportation policy.

Caltrans or Department: California Department of Transportation.

Capacity: The number of vehicles that a facility can accommodate during a specified period of time. It represents the flow rate that can be achieved during peak periods of demand. Capacity is also used to estimate the maximum amount of traffic that a facility can accommodate while maintaining a prescribed level of operation (Level of Service).

Capacity-Increasing Projects: Projects that allow for more capacity on the roadway such as adding a lane.

Chain Locations: These are the signed locations that drivers are allowed to stop and pit on chains.

Changeable Message Signs (CMS): Electronic signs that can change the message it displays. Often used on highways to warn and redirect traffic. Also referred to as variable or electronic message signs.

Channelization: The separation or regulation of conflicting traffic movements into definite paths of travel by the use of pavement markings, raised islands, or other suitable means to facilitate the safe and orderly movement of both vehicles and pedestrians.

Clean Air Act: A 1990 environmental policy act relating to the reduction of smog and air pollution.

Clear Recovery Zone: An area clear of fixed objects adjacent to the roadway to provide a recovery zone for vehicles that have left the traveled way. A minimum clear recovery area of 20 feet on conventional highways and 30 feet on freeways and high-speed expressways is desirable.

Climbing lane: A lane added on an uphill grade for use by trucks, recreational vehicles, and other heavy vehicles with speeds significantly reduced by grade.

Closed Circuit Television (CCTV): This ITS technology allows a camera to display remote verification of road and weather conditions, traffic conditions, and incidents. This television can have compatibility with other communications technologies, such as cable TV, kiosks, and the internet.

Collector Road: A collector road or distributor road is a low-to-moderate-capacity road which serves to move traffic from local streets to arterial roads.

Commercial Airports: Publicly owned airports that have at least 2,500 passenger boarding's each calendar year and receive scheduled passenger service.

Concept: A strategy for future improvements that will reduce congestion or maintain the existing level of service on a specific route.

Concept LOS: Used to describe the target operational condition for a facility during the twenty-year planning horizon of the Corridor Plan . Planning studies for projects to improve highway capacity should begin at the time when a highway segment is projected to reach the concept LOS.

Conformity: Process to assess the compliance of any Federally funded or approved transportation plan, program, or project with air quality implementation plans. The conformity process is defined by the Clean Air Act.

Congestion: Defined as reduced speeds of less than 35 miles per hour for longer than 15 minutes.

Context Sensitive Solutions: Caltrans utilizes this process to ensure that transportation projects are in harmony with communities, and that intrinsic qualities such as historic, aesthetic, and scenic resources are enhanced and preserved.

Conventional Highway: A highway without control of access, which may or may not be divided. Grade separations at intersections or access control may be used when justified at spot locations.

Corridor: A set of essentially parallel transportation facilities for moving people and goods between two points.

Complete Streets: Provides mobility for people of all ages and abilities, particularly those who are walking, biking, using assistive mobility devices, and riding transit.

Corridor Preservation: Identify and discuss the locations targeted for corridor preservation, and address existing and future rail and highway corridor, and seaport and airport facility land reservation needs.

Cultural Resources: Encompass archaeological traditional and built resources including but not necessarily limited to buildings, structures, objects, districts, and sites.

Dd

Daily Vehicle Miles of Travel: An estimate of Annual Vehicle Miles of Travel is the product of AADT x Segment Length x 365 days.

Delay: The time lost while traffic is impeded by some element over which the driver has no control.

Demographics: refers to selected population characteristics.

Density: The number of vehicles per mile (or per lane per mile) on the traveled way at a given instant.

Design Speed: A speed selected to establish specific minimum geometric (horizontal, vertical, site distance) design elements for a particular section of highway.

Directional Split: During the peak period, the directional distribution of traffic.

District: Department of Transportation Districts.

Divided Highway: A highway with separated roadbeds for traffic in opposing directions.

Ee

Easement: A right to use or control the property of another for designated purposes.

Elevation: A location's height above a fixed reference point, often measured from mean sea level.

Encroachment: Occupancy of project right-of-way by non-project structures or objects of any kind or character.

Exit Number: This is a unique numbering system for freeways across California. The numbering system runs from south to north and from west to east.

Ff

Facility Concept (Route Concept): General term used to describe the number of lanes and degree of access control on a State Route or Freeway. The term can be used to describe the existing facility or the future facility that will be required to handle projected traffic volumes within adopted level of service standards.

Present Facility Concept: Defines the current built facility.

Twenty-Year Facility Concept: Defines the desired facility during the next twenty years.

Long-Range (Post Twenty-Year): Defines the facility that may ultimately be needed sometime beyond the twenty year planning horizon.

Federal Highway Administration (FHWA): An agency of the US Department of Transportation that funds highway-planning programs.

Federal Highway Administration (FHWA): An agency of the US Department of Transportation that funds highway planning programs.

Federal Transit Administration (FTA): An agency of the US Department of Transportation that funds transit planning and deployment programs.

Federally Recognized Tribes: Those Native American Tribes recognized by the US Bureau of Indian Affairs for certain federal government purposes.

Fee Title: This is the highest possible form of ownership in real property. It entitles the owner to use the property in any manner consistent with federal, state, and local laws and ordinances.

Free Flow Speed: The average speed of vehicles on a given facility, measured under low-volume conditions, when drivers tend to drive at their desired speed and are not constrained by delay from traffic control devices.

Freeway: A divided arterial highway with full control of access and with grade separations at intersections. A freeway, as defined by statute, is also a highway in respect to which: (1) the owners of abutting lands have no right or easement of access to or from their abutting lands; or (2) such owners have only limited or restricted right or easement of access.

Functional Classification: Guided by federal legislation, refers to a process by which streets and highways are grouped into classes or systems according to the character of the service that is provided (i.e., Principal Arterials, Minor Arterials and Major Collectors).

Gg

General Aviation: General aviation refers to all flights other than military and scheduled airline flights, both private and commercial.

General Plans: A policy plan of acceptable land uses in each jurisdiction. Each city and county adopts and updates their General Plan to guide the growth and land development of their community, for both the current and long term.

Geometric Design: Geometric design is the arrangement of the visible elements of a road such as alignment, grades, sight distances, widths, slopes, etc.

Goods Movement: The general term referring to the goods or produce transported by ship, plane, train, or truck.

Grade: As used in capacity analysis, grade refers to the average change in elevation on the segment under study, expressed as a percentage.

Hh

Highway: Term applies to roads, streets, and parkways, and also includes right-of-way, bridges, railroad crossings, tunnels, drainage structures, signs, guard rails, and protective structures in connection with highways.

Highway Advisory Radio (HAR): An ITS technology that provides valuable information to travelers through prerecorded messages that contain traffic information, road conditions, chain requirements and road closures, etc. Transmission is generally accomplished through low-powered AM broadcast.

Highway Advisory Radio (HAR) Flasher: An ITS technology that signals the traveling public that information is available for a specific route via a nearby transmitting HAR.

Highway Capacity Manual (HCM): Updated in 2000 by the Transportation Research Board of the National Research Council, the HCM presents various methodologies for analyzing the operation (Level of Service) of transportation systems.

Highway Classification: For purposes of capacity analysis, separation of two-lane highways into Class I, II or III. Class I includes major interregional routes, Class II includes smaller links in the system and Class III includes segments of two-lane highway in smaller developed areas or communities.

Ii

Improved LOS: This represents the LOS that will be achieved if identified capacity improvements are completed.

Incident: Any occurrence on a roadway that impedes the normal flow of traffic.

Incident Management: the activities of an organization to identify, analyze, and correct hazards.

Intelligent Transportation Systems (ITS): Use of advanced sensor, computer, and electronic systems to increase the safety and efficiency of the transportation system.

Interchange: A system of interconnecting roadways in conjunction with one or more grade separations providing for the interchange of traffic between two or more roadways on different levels.

Intermodal: The ability to connect, and make connections between modes of transportation.

Interregional Transportation Strategic Plan (ITSP): The ITSP identifies six key objectives for implementing the Interregional Improvement Program and strategies and actions to focus improvements and investments. This document also addresses development of the interregional road system and intercity rail in California, and defines a strategy that extends beyond the 1998 State Transportation Improvement Program (STIP).

Intersection: The general area where two or more roadways join or cross, which include roadside facilities for traffic movements in that area.

Interstate Highway System: The system of highways that connects the principal metropolitan areas, cities, and industrial centers of the United States. The Interstate System also connects the US to internationally significant routes in Mexico and Canada.

Jj

Intentionally left blank

Kk

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Ll

Land Use: The human modification of natural environment or wilderness into built environment, such as fields, pastures, and settlements.

Lane Width: The arithmetic mean of the lane widths of a roadway in one direction expressed in feet.

Left-Turn Lane: A storage area designated to only accommodate left-turning vehicles.

Level-of-Service (LOS): A rating using qualitative measures that characterize operational conditions within a traffic stream.

Local Street or Local Road: A street or road primarily used for access to residences, businesses, or other abutting property.

Mm

Maintained Miles: The length of a facility that is preserved and kept in the safe and usable condition, to which it has been improved.

Maintenance Service Level (MSL): For maintenance purposes, routes within the State Highway System are assigned a Maintenance Service Level classification of either Class 1, 2, or 3.

Median: The portion of a divided highway separating the traveled ways for traffic in opposite directions. Median may be a solid barrier, an unpaved surface, or designated by markings on the highway.

Metropolitan Planning Organization (MPO): By federal provision, the Governor designates this organization by principal elected officials of general-purpose local governments. MPOs are established to create a forum for cooperative decision making. Each MPO represents an urbanized area with a population of over 50,000 people.

Mixed Flow: Traffic movement having automobiles, trucks, buses, and motorcycles sharing traffic lanes.

Mode Choice: Type of transportation: auto, bicycle, bus, pedestrian, rail, etc.

Multimodal: The availability of transportation options using different modes within a system or route.

Nn

National Environmental Policy Act (NEPA): 1969 legislation requiring all federal agencies to prepare an environmental impact statement evaluating proposed federal actions which may significantly affect the environment.

National Scenic Byway (NSB): To be designated as a NSB, a road must possess at least one of the following six intrinsic qualities: archaeological, cultural, historic, natural, recreational, or scenic. The significance of the feature(s) contributing to the distinctive characteristics of the corridor's intrinsic qualities must be recognized throughout the multi-state region.

Naturally Occurring Asbestos (NOA): Asbestos is a mineral fiber that occurs in rock and soil. Material containing NOA is material containing 0.25 percent or greater concentration of asbestos. Caltrans staff must comply with regulations for managing NOA at Caltrans construction sites.

Non-attainment: Areas with air quality levels that exceed the standard for specific pollutants.

Non-federally Recognized: Native American Tribes not recognized by the US Bureau of Indian Affairs for certain federal government purposes.

Nonmotorized Transportation: Transportation that includes bicycle and pedestrian travel to permit the transport of people.

Oo

Operational Improvements: Improvements addressing deficiencies related to the flow and movement of traffic without expanding design capacity. Some examples include adding auxiliary and truck climbing lanes, ramp metering, and intelligent transportation systems.

Pp

Passing Lane: A lane added to improve passing opportunities in one direction of travel on a two-lane highway.

Peak Hour: The period during which the maximum amount of travel occurs. It may be specified as the morning (a.m.) or afternoon or evening (p.m.) peak.

Peak Hour Factor: The hourly volume during the maximum-volume hour of the day divided by the peak 15-minute flow rate within the peak hour; a measure of traffic demand fluctuation within the peak hour.

Posted Speed: A road speed limit is the maximum speed as allowed by law for road vehicles.

Post Mile (PM): Using miles and counties, the PM system identifies specific and unique locations in the California highway system.

Post Mile Prefix: The post miles are prefixed with an alpha code whenever the location on the route is not an original post mile. Examples of prefixes. R (first realignment, when a section of the road is relocated), L (overlap post mile) and E (post mile equation).

Prescriptive: Type of easement that comes into existence without formal action because of long-term historical use in a route. A prescriptive right cannot be established over land owned by a governmental entity.

Programming: Process of scheduling high-priority projects for development and implementation.

Project Initiation Documents (PIDs): Documents that identify in detail the cost, scope, and schedule of a project and provide the basic information necessary for better understanding the nature of the project. A PID must be completed for any project to be programmed.

Project Report: Report summarizing the feasibility of needs, alternatives, costs, etc., of a proposed transportation project affecting state transportation facilities. Often project reports consist of a Transmittal Letter and a draft environmental document.

Public Participation: The active and meaningful involvement of the public in the development of transportation plans and programs.

Public Transportation: Transportation service to the public on a regular basis using vehicles that transport more than one person for compensation, usually but not exclusively over a set route or routes from one fixed point to another. Routes and schedules may be determined through a cooperative arrangement.

Qq

Queues: A line of vehicles, bicycles, or persons waiting to be served by the system in which the flow rate of the front of the queue determines the average speed within the queue.

Rr

Ramp: A connecting roadway between a freeway or expressway and another highway, road, or roadside area.

Regional Transportation Plan (RTP): State-mandated documents to be developed biennially by all Regional Transportation Planning Agencies (RTPAs). They consist of policy, action, and financial elements.

Regional Transportation Planning Agency (RTPA): Created by AB 69 to prepare regional transportation plans and designated by the Business, Transportation and Housing (BT&H) secretary to receive and allocate transportation funds. RTPAs can be Councils of Government (COGs), Local Transportation Commissions (LTCs), Metropolitan Planning Organizations (MPOs), or statutorily-created agencies.

Rehabilitation: Activities which preserve the quality and structural integrity of a roadway by supplementing normal maintenance activities.

Relinquishment: A transfer of the state's right, title, and interest in and to a highway, or portion thereof, to a city or county.

Resurfacing: A supplemental surface or replacement placed on an existing pavement to restore its riding qualities or increase its strength.

Right-of-Way: Real estate acquired for transportation purposes, which includes the facility itself (highway, fixed guideway, etc.) as well as associated uses (maintenance structures, drainage systems, roadside landscaping, etc.).

Roadbed: That portion of the roadway extending from curb line to curb line or shoulder line to shoulder line. Divided highways are considered to have two roadbeds.

Roadside: A general term denoting the area adjoining the outer edge of the roadbed. Areas between the roadbeds of a divided highway may also be considered roadside.

Roadway: That portion of the highway included between the outside lines of the sidewalks, or curbs and gutters, or side ditches including also the appertaining structures, and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and protection.

Road Weather Information Systems (RWIS): This ITS system collects pavement temperature, visibility, wind speed and direction, and precipitation data and presents the data in a useable format to transportation system operators, potentially for the travelling public.

Roundabouts: A road junction at which traffic streams circularly around a central island.

Route Concept (Facility Concept): General term used to describe the number of lanes and degree of access control on a State Route or Freeway. The term can be used to describe the existing facility or the future facility that will be required to handle projected traffic volumes within adopted level of service standards.

Rural: An area with widely scattered development and a low density of housing and employment.

Ss

Sales Tax Measures: In the California State Constitution and authorizes cities and counties to impose up to one percent additional local sales taxes for transportation if approved by the voters in the local jurisdiction.

Sandhouses: Storage facilities for abrasives and deicers.

Safety Roadside Rest: A roadside area provided for motorists to stop and rest for short periods. It includes paved parking areas, drinking water, toilets, tables, benches, telephones, information panels, and may include other facilities for motorists.

Segment: A portion of highway identified for analysis that is homogenous in nature.

Segment Concept (Existing): This term is applied to specific segments of a facility and describes the existing number of through travel lanes and any special features that may currently exist in the segment (such as auxiliary travel lanes, carpool lanes, access control, etc.). [see also Facility Concept and Segment Concept (20-year)]

Segment Concept (20-Year): This term is applied to specific segments of a facility and describes the number of through travel lanes and any special features that may be needed twenty years in the future in order to maintain the Concept LOS in the segment. [see also Facility Concept and Segment Concept (Existing)]

Separate Turning Lane: An auxiliary lane for traffic in one direction, which has been physically separated from the intersection area by a traffic island.

Shoulder: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

Signalized Intersection: A place where two roadways cross and have a signal controlling traffic movements.

Stakeholder: Individuals and organizations that are actively involved in the project, or whose interests may be positively or negatively affected as a result of project execution or project completion. They may also exert influence over the project and its results. In transportation, stakeholders include FHWA, CTC, RTPAs, transportation departments, transportation commissions, cities and counties, Native American Tribal Governments, economic development and business interests, resource agencies, transportation interest groups, the public and the Legislature.

State Highway Account (SHA): The State Highway Account is used for the deposit of all money from any source for expenditure for highway purposes including major and minor construction, maintenance, right-of-way acquisition, improvements and equipment, services, investigations, surveys, experiments and reports.

State Implementation Plan (SIP): Plan required by the Federal Clean Air Act of 1970 to attain and maintain national ambient air quality standards.

State Routes: State highways within the State, other than Interstate and US routes, which serve intrastate and interstate travel. These highways can be freeways, expressways or conventional highways.

State Highway Operation and Protection Program (SHOPP): A four-year program limited to projects related to state highway safety and rehabilitation.

State Routes: State highways within the state, other than Interstate and US routes, which serve intrastate and interstate travel. These highways can be freeways, expressways or conventional highways.

State Transportation Improvement Program (STIP): Biennial document, adopted by the California Transportation Commission (CTC), which provides the schedule of projects for development over the upcoming five years.

Tt

TBD: To-be-determined.

Terrain: The surface features of an area of land; topography. In capacity analysis, classification falls into one of three categories: level, rolling, or mountainous. The terms “terrain” and “grade” are not interchangeable (see “Grade”).

Level: The land surrounding the highway is level or nearly level. The most typical example of level terrain is a valley.

Rolling: Land in the vicinity of the highway is composed of low hills, dips and rolls, or other types of undulations. Rolling terrain is found in many locations, including the foothills surrounding the Central Valley of California.

Mountainous: Terrain with extensive, steep slopes (often in excess of 6 percent) that may rise sharply on one side of the highway while dropping away rapidly on the other.

Three C Process (3C): “Continuing, cooperative and comprehensive” planning process. Required of metropolitan planning organizations (MPOs) as a condition for receiving federal capital or operation assistance.

Topography: The surface features of the land that a highway passes through (i.e. the topographic features of the surrounding land).

Traffic Conditions: Any characteristics of the traffic stream that may affect capacity or operation, including the percentage composition of the traffic stream by vehicle type and driver characteristics (such as the differences between weekday commutes and recreational drivers).

Traffic Conflicts: Exist wherever two vehicles have the potential of occupying the same space.

Traffic Count Stations: There are three types of traffic count stations on the highway:

Control stations: Counted in one-hour intervals by direction.

Profile counts: Obtained on conventional highways and expressways got one to seven days in order to determine the number of vehicles at points of significant change.

Classification counts: Generally collected at control station sites or at locations or significant truck traffic.

Traffic Lane: The portion of the traveled way for the movement of a single line of vehicles.

Traffic Markings: All lines, words, or symbols (except signs) officially placed within the roadway to regulate, warn, or guide traffic.

Traffic Projections: Estimates of future traffic growth.

Traffic Sign: A device mounted on a fixed or portable support, conveying a message or symbol to regulate, warn, or guide traffic.

Traffic Signal: A power-operated control device by which traffic (including vehicles, pedestrians, and bicycles) is alternately directed to stop and permitted to proceed. A traffic signal assigns the right-of-way to the various traffic movements.

Transit: Generally refers to passenger service provided to the general public along established routes with fixed or variable schedules at published fares. Related terms include: public transit, mass transit, public transportation, urban transit and paratransit.

Corridor Plan: Planning document that identifies current operating conditions, future deficiencies, route concept, concept level of service (LOS) and conceptual improvements for a route or route.

Transportation Demand Management (TDM): “Demand-based” techniques for reducing traffic congestion, such as ridesharing programs and flexible work schedules enabling employees to commute to and from work outside of the peak hours.

Transportation Improvement Program (TIP): Federally required annual schedule of projects for transportation development for the upcoming five years. A project must be in the appropriate regional-Federal TIP to receive Federal or CTC funding.

Transportation Management Center (TMC): A focal point that can monitor traffic and road conditions, as well as train and transit schedules, and airports and shipping advisories. From here, information about accidents, road closures and emergency notification are relayed to travelers.

Transportation Permits: The Department of Transportation has the discretionary authority to issue special permits for the movement of vehicles/loads exceeding statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code. Requests for such special permits require the completion of an application for a Transportation Permit from the office of Traffic Operations-Transportation Permits. Route Classes for length are labeled yellow, green, blue, brown and red. Route Classes for weight are labeled purple, orange and green. See <http://www.dot.ca.gov/hq/traffops/permits/> for more information.

Transportation System Management (TSM): TSM is (1) a process-oriented approach to solving transportation issues considering both short and long-term implications, and (2) a services and operations process in which low-cost, environmentally-responsive, and efficiency-maximizing improvements are implemented on existing facilities.

Travel Demand Model: A software tool used to predict future demand for transportation demand and services.

Travel Way: The portion of the roadway for the movement of vehicles, exclusive of shoulders.

Tribal Lands: Lands within a reservation, lands held in trust by BIA, or lands otherwise under the direct ownership of a tribe. Most tribal lands are in trust status and within a reservation, but these lands can also be outside of a reservation.

Truck Climbing Lane: Additional lanes added to improve traffic movement around slow-moving vehicles on a grade.

Truck Escape Ramp: A long, gravel filled lane adjacent to the highway that enables vehicles that are having braking problems to safely stop.

Truck Scales: Weigh stations (also called "weigh stations") are where commercial trucks stop to get weighed and inspected.

Two-Way Stop Control: Traffic control at an intersection where the minor approaches are controlled by stop signs, but the major street is not.

Typical Section: Depiction of the basic (or typical) design elements/features for an existing or planned facility. Typical sections can be prepared for a variety of facilities, including: highway sections, lane transition areas, medians, interchanges, pavement structural sections, bike paths and drainage systems.

Uu

Unimproved LOS: This represents the unimproved LOS if not capacity projects were undertaken.

Urban: An area typified by high densities of development or concentrations of population, drawing people from several areas of the region.

U.S. Department of Transportation: The principal direct Federal funding agency for transportation facilities and programs. Includes the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Railroad Administration (FRA), and others.

U.S. Route: A network of highways of statewide and national importance. These highways can be freeways, expressways or conventional highways.

Vv

Vehicle Miles Traveled (VMT): Used in trend analysis and forecasts. (1) On highways, a measurement of the total miles traveled in all vehicles in the area for a specific time period. It is calculated by the number of vehicles multiplied by the miles traveled in a given area or on a given highway during the time period. (2) In transit, the number of vehicle miles operated on a given router or line or network during a specific time period.

Vista Point: A paved area beyond the shoulder, which permits travelers to safely exit the highway to stop and view a scenic area. In addition to parking areas, trash receptacles, interpretive displays, and in some cases rest rooms, drinking water and telephones may be provided.

Volume: The number of vehicles passing a given point during a specified period of time.

Ww

Weaving: The crossing of traffic streams, moving in the same general direction, accomplished by merging and diverging.

Weigh Stations: Weigh stations (also called "truck scales") are where commercial trucks stop to get weighed and inspected.

Xx

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Yy

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RESOLUTION NO. 2024-XXX

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY SITTING AS THE
TRINITY COUNTY TRANSPORTATION COMMISSION
WHICH APPROVES THE CALTRANS STATE ROUTE 3 CORRIDOR PLAN**

WHEREAS, the Trinity County Transportation Commission is the Regional Transportation Planning Agency for Trinity County and is responsible for regional transportation planning, which includes the functional relationship between the local road system and state highway system; and

WHEREAS, the California Department of Transportation, District 2 is responsible for the planning, construction, and operation of the State Highway System, which includes the functional relationship between the State Highway System and local road system; and

WHEREAS, District 2 in cooperation with the Trinity County Transportation Commission has prepared a Corridor Plan for State Route 3 from the junction of State Route 36 to the Trinity and Siskiyou County line at Scott Mountain, CA; and

WHEREAS, preparation of the State Route 3 Corridor Plan also involves local elected officials, county staff, community organizations, State and Federal agencies, Tribal Governments, the general public and many other organizations; and

WHEREAS, the State Route 3 Corridor Plan identifies operational and capacity improvements that will be necessary to maintain desired operating conditions / level of service over the twenty-year planning horizon; and

WHEREAS, the State Route 3 Corridor Plan also identifies improvements on or near the state highway system that will facilitate regional or local development, improve local circulation and enhance quality of life; and

WHEREAS, the Corridor Plan provides a framework for coordinated planning and funding decisions between the District 2 and its local and regional partners; and

WHEREAS, completion and implementation of the Corridor Plan will better position the District 2 and its partner agencies for future funding opportunities.

NOW, THEREFORE, BE IT RESOLVED that the Trinity County Transportation Commission accepts the State Route 3 Corridor Plan as a balanced and logical concept for the development and operation of State Route 3 over the next twenty years;

BE IT FURTHER RESOLVED, that the Executive Secretary of the Trinity County Transportation Commission is hereby authorized to sign the signature sheet of the State Route 3 Corridor Plan.

DULY PASSED AND ADOPTED this 5th day of March, 2024 by the Board of Supervisors of the County of Trinity sitting as the Trinity County Transportation Commission by motion, second (/), and the following vote:

AYES: Supervisors
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

RIC LEUTWYLER, CHAIRMAN
Board of Supervisors, sitting as the
Transportation Commission
County of Trinity, State of California

ATTEST:

TRENT TUTHILL
Clerk of the Board of Supervisors

By: _____
Deputy

TRINITY COUNTY
Item Report 4.1

Meeting Date: 3/5/2024

Department:
Grants

Contact:
Trent Tuthill

Phone:
530-623-1382

4.1 Public Hearing: CDBG Program Income Project Close out

Requested Action:

Conduct a public hearing to discuss the completion of a Community Development Block Grant (CDBG) income project that purchased an ambulance for Southern Trinity Ambulance Rescue.

Fiscal Impact:

No fiscal impact.

Summary:

The public income project purchased an ambulance.

The purpose of the public hearing is to:

1. Hear the status of the project and the timeframe for completion
2. Hear the results to date and the number of beneficiaries assisted
3. Hear the funds that were expended and the balance of funds

ATTACHMENTS:

Description

CDBG Combined Close Out Package

Completion Report form

Notice of hearing



CDBG Combined Closeout Package

CDBG Award/Contract Number (fill in):

Checklist

I/we have completed the following forms. Check all that apply.

- ☐ Closeout Certification
- ☐ Acquired Property Inventory
- ☐ Disencumbrance of Funds Acknowledgement/Request
- ☐ Completion Report Acknowledgement
 - ☐ Completion Report uploaded or attached
- ☐ Section 3 Compliance Acknowledgement
- ☐ Section 3 Closeout Report (complete only if applicable)
 - ☐ Select and complete correct form based on award date
- ☐ Section 3 Qualitative Efforts (complete only if applicable)
- ☐ Affidavit of Posting Notice
 - ☐ Proof of posting also upload/attached (e.g., picture of the website posting with date stamp, newspaper clipping, or a photo of the document posted in a public place noted on affidavit)
- ☐ If this award included a planning activity, I/we have uploaded or attached **ALL** of the following:
 - ☐ Final Product(s)
 - ☐ Documentation of Public Hearing to accept final product(s) (e.g., copies of announcements, posting, etc.)
 - ☐ Board Resolution accepting each/all final product(s)
- ☐ CDBG Combined Closeout Package Signature



Closeout Certification

I (name of authorized representative), _____, hereby certify that all activities undertaken by the Grantee with funds provided under CDBG Award/Contract Number _____ have, to the best of my knowledge, been carried out in accordance with the award/contract agreement; that proper provision has been made by the Grantee for the payment of all costs and claims; that the State of California is under no obligation to make further payment to the Grantee under the award/contract agreement; and that every statement and amounts set forth in **all Financial Reports** are to the best of my knowledge, true and correct.

The Grantee shall continue to comply with the State CDBG program income reporting requirements.

All costs incurred subsequent to the most recent annual audit period will be audited at the time the Grantee's next annual audit is conducted in accordance with 2 CFR 200, Subpart F. The Grantee will resolve any audit findings relating to both the program and financial aspects of the award/contract. In the event there are any costs which are disallowed by this audit or any subsequent audits which cover CDBG expenditures, and which are sustained by the Department of Housing and Community Development, the amount of such costs shall be returned to HCD.



Acquired Property Inventory

Complete the table below listing any property acquired in whole or in part with CDBG funds or CDBG Program Income in the table below in accordance with the provisions of 24 CFR Part 570.489(k) – Accountability of Real and Personal Property and 24 CFR Part 570.489(e) – Program Income of the HUD CDBG regulations pertaining to property management and program income. If applicable, state “None” acquired. Include additional copies of the table if required.

Future disposition of this property shall be carried out in accordance with CFR 24 Sec. 570.489(j) – Change of Use of Real Property for instructions.

Grantee:	Award/Contract Number:
Contract/Project Name:	

In the table below in the **Proof of Ownership** column, enter the type of proof on record, e.g., title, deed, invoice receipt. In the **% CDBG Funded** column, enter the percentage of the property funded by CDBG award dollars or by CDBG Program Income.

Description of Property	Acquisition Date	Acquisition Cost	Serial # or ID #	Condition	Status	Location	Proof of Ownership	% CDBG Funded
								%
								%
								%
								%



CDBG – Acquired Property Inventory

Description of Property	Acquisition Date	Acquisition Cost	Serial # or ID #	Condition	Status	Location	Proof of Ownership	% CDBG Funded
								%
								%
								%
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								%
								%
								%



Disencumbrance of Funds Acknowledgement/Request

This award/contract has unused CDBG Grant Funds. This excludes Program Income.

☐

Yes

☐

No (If “No”, skip to the Completion Report Acknowledgement form)

Use the table below for Agreements from **Program Year 2017 and prior**.

Program Activity	Activity Code	Awarded Amounts	Amount to Be Disencumbered	Balance
TOTAL				

For **Program Years 2018 and later**, please enter the total amount to be disencumbered: \$_____



CDBG – Completion Report Acknowledgement

Completion Report Acknowledgement

Complete one of the acknowledgments below based on the funding year for the CDBG award/contract you are closing out.

For 2017 and prior projects: I/We have **attached** a copy of the completed Completion Report for this project/program to this Combined Closeout Package.

- Grantee should obtain the appropriate Completion Report for their activity type from their HCD Representative or Grant Administrator.

☐

Yes

☐

No (Grantee will be unable to close out the project/program until report is provided.)

For 2018 and later projects (including CDBG-CV): I/We have **uploaded** a copy of the completed Completion Report to the Grants Network Portal concurrently with the submittal of this package.

- Grantee should obtain the appropriate Completion Report for their activity type from their HCD Representative or Grant Administrator.

☐

Yes

☐

No (Grantee will be unable to close out the project/program until report is provided.)

Grantee should not initiate closeout in the Grants Network Portal until they can provide a Completion Report.



Section 3 Compliance Acknowledgement

The purpose of Section 3 of the Housing and Urban Development Act of 1968 is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

Section 3 requirements apply to housing rehabilitation, housing construction, or other public construction projects when the total amount of housing and community development assistance for the covered project activity (not including general administration) meets or exceeds a funding threshold, generally \$200,000.

Section 3 compliance requirements should have been established at project set up. Grantees who are uncertain whether Section 3 requirements apply to their project(s) should contact their HCD Representative or Grant Administrator.

1. This project/program was funded prior to November 30, 2020 and is required to comply with the prior HUD Section 3 Rule, found at 24 CFR 135.

- ☐ Yes (Complete the Section 3 Closeout Report for Contracts Funded **Prior to** November 30, 2020 on the next page.)
- ☐ No (If “No”, answer Question 2 on this form.)

2. This project/program is required to comply with the HUD Section 3 Final Rule, effective on November 30, 2020, and codified at 24 CFR part 75.

- ☐ Yes (Complete the Section 3 Closeout Report for Contracts Funded **on or After** November 30, 2020.)
- ☐ No

If you answer “No” to both questions above, skip to the Affidavit of Posting Notice form.

Section 3 Closeout Report

(For Contracts Funded **Prior to November 30, 2020**)

Grantee Name:
Award/Contract Number:
Project Name:
Project Location (Address):
County or Metropolitan Service Area (MSA) Where Project is Located:
Report Date:

Please complete the tables below showing Section 3 hires for Grantee and any subrecipients and contracting opportunities for this project/program. Copy this page and attach to report if you need additional rows.

Job Category	Number of New Hires	Number of Section 3 New Hires	Number of Section 3 Trainees
Category Totals:			



CDBG – Section 3 Closeout Report (Prior to 11/30/2020)

Construction Contracts		
1	Total dollar amount of construction contracts awarded	
2	Dollar amount of construction contracts awarded to Section 3 businesses	
3	Percentage of total construction contract dollars awarded to Section 3 business (Row 2 divided by Row 1)	
4	Number of Section 3 businesses that received construction contracts	
Non-Construction Contracts		
1	Total dollar amount of non-construction contracts awarded	
2	Dollar amount of non-construction contracts awarded to Section 3 businesses	
3	Percentage of total non-construction contract dollars awarded to Section 3 businesses (Row 2 divided by Row 1)	
4	Number of Section 3 businesses that received non-construction contracts	

***Non-construction** contracts are often construction-related contracts for professional services like landscaping, pest control, accounting, architecture, legal services, engineering etc.



Section 3 Closeout Report

(For Contracts Funded **On or After** November 30, 2020)

Grantee Name:
Award/Contract Number:
Project Name:
Project Location (Address):
County or Metropolitan Service Area (MSA) Where Project is Located:
Report Date:

Please complete the table below showing labor hours on this contract and percentages as of the date of this report. Remember, if you have multiple projects under this contract, this report should show combined (roll-up) hours for the entire contract (program) as well as percentages based on these totals. Individual project information should be maintained in Grantee records.

For reference the Section 3 “safe harbor” benchmarks are:

- Section 3 Workers make up at least 25% of the total project’s hours

AND

- Targeted Section 3 Workers make up at least 5% of the total project’s hours by the time of project closeout.

	Hours	Percent of Total Labor Hours	Safe Harbor Benchmark Met? (Y/N)
Total Labor Hours to Date:			
Total Section 3 Labor Hours to Date:			
Targeted Section 3 Labor Hours to Date:			



Section 3 Qualitative Efforts Description

This form is only required for Grantees whose project was **funded on or after** November 30, 2020 **and** whose labor hour benchmarks for Section 3 Workers (25% of a total project's hours) **AND** Targeted Section 3 Workers (5% of a total project's hours) are not anticipated to be met by the time of project closeout. Grantees should maintain records for HUD review to document any efforts checked.

Award/Contract Number:

Contractor/Grantee:

Please read the following list of qualitative efforts that may be undertaken to comply with Section 3 and **check ALL that applied to your organization during the course of this CDBG project.** Note that these actions are associated with your organization and do not need to be associated with the particular CDBG project. For more information consult the Community Planning and Development (CPD) Notice at <https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-09cpdn.pdf>.

- ☐ Outreach efforts to generate job applicants who are Public Housing Targeted Workers
- ☐ Outreach efforts to generate job applicants who are Other Funding Targeted Workers
- ☐ Direct, on-the-job training including apprenticeships
- ☐ Indirect training such as arranging for contracting for, or paying tuition for, off-site training
- ☐ Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching)
- ☐ Outreach efforts to identify and secure bids from Section 3 business concerns
- ☐ Technical assistance to help Section 3 business concerns understand and bid on contracts



CDBG- – Section 3 Qualitative Efforts

- ☐ Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns
- ☐ Provided or connected residents with assistance in seeking employment including drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services
- ☐ Held one or more job fairs
- ☐ Provided or connected residents with supportive services that can provide direct services or referrals
- ☐ Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview coaching, uniforms, test fees, and/or transportation
- ☐ Assisted residents with finding childcare
- ☐ Assisted residents to apply for or attend community college or a four-year educational institution
- ☐ Assisted residents to apply for or attend vocational/technical training
- ☐ Assisted residents to obtain financial literacy training and/or coaching
- ☐ Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns
- ☐ Provided or connected residents with training on computer use or online technologies
- ☐ Other (Please describe below.)



Affidavit of Posting Notice

I, (Name of Official Designated in Resolution) Trent Tuthill, CAO, hereby certify that on the 21 day of February (month), 2024 (year), I did post the notice of public hearing concerning discussion of closure and remittal of remaining funds, if any, under the California Department of Housing and Community Development, Community Development Block Grant Program at the following 4 (number) locations listed below, which are available to the public. These postings will be available from 2/28/2024 (date) to 3/5/2024 (date).

Location 1:	New paper
Location 2:	Court house
Location 3:	Library
Location 4:	Weaverville Post Office
Location 5:	

I, (name) Ashley Piker, Clerk of Trinity County (city, county, or jurisdiction name), State of California, hereby certify the above and foregoing is true and correct.

Dated at Trinity County Court House (location), California, this 28 (date) day of February (month), 2024.


Signature of Clerk


(This may not be the same person as the official designated in the Resolution who is certifying the posting)

Deputy Clerk of the Board/ Admin Coordinator

Title

CDBG Combined Closeout Package Signature

I, the undersigned, hereby certify that all representations made and/or information provided in this combined closeout package and any referenced uploads or attachments is, to the best of my knowledge, true. I further state that my signature below will serve as signature for each of the completed forms in this package as well as for the CDBG Combined Closeout Package taken as a whole.

Date:	Typed Name and Title of Official Authorized in the Resolution:	Signature of Official Authorized in the Resolution
2/28/2024	Name: Trent Tenthill Title CAO	

Completion Report

Instructions: The Completion Report must be submitted as part of the CDBG Combined Closeout Package.

Select the appropriate National Objective and Matrix Code from the dropdown menus below. Once selected, click the checkbox identified in the instructions in red text. Enter data in the relevant fields in the Activity Accomplishments Tab of the spreadsheet. This data should be an aggregate of all accomplishments realized through the activity. This data may be gathered from the activity's Annual Performance Report (APR) Form.

If the activity resulted in relocation or displacement, complete the Relocation and Displacement tab of the spreadsheet.

Activity Title:			
Program Year:		Funding Source:	
Award/Contract #:		Completion Date:	

Grantee Information

Grantee Name:	Trinity County		
Grantee Address:	11 Court St		
	(Number and Street)		
	Weaverville	CA	96093
	(City)	(State)	(Zip)

Activity Information

National Objective:	LMA - Low/mod area benefit
Matrix Code:	03O - Fire Stations/Equipment

<input type="checkbox"/> LMA 1	<input type="checkbox"/> LMC 1	<input type="checkbox"/> LMH 1	<input type="checkbox"/> LMJ 1	<input type="checkbox"/> SB_URG 1	<input type="checkbox"/> Matrix Code 5
<input type="checkbox"/> LMA 2	<input type="checkbox"/> LMC 2	<input type="checkbox"/> LMH 2	<input type="checkbox"/> LMJ 2	<input type="checkbox"/> SB_URG 2	<input type="checkbox"/> Matrix Code 15
	<input type="checkbox"/> LMC 3	<input type="checkbox"/> LMH 3	<input type="checkbox"/> LMJ 3	<input type="checkbox"/> SB_URG 3	
<input type="checkbox"/> LMA 4	<input type="checkbox"/> LMC 4	<input type="checkbox"/> LMH 4	<input type="checkbox"/> LMJ 4	<input type="checkbox"/> SB_URG 4	
<input checked="" type="checkbox"/> LMA 5	<input type="checkbox"/> LMC 5	<input type="checkbox"/> LMH 5		<input type="checkbox"/> SB_URG 5	
<input type="checkbox"/> LMA 6	<input type="checkbox"/> LMC 6	<input type="checkbox"/> LMH 6		<input type="checkbox"/> SB_URG 6	
<input type="checkbox"/> LMA 7	<input type="checkbox"/> LMC 7	<input type="checkbox"/> LMH 7		<input type="checkbox"/> SB_URG 7	
	<input type="checkbox"/> LMC 8	<input type="checkbox"/> LMH 8		<input type="checkbox"/> SB_URG 8	
	<input type="checkbox"/> LMC 9	<input type="checkbox"/> LMH 9		<input type="checkbox"/> SB_URG 9	
	<input type="checkbox"/> LMC 10	<input type="checkbox"/> LMH 10		<input type="checkbox"/> SB_URG 10	
	<input type="checkbox"/> LMC 11	<input type="checkbox"/> LMH 11		<input type="checkbox"/> SB_URG 11	
	<input type="checkbox"/> LMC 12				

Name:	Ashley Piker	Title:	Admin Coordinator
Date:	2/28/2024		

Accomplishment Narrative	
Purchase of ambulance was completed.	

Accomplishment Information	
Performance Measurement Type(s):	
People:	905

Public Facilities & Infrastructure

Total Persons Assisted: 905

Of the Total Persons, Number of:

With New Access to this Type of Public Facility or Infrastructure Improvement:

With Improved Access to this Type of Public Facility or Infrastructure Improvement: 905

With Access to Public Facility or Infrastructure that Is No Longer Substandard:

If the activity is intended to help the homeless:

Of the Total Persons, Number of:

Homeless Persons Given Overnight Shelter:

Beds Created in Overnight Shelter or Other Emergency Housing:

Total: 0

If the activity is intended to prevent homelessness:

Of the Total Persons, Number of:

Individuals receiving emergency financial assistance to prevent homelessness:

Individuals receiving emergency legal assistance to prevent homelessness:

Total: 0



NOTICE OF PUBLIC HEARING

FOR
**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME
PROJECT CLOSE OUT**
BOARD OF SUPERVISOR'S CHAMBERS
TUESDAY, March 5, 2024 at 9 am

NOTICE IS HEREBY GIVEN that the Trinity County Board of Supervisors will hold a public hearing on Tuesday, March 5, 2024 at 9:00 a.m. or as soon thereafter as the business of the board will allow, in the Trinity County Board of Supervisors' Chambers, 351 Main Street, Weaverville, California, to report on CDBG project status, expected timeframe for completion, results to date, persons served, and funds expended.

The CDBG Program Completion Report (PCR) is now available for review and comment during normal office hours at the County Administrative Office, 2nd floor of the Courthouse, 11 Court Street, Weaverville, CA, 96093.

Any member of the public may appear in person or virtually via Zoom and can be heard on the item described in this notice. If you are unable to attend the public hearing, you may direct your written comments to the County Grants Department at 11 Court Street, Weaverville or you may telephone Ashley Piker at 530-623-1382 no later than March 5, 2024, at 9 a.m.

If you require special accommodations to participate in the public hearing, please contact Ashley Piker at (530) 623-1382, apiker@trinitycounty.org or at 11 Court Street, Weaverville, CA 96093 to arrange for those accommodations to be made at least five (5) days prior the hearing.

The County of Trinity promotes fair housing and makes all its programs available to low and moderate-income individuals and families regardless of race, color, national origin, sex, sexual orientation, gender identity, age, religion, or disability.



In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

TRINITY COUNTY

Item Report 5.1

Meeting Date: 3/5/2024

Department:
Board of Supervisors - District
5

Contact:
Dan Frasier

Phone:
530-623-1382

5.1 Discuss and Provide Direction: California Constitution

Requested Action:

Discuss and give direction to Supervisor Cox, as the County designated RCRC representative, the idea of pursuing an amendment to the California Constitution regarding the membership of Senators and Assembly members.

Fiscal Impact:

No fiscal impact.

ATTACHMENTS:

Description

Proposed changes on California Constitution

California Constitution

Article IV - Legislative

Section 2.

Universal Citation: [CA Constitution art IV § 2](#)

SEC. 2.

(a) (1) The Senate has a membership of ~~40~~ 58 Senators, one from each county elected for 4-year terms, ~~20~~ 29 to begin every 2 years.

(2) The Assembly has a membership of ~~80~~ 116 members elected for 2-year terms.

(3) The terms of a Senator or a Member of the Assembly shall commence on the first Monday in December next following her or his election.

(4) During her or his lifetime a person may serve no more than 12 years in the Senate, the Assembly, or both, in any combination of terms. This subdivision shall apply only to those Members of the Senate or the Assembly who are first elected to the Legislature after the effective date of this subdivision and who have not previously served in the Senate or Assembly. Members of the Senate or Assembly who were elected before the effective date of this subdivision may serve only the number of terms allowed at the time of the last election before the effective date of this subdivision.

(b) Election of members of the Assembly shall be on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as members of the Assembly.

(c) A person is ineligible to be a member of the Legislature unless the person is an elector and has been a resident of the legislative district for one year, and a citizen of the United States and a resident of California for 3 years, immediately preceding the election, and service of the full term of office to which the person is seeking to be elected would not exceed the maximum years of service permitted by subdivision (a) of this section.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy.

(Sec. 2 amended June 5, 2012, by Prop. 28. Initiative measure.)

TRINITY COUNTY

Item Report 5.2

Meeting Date: 3/5/2024

Department:
Clerk of the Board

Contact:
Drew Plebani - Cannabis
Division Director

Phone:
530-628-1351

5.2 Appeal of Planning Commission Decision (P-23-19)

Requested Action:

Conduct an appeal hearing to uphold, modify, or overturn the Planning Commission's decision to deny the appeal of the Director's decision to approve a Commercial Cannabis License (CCL-771) for 10381 Ruth-Zenia Road, Hettenshaw, CA. (CCL Applicant: Severin Stoyanov, Smoking Green Valley, LLC; Appellant: Phillip Gilman) (Planning File P-23-19).

Fiscal Impact:

Unknown.

Summary:

On February 6, 2024 the item was presented and continued to a date uncertain. Subject appeal has been noticed as outlined in Trinity County Code 17.34.120.

The Cannabis Division Director approved the application for commercial cannabis cultivation license CCL- 771 on June 23, 2023 and was scheduled for license issuance on or after July 12, 2023 after the 10-day appeal period ended. On July 11, 2023, an application for appeal of the approval of CCL 771 was submitted to the Trinity County Planning Department, pursuant to the standards established in Trinity County Code Section 17.34.110.

On October 12, 2023 the appeal (P-23-19) was heard by the Planning Commission and the appeal was denied.

On October 25, 2023 an appeal of the Planning Commission's decision to the Board of Supervisors was received. The BOS appeal form requested a reversal of the Planning Commission's decision.

Discussion:

On October 12, 2023 the appeal (P-23-19) was heard by the Planning Commission and the appeal denied. The Planning Commission Staff Report for P-23-19 is included as backup to this agenda item.

The reason for appeal of the planning Commission decision to the Board of Supervisors is attached as backup (BOS appeal form). The reasons for appeal are summarized as: concerns related to water and development on the subject parcel 10381 Ruth Zenia Rd., Hettenshaw, APN# 020-510-020.

Prior to initial license approval, an Appendix C Environmental document must be submitted to the

Cannabis Division. The environmental documents are reviewed by staff as well as outside environmental consultants, prior to final approval.

Within the Appendix C document, as it pertains to Hydrology and Water Quality, the commercial cannabis applicant must scope in potential impacts and identify mitigations to the proposed project. This project has submitted all applicable documents that pertain to potential impacts to Hydrology and Water Quality. Supplemental documents that assessed Hydrology and Water Quality include: Biological Reconnaissance Survey that identified wetlands and streams on the parcel; SWRCB-Division of Water Right, Rights to Divert and Use Water (see attachment), and CDFW LSA Agreement (EPIMS Number: 23550) (see attachment); and Notice of Applicability (WDID:1_53CC425894). The Applicant was advised to take a conservative approach of developing their site, proposed development will occur at greater than 150-feet (SWRCB Cannabis Cultivation Policy Attachment A, Section 1, Term 37; FEIR Mitigation Measure 3.10-1a) from the riparian area that surrounds an intermittent stream to reduce any potential impacts.

The project was granted Diversion rights from State Water Resource Control Board-Division of Water Right for a Point of Diversion (POD) on July 08, 2020. Diversion restrictions set limitations on the time of diversion of granting water diversion between November 01 – March 31 and restricted the usage by limiting the annual storage to 0.1687883 acre-feet per year (equivalent to approximately 55,000-gallons per year). Per their Lake and Streambed Alteration Agreement (LSAA) the project Maximum instantaneous Diversion Rate shall not exceed 10-gallons per minute. As proposed, the project estimated annual water usage of approximately 50,000-gallons per year. The project proposes to develop a 100'x100' rain catchment pond (off stream engineered reservoir) to supplement project water needs and water obtained from the surface water diversion.

Concerns have been raised regarding cultural resources in the proximity of this project. The Final Environmental Impact Report (FEIR) for the Cannabis Program, Impact 3.5-2-*Disturb Unique Archaeological Features, Sites, or Materials* addresses if the implementation of the Cannabis Program could negatively impact archaeological features, sites or, materials. This impact was determined to be less than significant with no mitigation measures required.

There has been a California Historic Resource Information System (CHRIS) Search on the parcel as well as a Cultural Resource Assessment performed by a professional archaeologist. The identified cultural resources are outside of the project area, however the applicant has provided additional mitigation measures in the approved Appendix C document:

- Avoid the area of the prehistoric sites and install a fence between the resource location and the Project area.
- If buried archaeological resources are discovered during project implementation all work should be halted within 100 feet of the find and county officials, a professional archaeologist and tribal representatives should be contacted immediately to evaluate the find.
- If human remains are discovered during project implementation all work shall be halted and the permitting agency, Trinity County shall be contacted immediately. The County shall contact the County Coroner immediately and the coroner will evaluate the find to determine the subsequent course of action. Cultural resources will be fenced; cultivation activities will not occur near the known artifacts.

Additionally, on February 28, 2024 County Staff performed an additional site inspection. In attendance at the site, along with Staff, were Tribal Cultural Monitors, Archaeology consultant, Applicant and their Agents, as well as several local residents. Concerns related to Archaeological resources were addressed, and action items were established in order to protect identified resources; including type and location of physical barriers to prevent ground disturbance as well as signage requirements.

Alternatives Including Financial Implications:

If the Board of Supervisors does not wish to deny the appeal, the following alternatives are available:

1. The Board of Supervisors could move to uphold the appellant's request to overturn the Planning Commission's decision, with findings stated by the Board of Supervisors.
2. In the event that more information or time is required prior to making a final decision, the Board of Supervisors could move to continue this item, with direction given to Staff.

Departmental Recommendation:

Conduct an appeal hearing and uphold the Planning Commission's decision to deny the appeal of CCL-771.

ATTACHMENTS:

Description

BOS appeal form

SWRCB-Division of Water Right, Rights to Divert and Use Water

CDFW LSAA

10/12/23 Planning Commission meeting minutes

P-23-19 Staff Report

Appendix C

Public Comment Received Prior to the Posting of the Agenda 2/20/2024

Notice of Hearing letter

Department of Fish and Game compliance summary

Public Comment Received Prior to the Posting of the Agenda 3/5/2024



COUNTY OF TRINITY
APPEAL OF PLANNING COMMISSION
DECISION TO BOARD OF SUPERVISORS

RECEIVED

OCT 25 2023

Trinity County
Board of Supervisors
Received Stamp
By: *HP*

Name: Phillip m. Gilman Email: gilmanbud@msn.com

Telephone: 707-574-6049 Work: 707-502-5263 Fax: _____

Address: 11180 Ruth-Zenia Rd. Zenia Ca. 95595

Decision of Planning Commission rendered on: 10-12-23
(date)

Planning Commission's Decision was to: ☐ Approve ☒ Deny ☐ Continue

Request for: Reversal of Planning Commissions Decision

Reason for Appeal:

^{text}
I don't think that they^{text} into consideration the impacts of
water usage and buildings + the Fish in both creeks involved
and The impacts on local Citizens some who have lived there
for generations

Signature: Phillip m. Gilman Date: 10-25-23

Clerk's Use Only

Date Filed: 10/25/2023

Fee Collected: \$500 CHK #950

Hearing Date: _____

Planning Dept. Notified: _____

Notice Published: _____

Notice Mailed: _____



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H509566

CERTIFICATE H100702

Right Holder: *Smoking Green Valley LLC*
P.O. Box 75
Bridgeville, CA 95526

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 07/08/2020. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Stream	Van Duzen River	Eel River	40.280068	-123.414721	Trinity	020-510-20-00

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Trinity	020-510-20-00	0.23

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 07/07/2020.

The place of use is shown on the map filed on 07/07/2020 with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.16878883 **acre-feet per year** to be collected from 11/01 to 03/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.17 acre-feet. Together, the rate of direct diversion and the rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.** For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

5. No water shall be diverted or used under this right unless the right holder is in compliance with all applicable conditions and requirements, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Diversion and use of water under this right may deviate from applicable conditions and requirements of the State Water Board's Cannabis Policy to the extent such diversion and use is in compliance with a local cooperative solution that supersedes specified general conditions of this right and which the Deputy Director for Water Rights has approved. To the extent of any conflict, the local cooperative solution shall supersede the general conditions of the Cannabis Policy as of the date the Deputy Director for Water Rights approves the local cooperative solution, unless the Deputy Director specifies a later effective date. The applicable conditions and requirements of this right shall revert to the general conditions of the Cannabis Policy if the local cooperative solution is withdrawn or canceled. Diversion or uses of water in violation of a local cooperative solution or agreement approved by the Deputy Director for Water Rights is subject to enforcement as a violation of the Cannabis Policy and the conditions of this right.

A local cooperative solution or agreement has not been approved by the Deputy Director for Water Rights.

The current version of the State Water Board's *Cannabis Policy* and the approval status of any proposed local cooperative solutions or agreements are available online at: <https://www.waterboards.ca.gov/cannabis> (<https://www.waterboards.ca.gov/cannabis>).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal

downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to: 1) the submittal of an annual report of water use; and 2) satisfactory renewal, on forms prescribed by the State Water Board. This right is also subject to payment of annual fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 07/08/2020

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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTHERN REGION
601 LOCUST STREET
REDDING, CA 96001



STREAMBED ALTERATION AGREEMENT
EPIMS NOTIFICATION No. 23550-R1
Stoyanov Van Duzen River Diversion

SEVERIN STOYANOV
DIVERSION ON VAN DUZEN RIVER TRIBUTARY
TRINITY COUNTY APN 020-510-020-000

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Severin Stoyanov (Permittee).

RECITALS

WHEREAS, pursuant to FGC (FGC) section 1602, Permittee notified CDFW on September 27, 2021, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located on an unnamed tributary to Van Duzen River in the County of Trinity, State of California. The project is located at Section 20, Township 02S, Range 07E, Ruth Lake U.S. Geological Survey (USGS) quadrangle, Humboldt Base & Meridian, Trinity County APN 020-510-020-000, 10381 Ruth-Zenia Road in Hettenshaw Valley.

PROJECT DESCRIPTION

The Project is limited to the use of a surface water diversion on a tributary to the Van Duzen River for the purposes of commercial cannabis irrigation and domestic use.

An existing diversion of an intermittent tributary to the Van Duzen River will be utilized for the purpose of supplying irrigation water for commercial cannabis cultivation and domestic use. The diversion consists of a 36-inch diameter cylindrical concrete cistern

set 14 feet into the substrate with a static water level of approximately seven feet. The structure is located within the riparian zone of the tributary and diverting water from a shallow uncontained aquifer directly associated with the tributary.

Water will be appropriated as available during the wet season diversion period from November 1 through March 31. Maintenance activities include inspecting the intake and screens, water lines, and storage tanks on a regular basis and making repairs as needed. Diversion will occur at a maximum instantaneous rate of ten gallons per minute (GPM). No tree or vegetation removal is required for maintenance of the diversion structure.

No other projects that may be subject to Fish and Game Code section 1600 et seq. were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions, or other encroachments not described above.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include:

- Aquatic Habitat

The adverse effects the project could have on the fish or wildlife resources identified above include:

Aquatic Habitat

- Change in stream flow including dewatering, flow depth, width and velocity
- Cumulative effect when other diversions on the same watercourse are considered
- Loss, fragmentation, or decline of instream habitat
- Direct loss of resources for aquatic organisms
- Entrapment in isolated pools due to loss of water surface elevation

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of

Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Third Party Use of Drafting Sites. Permittee shall not grant permission to other entities and persons to use water drafting sites or water drafted under this Agreement for purposes other than Permittee Covered Activities.
- 1.4 No Trespass. To the extent that any provisions of this Agreement provide for activities that require the Permittee to traverse another owner's property, such provisions are agreed to with the understanding that the Permittee possesses the legal right to so traverse. In the absence of such right, any such provision is void.
- 1.5 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.1 Inspections. The Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides advanced notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.2 Applicable Permits. The proposed Project may be subject to additional federal, state and local laws, regulations, and permitting requirements. This Agreement in no way represents permitting requirements of any other agency, it is the responsibility of the Permittee to comply with all applicable laws. Applicable laws may include, but are not limited to, the following:
 - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the Project proponent shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.
 - All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.
- 1.3 Cannabis Cultivation Policy. It is the responsibility of Permittee to comply with all State Water Resources Control Board Cannabis Cultivation Policy (Policy) requirements, as necessary. This Agreement, and the Projects permitted herein, shall not be construed as approval, endorsement, or measure of compliance with the Policy. If the State Water Resources Control Board, or associated Regional Water Quality Control Board, should find that any Project described in this Agreement does not meet the requirements of the Policy, the Permittee may be

responsible for modification of a Project described within in this Agreement in order to comply with the Policy. If the nature of the revised Project is substantially modified from work described in the Project description, amendment to this Agreement may be necessary. If the Policy requires the Permittee to undertake additional projects not described in this Agreement that may also be subject to the notification requirements of FGC section 1602, Permittee shall submit separate written notification pursuant to FGC section 1602.

- 1.4 Water Rights. This agreement does not constitute a valid water right. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights are administered by the State Water Resources Control Board as described here:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/.
- 1.5 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (FGC section 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2); any species that is listed or is a candidate for listing under the California Endangered Species Act (FGC section 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5); or any fully protected species (FGC section 3511, 4700, 5050, 5515). The Permittee is required, as prescribed in these laws, to consult with the appropriate agency prior to commencement of the Project.
- 1.6 Take of Nesting Birds. FGC section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto. FGC section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto. FGC Section 3513 makes it unlawful to take or possess any migratory nongame bird or part thereof except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918 (MBTA; 16 U.S.C. § 703 et seq.) before January 1, 2017, and subsequent rules and regulations adopted pursuant to the MBTA that are consistent with the FGC. The issuance of this Agreement does not in any way exempt or excuse compliance with these statutes.
- 1.7 Notification Materials. Permittee's Notification (Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with Notification to describe the activity) is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

- 1.8 Modification to Terms and Conditions. CDFW may modify the terms and conditions of this Agreement if monitoring results indicate that activities could violate instream flow requirements, water quality objectives, or impair the habitat value of a waterbody or its tributaries.

2. Project Planning

- 2.1 Design Plans. Permittee shall submit a copy of final design plans and mapping for the construction and installation of all buildings and infrastructure associated with commercial cannabis cultivation to CDFW no later than 60 days after execution of this Agreement and at least 30 days prior to the start of construction.
- 2.2 Work According to Plans. All work shall be completed according to design plans submitted to CDFW unless otherwise specified in this Agreement. A copy of these plans shall be kept on the Project site at all times during Project construction activities. If the Permittee finds it necessary to update Project plans prior to construction, the updated plans will be submitted to CDFW at least 30 days prior to beginning Project activities to determine if an Amendment to this Agreement is required. Project activities shall not proceed until CDFW has approved the updated plans in writing. At the discretion of CDFW, minor plan modifications may require an amendment to this Agreement. At the discretion of the CDFW, if substantial changes are made to the original plans this Agreement becomes void and the Permittee shall submit a new notification.

3. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

Water Diversion and Storage

- 3.1 Diversion Period. The authorized surface water diversion period for commercial cannabis cultivation purposes is November 1 through March 31. During this diversion period, cannabis cultivators may only divert surface water for cannabis cultivation activities when water is available for diversion under the cannabis cultivator's priority of right and the applicable Numeric Flow Requirement has been met. The State Water Board has developed an online mapping tool to assist cannabis cultivators with determining which compliance gage applies to them and whether they may divert water. The online mapping tool is available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/online_mapping_tool.html.
- 3.2 Maximum Instantaneous Diversion Rate. Water diverted at the point of diversion (POD) shall not exceed an instantaneous diversion rate of 10 GPM.
- 3.3 Diversion Design Criteria. Water diversion devices and structures including mechanical (i.e., devices using suction or pressure to move water from the POD to a place of water storage or use, including such devices on water trucks) and non-

mechanical (e.g., cistern or spring box) devices and structures; approaches to water diversion structures; pipes; screens; and associated materials (e.g., pipes and mats) meet the following design criteria:

1. Designed to allow for inspection and maintenance (e.g., cleaning the intake screen) without disturbing the streambed.
2. The diversion shall not be constructed of materials deleterious to fish or wildlife, including but not limited to: particle board, plastic sheeting, bentonite, pressure treated lumber, creosote, or asphalt.
3. Screened intake(s) consisting of round openings evenly distributed on the screen area not exceeding 5/32-inch diameter; square openings not exceeding 5/32-inch, measured diagonally; or slotted openings not exceeding 0.069 inch in width, securely attached to the water intake line or supporting structure and constructed of corrosion-resistant material such as stainless steel that is not deleterious to aquatic life.
4. Does not prevent, impede, or tend to prevent or impede the passing of amphibians, reptiles, or other non-fish up and downstream.

3.4 Disable Diversion During Forbearance Period. Permittee shall plug, block, cap, disconnect, or remove the diversion intake, bypass flow, or render the diversion intake incapable of diverting water for cannabis cultivation activities during the surface water forbearance period. This measure does not apply to diversion for domestic use.

3.5 Diversion Monitoring. Permittee shall install and maintain a measuring device for the stream diversion located as close to the POD as possible. The measuring device shall be at a minimum equivalent to the requirements for direct diversions greater than 10 acre-feet per year in California Code of Regulations, Title 23, Division 3, Chapter 2.7 and Chapter 2.8.

3.6 Diversion Records. Permittee shall maintain weekly diversion records for water diverted to storage for commercial cannabis cultivation. Permittee shall maintain separate records that document the amount used for commercial cannabis cultivation separated out from water used for other irrigation purposes and other beneficial uses. Permittee shall maintain diversion records at the cultivation site and make the records available by request by authorized representatives from CDFW. Diversion records shall be retained for a minimum of five years.

3.7 Diversion Maintenance. Permittee shall inspect, maintain, and clean screens and bypass structures as necessary to ensure proper operation for the protection non-fish and wildlife.

3.8 Water Storage and Control. Permittee shall cease all water diversion at the point of diversion when water storage facilities (WSF) are filled to capacity through use of a

float valve or equivalent device. Water shall not leak, overflow, or overtop WSF at any time.

- 3.9 Pumps and Power Supply. All petroleum-powered equipment shall be properly maintained and monitored to ensure absence of leaks and that spills do not occur. Petroleum-powered equipment shall not be placed within the stream channel or within 150 feet from the top of bank. Equipment shall be situated over drip pans supplying secondary containment of at least 150 percent holding capacity and shall be sheltered from weather to prevent rainwater overflow from drip pans.
- 3.10 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid “take” or “incidental take” of federal or State listed species.
- 3.11 Rainwater Catchment. Permittee is encouraged to install appropriate rainwater catchment systems to collect from impermeable surfaces (e.g., roof tops, etc.) during the wet season and store storm water in tanks, bladders, or off-stream engineered reservoirs to reduce the need for surface water or groundwater diversions.

Vegetation Avoidance and Minimization

- 3.12 Maintain Riparian Vegetation. Permittee shall maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge.

Wildlife Protection and Avoidance

- 3.13 Compliance with FGC Section 5901. All water diversion facilities shall be designed, constructed, and maintained so they do not prevent, impede, or tend to prevent or impede the passing of fish upstream or downstream, as required by FGC section 5901. This includes, but is not limited to, maintaining or providing a supply of water at an appropriate depth and velocity to facilitate upstream and downstream migration of juvenile and adult salmonids and other aquatic organisms.
- 3.14 Habitat Elements. Permittee shall take measures to minimize disturbance to aquatic and riparian habitat elements such as pools and structures including large wood or vegetation that overhangs the channel.
- 3.15 Leave Wildlife Unharmd. If any wildlife is encountered during the Authorized

Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

- 3.16 Prohibition on Use of Monofilament Netting. Permittee shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control. This prohibition includes photo- or bio-degradable plastic netting.

Water Quality and Instream Work

- 3.17 No In-Water Work. This Agreement does not authorize any work or placement of fill within the wetted portion of the stream or in standing or flowing water.
- 3.18 Work in Dry Weather. Project activities within the riparian zone shall be limited to periods of low rainfall (less than ¼" per 24 hour period), time periods with less than a 40% chance of rain, or dry weather periods. The Applicant shall monitor the National Weather Service (NWS) 72-hr forecast for the project area. If rain is predicted based on the above criteria, within 72 hours during project activity, all activities shall cease until no further rain is forecast.
- 3.19 No Heavy Equipment in Stream. No heavy equipment shall operate in the portion of the stream bed where flowing water is present or anticipated during the term of this Agreement.

Erosion Control and Soil Stabilization

- 3.20 Riparian Setbacks. Cannabis cultivators shall comply with the minimum riparian setbacks as described by the State Water Resources Control Board Cannabis Cultivation Policy for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, water storage areas). The riparian setbacks shall be measured from the waterbody's bankfull stage or from the top edge of the waterbody bank in incised channels, whichever is more conservative.
- 3.21 Road Approaches. Permittee shall maintain stream crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a stream crossing is being constructed or reconstructed.
- 3.22 Stabilized Areas with Disturbed Soil. Loose or compacted soil areas in need of stabilization shall be seeded with a sterile or locally native grass seed mix, unless otherwise agreed upon with CDFW. The grass seed mix shall be pre-approved by CDFW prior to use. Revegetation of such sites shall be completed as soon as possible after project activities in those areas cease. Seeding placed after October

1 shall be covered with broadcasted weed-free straw 2 to 4 inches in depth, jute netting, coconut fiber blanket or similar erosion control blanket.

- 3.23 Silt Laden Runoff. At no time shall silt-laden runoff be allowed to enter the stream or directed to where it may enter the stream. Erosion control and soil stabilization measures shall be used wherever silt-laden water has the potential to leave the work site and enter waters of the state.
- 3.24 Stockpiled Materials. Permittee shall not stockpile or store any building materials and/or construction materials where they may be washed or percolate into a stream, lake, or other waters of the state, or where they may adversely affect stream habitat or aquatic or riparian vegetation.
- 3.25 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.

Hazardous Materials and Spills

- 3.26 Hazardous Substances. Permittee shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (includes food sources) does not enter the riparian setback or waters of the state, pursuant to FGC section 5650. Permittee shall immediately remove any of these materials placed within, or where they may enter, a stream or lake or other waters of the state.
- 3.27 Staging and Storage. Permittee shall not stage or store any equipment, materials, fuels, lubricants, solvents, and hazardous or toxic materials where they may enter a stream or lake, or where they have potential to enter a stream, lake, or other waters of the state (e.g. through storm water runoff or percolation). Equipment shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 3.28 Vehicles and Equipment. Permittee shall only refuel vehicles or equipment outside of riparian setbacks. Permittee shall inspect all equipment using oil, hydraulic fluid, or petroleum products for leaks prior to use and shall monitor equipment for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) and vehicles not in use shall be located outside of riparian setbacks. Spill and containment equipment (e.g., oil spill booms, sorbent pads, etc.) shall be stored onsite at all locations where equipment is used or staged.
- 3.29 Toxic Materials. Permittee shall store any hazardous or toxic materials that could be deleterious to aquatic life in accordance with all applicable federal, state, and local laws and ordinances and prevent these materials from contaminating the soil or entering a stream or lake.

- 3.30 Cleanup and Containment. In the case of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and immediately initiate clean-up activities. The North Coast Regional Water Quality Control Board and Redding CDFW offices shall be notified of clean-up procedures.
- 3.31 Debris and Trash. Permittee shall only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Permittee shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state pursuant to FGC section 5652.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Water Diversion Use Reports. Permittee shall submit to CDFW via email a copy of each report the Permittee is required to submit to the State Water Resources Control Board. The reports shall be submitted to CDFW on the same date Permittee submits the report to the State Board.
- 4.2 Project Completion Report. Permittee shall submit to CDFW a Project Completion Report via email for any activity authorized by this Agreement, including infrastructure maintenance and vegetation removal, within 30 days of completing the activity. The report shall include the following:
1. The beginning and ending dates of the Authorized Activity.
 2. Before and after photographs from established photo points. Photographs shall include staging area, access area, stream facing upstream, downstream, and perpendicular.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Severin Stoyanov
626 Bear Creek Road
Bridgeville, CA 95526
(925) 639-8958
severinstoyanov@yahoo.com

To CDFW:

Department of Fish and Wildlife
Region 1
601 Locust Street
Redding, CA 96001
Attn: Lake and Streambed Alteration Program – Matt Mitchell
EPIMS Notification TRI-23550-R1
(530) 782-2942
matthew.mitchell@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be

required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream). Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing. The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., title 14, section 699.5). CDFW shall process the extension request in accordance with FGC section 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the Project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire December 31, 2026, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

Through the electronic signature by the permittee or permittee's representative as evidenced by the attached concurrence from CDFW's Environmental Permit Information Management System (EPIMS), the permittee accepts and agrees to comply with all provisions contained herein.

The EPIMS concurrence page containing electronic signatures must be attached to this agreement to be valid.

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
October 12, 2023 at 6:00p.m.
Trinity County Library Conference Room
351 Main Street, Weaverville, CA

Chair: Comnr. Dist. 1 Carol Fall
Vice-Chair: Comnr. Dist.5 Todd Heaton
Commissioner Dist. 2 William Sharp
Commissioner Dist. 3 Rory Barrett
Commissioner Dist. 4 Don Ellis

MINUTES- PLANNING COMMISSION

***NOTE:** The public was invited to attend the public hearing via Zoom Link.

Commissioners present: Fall, Heaton, Sharp, Barrett, Ellis

Staff Present: Interim Deputy Director, Ed Prestley; Cannabis Division Director, Drew Plebani; Associate Planner-Cannabis, Bella Hedtke; Recording Secretary, Deborah Rogge; Recording Secretary, Bear Banonis

CALL TO ORDER:

Chair Fall called the meeting to order at 6:04 p.m. then due to technical difficulties the meeting recessed at 6:20 p.m. for 10 minutes and resumed at 6:30 p.m.

PUBLIC COMMENT: During the Public Comment period members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

Public comment was heard from: No speakers.

REGULAR CALENDAR:

Item 1. Minutes: Approve meeting minutes from September 14, 2023.

September 14, 2023 approved as presented (Sharp/Barrett) 5-0.

Item 2: ANNUAL INITIAL VARIANCE REQUEST (CCV-22-01): An application request to reduce the required 350-foot commercial cannabis cultivation setback from neighboring residential structures, pursuant to Trinity County Code Section 17.43.050A(8). The project site is located at 860 Top of the Grade, Douglas City, CA 96024. APN 025-530-032-000. Applicant: X. Ha. Planner: B. Hedtke. *Continued from September 14, 2023*

Public comment was heard from Lisa Wright-Flowra, applicant's agent; and being there were no other speakers public comment was closed.

By motion made and second (Fall/Barrett) and approved by roll call vote 5-0 the Planning Commission moves to:
Adopt Resolution PC-2023-07 subject to Exhibit A – Conditions of Approval to reduce the 350-foot setback to approximately 145-feet from the residence on APN: 025-530-033 and to approximately 235-feet to the residence on APN: 025-530-034.

Roll call vote- Fall-aye, Barrett-aye, Ellis-aye, Sharp-aye, Heaton-aye

Item 3: ANNUAL INITIAL VARIANCE REQUEST (CCV-22-37): An application request to reduce the required 350-foot commercial cannabis cultivation setback from neighboring residential structures, pursuant to Trinity County Code Section 17.43.050A(8). The project site is located at 971 Top of the Grade, Douglas City, CA 96024. APN 025-530-030. Applicant: B. Xiong. Planner: B. Hedtke. *Continued from September 14, 2023.*

Public comment was heard from Lisa Wright-Flowra, applicant's agent; and being there were no other speakers public comment was closed.

By motion made and second (Barrett/Ellis) and approved by roll call vote 5-0 the Planning Commission moves to:
Adopt Resolution PC-2023-08 subject to Exhibit A – Conditions of Approval to reduce the 350-foot setback to

approximately 190-feet from the residence on APN: 025-530-0031 and to approximately 305-feet to the residence on APN: 025-530-029.

Roll call vote- Barrett-aye, Ellis-aye, Sharp-aye, Heaton-aye, Fall-aye

Item 4: APPEAL OF PLANNING DIRECTOR'S DECISION (P-23-09): An appeal of Cannabis Director's Decision to deny a Commercial Cannabis License renewal application (CCL-208) for 480 Oak Ranch Rd. Lewiston. APN: 025-180-030-000. Appellant: Stefan Monev. Licensee: Stefan Monev. Division Director: D. Plebani. *Continued from September 14, 2023.*

Public comment was heard from- Ben Magid, appellant/licensee's representative; Stefan Monev, appellant/licensee; Marina Monev; Dorde Glisovic; unidentified person; Lisa Wright-Lewiston; Mitch-Lewiston; Kamon; Melissa-Weaverville; Bosko; Vladimir; Tom Ballonco-Douglas City; John Brower-Junction City; Matt Jefferson-Coffee Creek; Sue Leutwyler-Lewiston; Laurie Wills-Lewiston; and being there were no other speakers public comment was closed.

By motion made and second (Sharp/Fall) by roll call vote 3-1, the Planning Commission motions to deny the appeal (P-23-09) upholding the Director's Decision to deny the application for CCL-208, with the findings referenced in the staff report.

Roll call vote: Sharp-aye, Fall-aye, Ellis-aye, Barrett-no, Heaton-abstain

Recess-5-minutes resumed at 8:16

Item 5: APPEAL OF PLANNING DIRECTOR'S DECISION (P-23-19): An appeal of Cannabis Director's Decision to approve a Commercial Cannabis License application (CCL-771) for 10381 Ruth-Zenia Rd. Hettenshaw, CA. Appellant: Phillip Gilman. Applicant: Severin Stoyanov, Smoking Green Valley, LLC. Assessor Parcel Number: 020-510-020-000.

Public comment was heard from Phillip Gilman--appellant; Tom Ballanco--applicant representative; Jake, Hayfork; and being there were no other speakers public comment was closed.

By motion made and second (Barrett/Sharp) by roll call vote 4-1, the Planning Commission motions to deny the appeal (P-23-19) upholding the Director's Decision to approve CCL-771, with the findings referenced in the staff report.

Roll call vote: Sharp-aye, Barrett-aye, Heaton-aye, Ellis-aye, Fall-no

PLANNING COMMISSIONERS REPORT: Chair Fall attended the Board meeting on October 3rd, as a citizen commenting on Vision & Guiding Principles and Community Boundaries of the General Plan portion of the meeting. Commissioner Heaton suggested an edit may be needed (for clarity) to the "Authorization to Enter Private Property" form with-in the application packets.

PLANNING DIRECTOR'S REPORT: Interim Deputy Director Prestley identified General Plan items being agendized for the November 9th & December 14th and requesting a special meeting on November 16th for a cannabis ordinance amendment. He also gave an update on the old Trinity Market building, to the departments rebranding from--Planning and Building to Trinity County Community Development Department with 5 divisions and recruitment of a senior planner/division director and waiting for a response from county council on appointment of 2 fire chiefs' positions for the subdivision review committee. Director Plebani provided an overview of moving forward to having an opt-out process to the cannabis ordinance.

ADJOURNMENT:

The Planning Commission adjourned at 9:52 pm.

Submitted by: Deborah Rogge, Recording Secretary



Ed Prestley,
Interim Deputy Director Planning & Building
Secretary of the Planning Commission

TRINITY COUNTY PLANNING COMMISSION

STAFF REPORT

PROJECT TITLE: Appeal of Director's Decision to Approve CCL-771

APPELLANT: Phillip Gilman

APPLICANT: Severin Stoyanov, Smoking Green Valley, LLC

AGENT: The Flowra Platform

PROPERTY OWNER: Lake Valley Farms, LLC

REPORT BY: Drew Plebani – Cannabis Division Director, Steven Swisley - Environmental Compliance Specialist, Daniel Marvel – Lead Code Compliance Specialist

LOCATION: APN 020-510-020 / 10381 Ruth - Zenia Rd., Hettenshaw Valley, CA 95595

ZONING DISTRICT: Unclassified (UNC)

ZONING OVERLAY DISTRICT(S): n/a

GENERAL PLAN DESIGNATION: Agriculture (A)

PROJECT DESCRIPTION:

The Cannabis Division Director approved the application for commercial cannabis cultivation license (CCL) 771 on June 23, 2023 and was scheduled for license issuance on or after July 12, 2023 after the 10-day appeal period ended. On July 11, 2023, an application for appeal of the approval of CCL 771 was submitted to the Trinity County Planning Department, pursuant to the standards established in Trinity County Code Section 17.34.110.

Location	Land Use	Zoning District	General Plan Designation
North	Agriculture	Unclassified (UNC)	A
South	Residential and Agriculture	Unclassified (UNC)	Resource (RE)
East	Undeveloped	Unclassified (UNC)	A
West	Residential and Agriculture	Unclassified (UNC)	A

Table 1: Surrounding Land Uses to Project Site (Attachment 1)

PROJECT BACKGROUND:

On October 7, 2021, an application for a Commercial Cannabis License on APN 020-510-020 for was submitted to the Trinity County Planning Department, pursuant to the standards established in Trinity County Code Section 17.34.110.

The proposed cultivation project described herein (Project) includes the cultivation of up to 10,000 square feet (SF) of mixed-light located in Trinity County on Assessor's Parcel Number (APN): 020-510-020-00. The applicant is seeking a Small Mixed-Light Cannabis Cultivation License from the County (CCL-771) and holds an Adult-Use Small Mixed-Light Tier 1 Cannabis Cultivation License from the Department of Cannabis Control (DCC; CCL22-0001521, Expires on 2023-09-28). The proposed cultivation activities will include the installation of four (4) 30' x 100' greenhouses, three (3) will be utilized for mature canopy, and one (1) for immature canopy. Other supporting structures include two (2) 5' x 8' structures for solar power and battery storage and water pump; a water diversion cistern for domestic and agricultural use; and a 2,500-gallon and eleven (11) 5,000-gallon water storage tanks next to a 10' x 12' shed. Proposed reconfiguration activities include the addition of a 100' x 100' rain catchment pond for agricultural use; construction of a 32' x 80' building for harvest storage (10' x 30'), processing (30' x 80') and agricultural chemical and pesticide storage (12' x 12'); and the addition of a 20' x 20' cannabis waste area. Water will be through a Department of Water Rights, and a Fish and Wildlife LSAA agreement for water diversion; a permitted septic will serve for their wastewater needs; and energy will be provided through solar panels.

COUNTY ORDINANCE AND CEQA COMPLIANCE:

An Appendix C document was submitted to the Cannabis Division for CCL 771 on April 22, 2022. Throughout the Appendix C review process, two incomplete letters were sent to the applicant and their agent, followed by three resubmittals of the Appendix C document.

A pre licensure site inspection was performed by Cannabis Division compliance staff on May 19, 2023 to ensure that the site plan and project description included in the Appendix C were accurately prepared. A subsequent inspection was completed on September 26, 2023 along with CDFW staff, as a result of complaints/ reasons for appeal, which further evidenced site compliance. A completeness review was performed by Cannabis Division staff on May 26, 2023. Both the site inspection and completeness review processes are designed to verify site and application compliance with Trinity County Code Chapter 17.43 (Commercial Cannabis Cultivation Regulations). The County's contracted environmental consultant company, LACO, prepared a compliance memorandum on April 4, 2023.

Review of the Appendix C document performed by County environmental compliance staff, and contract consultants determined that approval of this project is compliant with TCC 17.43, and is a "later activity" associated with the Cannabis Program EIR, as defined by subsection (c) of Section 15168, in that (i) all impacts associated with the approval of this project are within the scope of environmental review previously studied, and (ii) the requirements and mitigations required by Chapter 17.43 and 17.43G of the Trinity County Code, adequately serve to mitigate the impacts associated with approval of this project, it adequately evaluates all potential environmental impacts, and can be appropriately tiered within the Trinity County Cannabis Programmatic Environmental Impact Report. Based on the application review, site inspection and Laco review of the Appendix C, County environmental compliance staff recommended license approval to the Cannabis Division Director on June 23, 2023.

REASONS FOR APPEAL:

The appellants' appeal application states "I have cattle in the adjoining pasture and the water source is used to water them and also supplement my household. The water source is located on my property. IN my pasture and in the field below their tanks the wild ketten flower grows, I understand it is a protected plant. The spring is on my property. They were pumping water from the creek with gas powered pump in mid May. This water source flows into Hetten Creek which is very low and flows into the Van Duzen river. The residents down creek from me will also be impacted."

The appeal application and September 1, 2023 letter outlined five main reasons for appealing the approval of CCL-771 (Attachment 2). The Cannabis Division has investigated each of these complaints and provided a summary of the findings below:

- 1) Proximity to the headwaters of the Van Duzen River and the potential environmental impact of contamination to our water sources. This parcel is the very head water to the Van Duzen River; therefore, any contamination will impact any and all persons, properties, animals and environments beginning at that point until it reaches the ocean. It affects the water all native wildlife and livestock have access to. It increases the nitrogen levels in the surrounding ground water and therefore into the runoff into the river.

Response:

Site inspection preformed along with CDFW staff on 9/26/2023 determined that the headwaters of the Van Duzen River originates near APN: 020-510-09-00, roughly 0.75 miles east of the proposed project. The Applicant was advised to take a conservative approach of developing their site, proposed development will occur at greater than 150-feet (SWRCB Cannabis Cultivation Policy Attachment A, Section 1, Term 37; FEIR Mitigation Measure 3.10-1a) from the riparian area that surrounds an intermittent stream to reduce any potential impacts. Additionally, the native riparian vegetation will act as a buffer and will provide a natural filtration from any additional runoff. The applicant is required to comply with all regulations of CDFW (EPIMS No: 23550-R1) and Waterboard (WDID: 1_53CC425894) as well as all applicable mitigation measures identified in the site specific Appendix C, which is intended to mitigate the potential environmental impacts that may be caused by the cultivation operations.

- 2) **Native American arch sites: There are known Native American archeological and cultural sites on this parcel that must be taken into consideration before further development.**

Response:

As established in the Cannabis Program Final Environmental Impact Report (FEIR) volume 2, section 3.5-5, "prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall perform a records search of potential Native American archeological or cultural resources at a California Historical Resources Information System (CHRIS) information center". The CHRIS records search was completed and the results indicate the following: No resources were located in the project area, No resources were located within ¼ mile radius of the project, and No reports were located within the project area. The

Cultivation area is proposed on previously disturbed ground; ground disturbance is not proposed within the area.

- 3) No potential economic impact to our community. This proposed CCL offers no positive economic impact that should override the protection of the local residents and environment.**

Response:

Staff is unable to verify this claim. Economic Impacts are outside the scope of Trinity County Code, Chapter 17.43. However, The Statement of Overriding Considerations adopted along with the Cannabis Program Final Environmental Impact Report states: "Economic and social effects of a project shall not be treated as significant effects on the environment pursuant to State CEQA Guidelines Section 15131(a).", and therefore this reason for appeal is outside the regulatory purview of the Cannabis Division.

- 4) Visual impairment to surrounding homes. This parcel is located in the middle of Hettenshaw Valley straddling the main road and in direct view of multiple homes and properties, therefore, damaging the property value of those properties.**

Response:

The project as proposed would comply with all applicable regulations. Specifically, the FEIR contains mitigation measures to maintain cultivation parcel free of trash and debris piles (FEIR Mitigation Measure 3.1-1b). Furthermore, the FEIR addresses wildlife exclusionary fencing (FEIR Mitigation Measure 3.1-1c), requiring all fencing to blend with the surrounding conditions of the parcel, but the claims that this has a damaging effect on property values is outside the regulatory scope of the Cannabis Division. The Statement of Overriding Considerations adopted along with the Cannabis program Final Environmental Impact Report states: "Economic and social effects of a project shall not be treated as significant effects on the environment pursuant to State CEQA Guidelines Section 15131(a).". Therefore, this reason for appeal is outside the regulatory purview of the Cannabis Division.

- 5) They were pumping water from the creek with gas powered pump in mid May. (Illegal water diversion)**

Response:

Based on staff review of the project information, the applicant has an approved LSAA (EPIMS No: 23550-R1) and Point of Diversion (POD) from CDFW and Waterboard (Registration: H509566, Certificate: H100702). See Attachment 7 for additional discussion and findings of the September 26, 2023 site inspection

PUBLIC COMMENT:

As of October 4, 2023 at 4pm staff did not receive comments on this item.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission make a motion to deny the appeal (P-23-19), upholding the Director's decision to approve CCL 771, with the findings referenced in this staff report.

ALTERNATIVES:

If the Planning Commission does not wish to deny the appeal, the following alternatives are available:

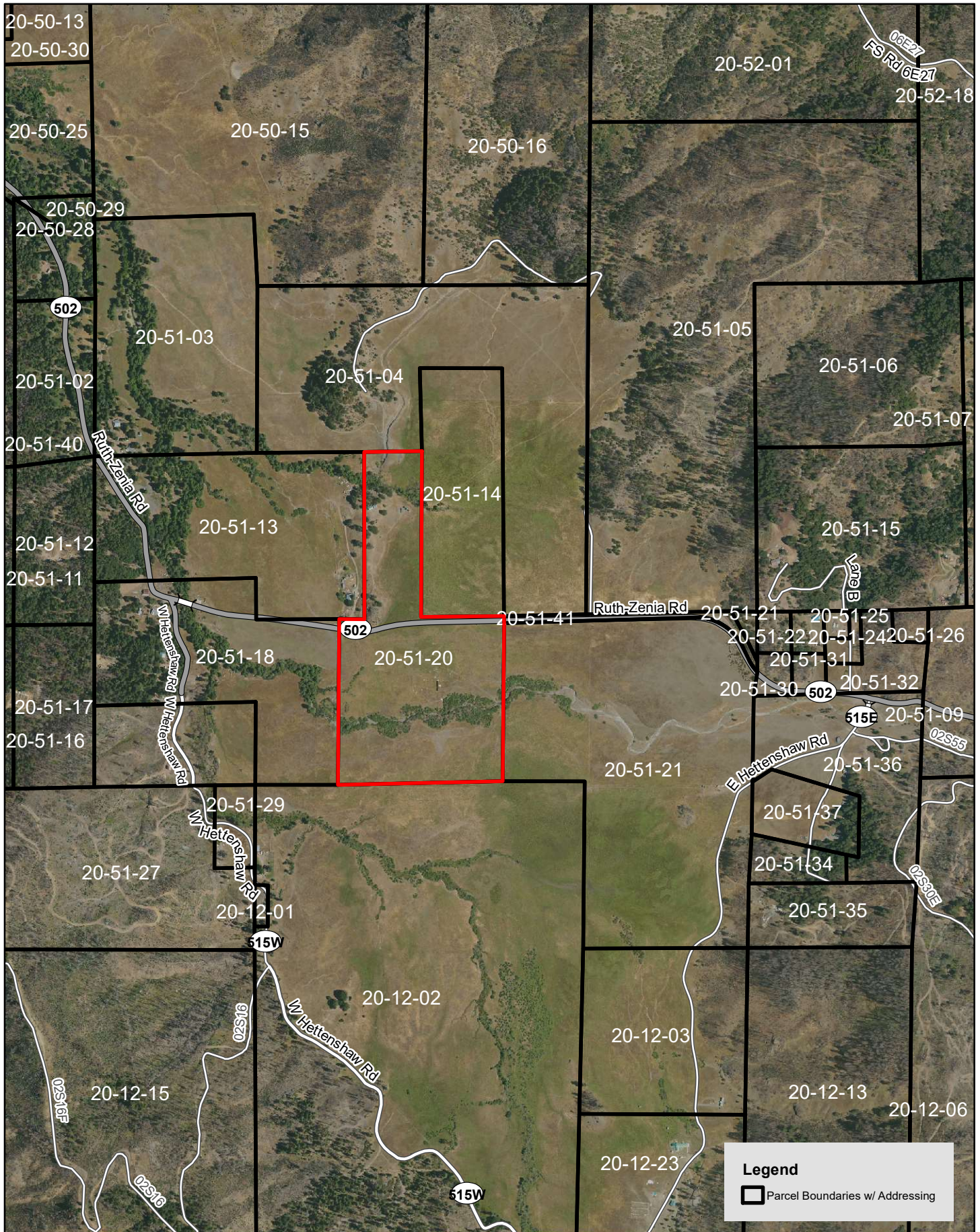
1. The Planning Commission could move to uphold the appellant's request to approve the application and process the Appendix C document for CCL 771, with findings stated by the Planning Commission.
2. In the event that more information or time is required prior to the Planning Commission making a final decision on P-23-19, the Planning Commission could move to continue to a future certain meeting date.

ATTACHMENTS:

- 1) Surrounding Area Uses Map
- 2) Site Map
- 3) Project Location Map
- 4) Zoning Districts Map
- 5) General Plan Designations Map
- 6) 350ft Residential Setback Map
- 7) Appeal of the Planning Director's Decision and Associated Appeal form
- 8) Compliance staff observations/ report
- 9) Biological Assessment review



Surrounding Area Uses Map



0 0.125 0.25 0.5 Miles

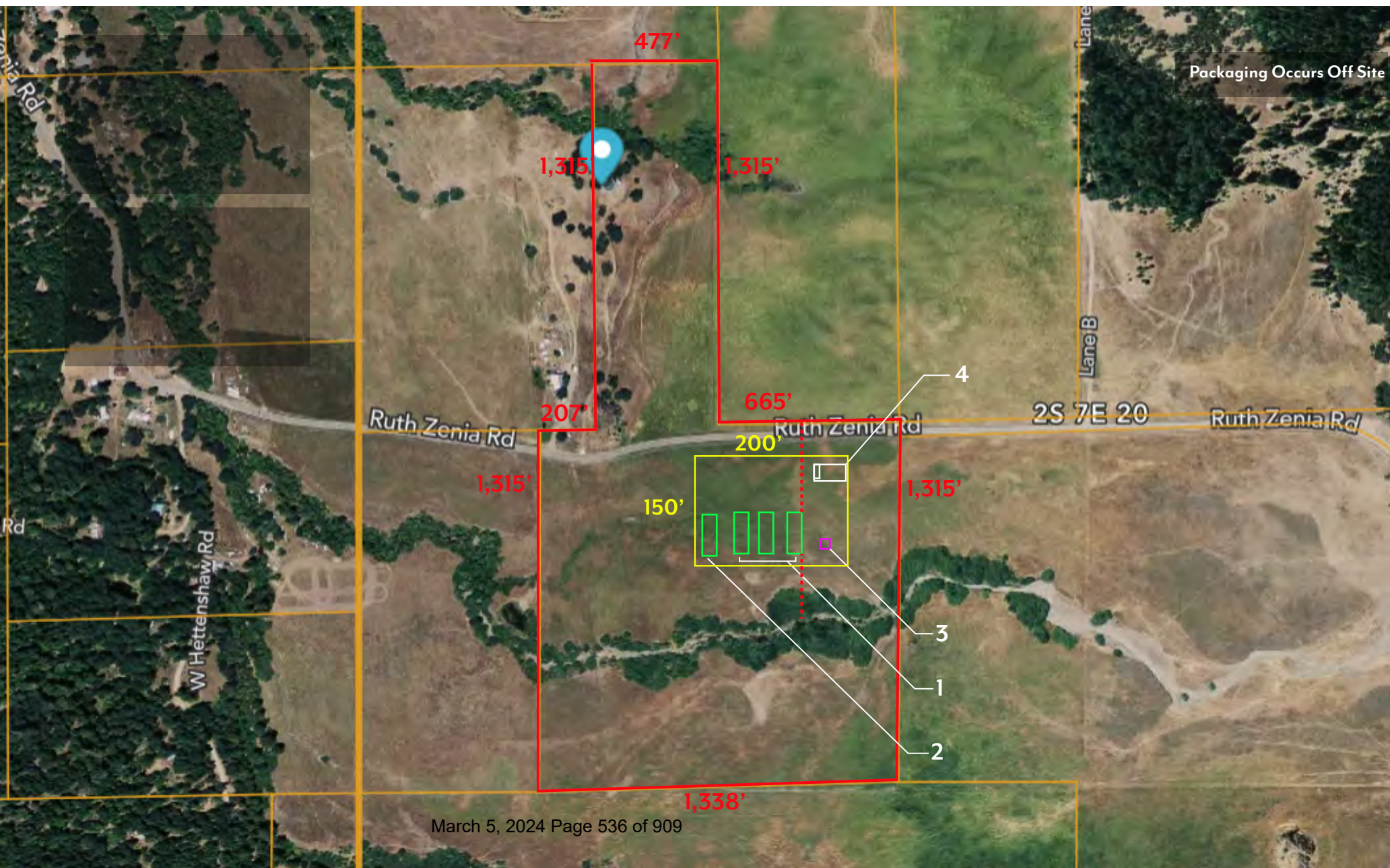
- 1.) Proposed Three 30' x 100' Greenhouses - Mature & Cannabis Waste Tilling Area
- 2.) Proposed 30' x 100' Greenhouse - Immature & Cannabis Waste Tilling Area
- 3.) Proposed 20' x 20' Cannabis Waste Area - Storage for On-Site Tilling
- 4.) Proposed 32' x 80' Building - Harvest Storage (10'x30'), Processing (80'x30'), Ag. Chemical/Pesticide Storage (12' x 12')

Parcel Boundary
 Premises Boundary

APN:
020-510-20-00

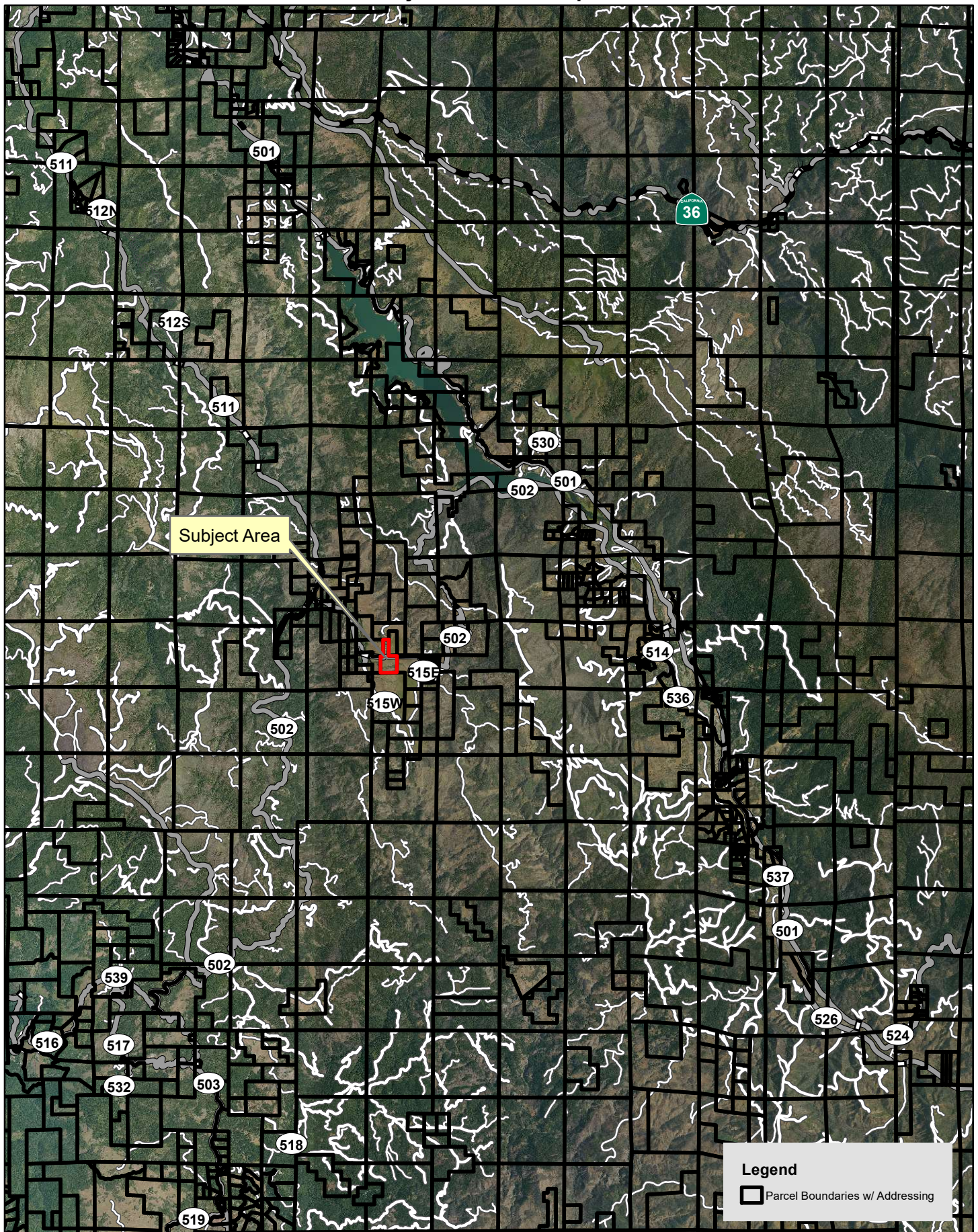
Remaining Portion of Parcel is
Unused

Immature Canopy Area:	Mature Canopy Area:
30' x 100'	(3) 30' x 100' = 9,000
= 3,000 sq. ft.	= 9,000 sq. ft.





ATTACHMENT 3
P-23-19 | CCL-771
APN 020-510-020
Project Location Map



0 1.25 2.5 5 Miles

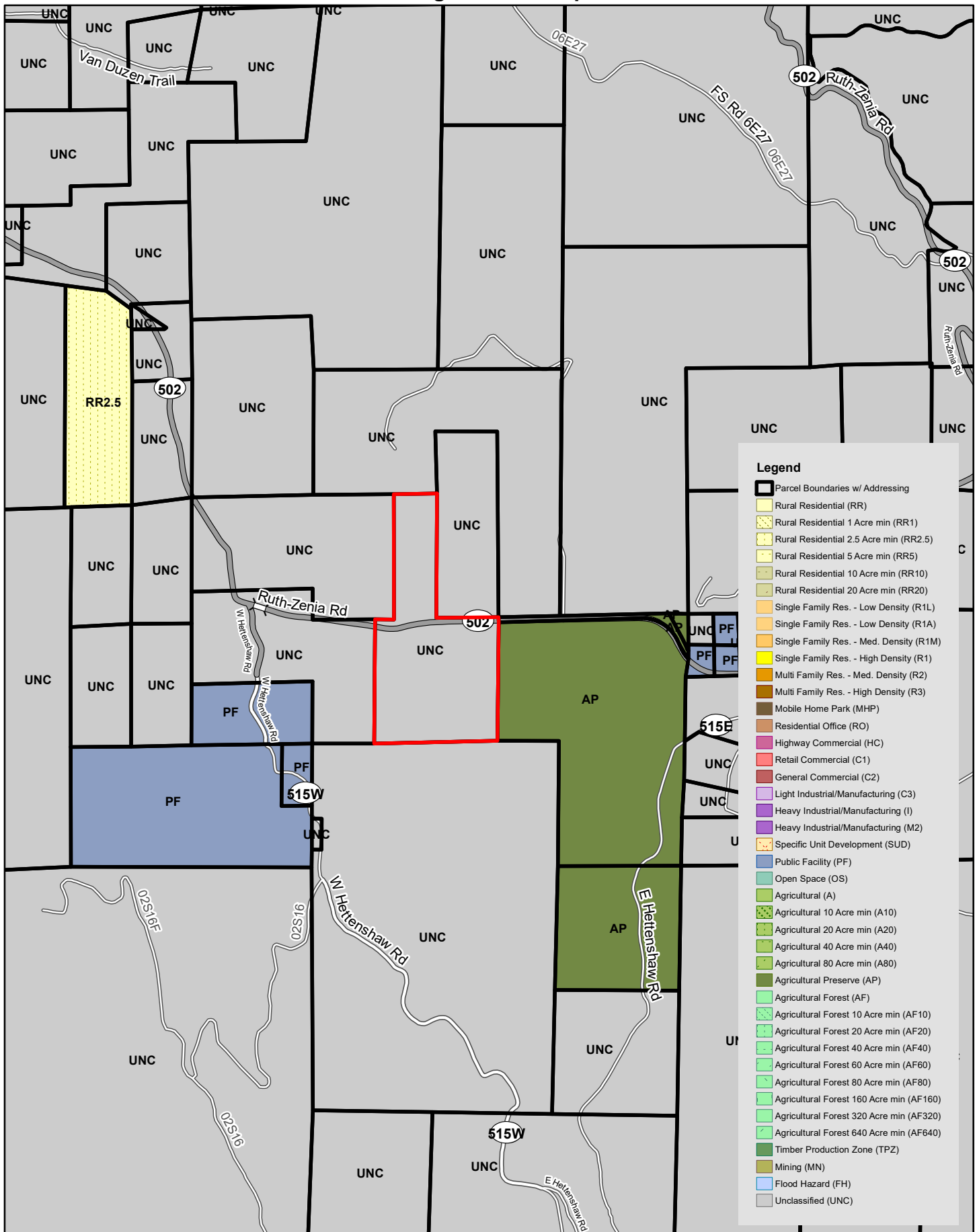
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Staff Author: BH
Date: 10/4/2023

This map is property of the County of Trinity, any manipulation or unauthorized use is prohibited by law and will not be accepted by the County.



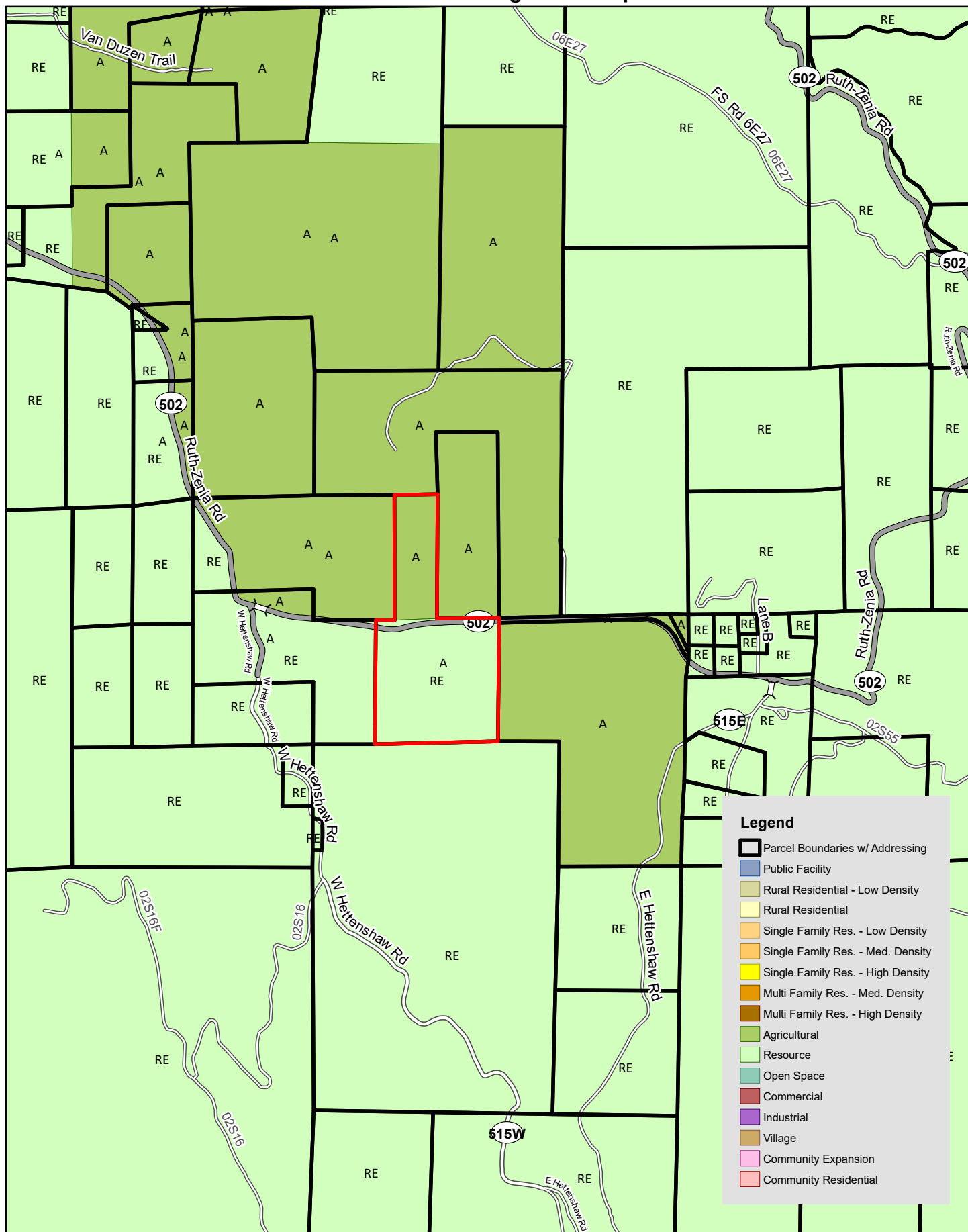
ATTACHMENT 4
P-23-19 | CCL-771
APN 020-510-020
Zoning Districts Map



0 0.125 0.25 0.5 Miles



General Plan Designation Map



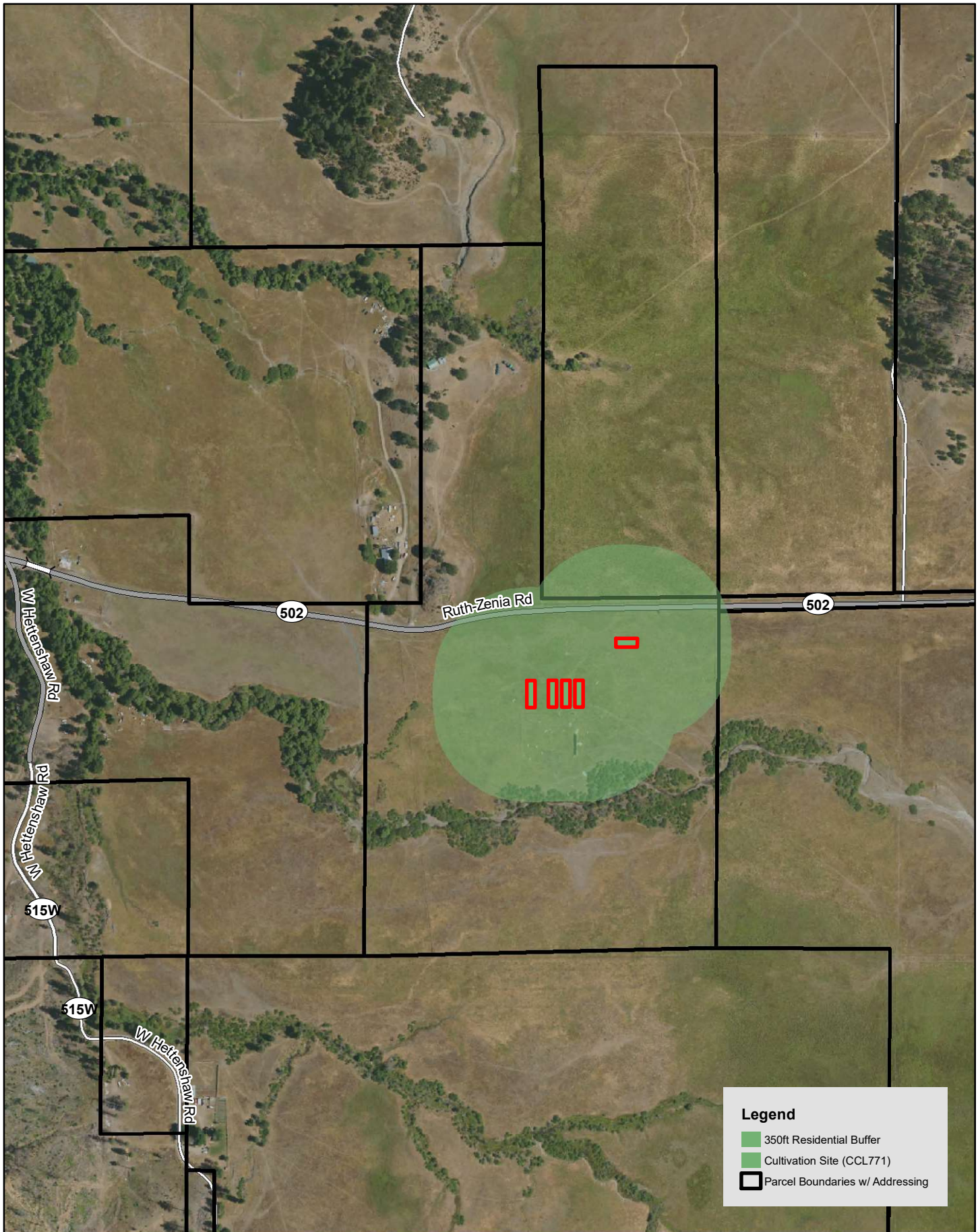
Legend

- Parcel Boundaries w/ Addressing
- Public Facility
- Rural Residential - Low Density
- Rural Residential
- Single Family Res. - Low Density
- Single Family Res. - Med. Density
- Single Family Res. - High Density
- Multi Family Res. - Med. Density
- Multi Family Res. - High Density
- Agricultural
- Resource
- Open Space
- Commercial
- Industrial
- Village
- Community Expansion
- Community Residential

0 0.125 0.25 0.5 Miles



ATTACHMENT 6
P-23-19 | CCL-771
APN 020-510-020
350ft Buffer Map



0 0.05 0.1 0.2 Miles

March 5, 2024 Page 540 of 909

Staff Author: BH
Date: 10/4/2023

Received

JUL 11 2023



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
PLANNING & CANNABIS, 530 MAIN ST., PO BOX 2819
WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351, FAX (530) 623-1353

Trinity County
Planning/Cannabis

**APPLICATION TO APPEAL OF DIRECTOR'S DECISION
TO PLANNING COMMISSION**

DATE: 7-11-2023

APPEAL FEE: \$500- due upon filing

Project # or CCL # or CCV # of application decision being appealed: CCL-771 020-510-020

Date of Director's decision or action: June 23 July 12

Director's decision was: ☒ Approve ☐ Deny

- A. **APPLICANT/APELLANT INFORMATION** The following information will be used to contact you regarding the status of your appeal (e.g. hearing dates) and is considered public record.

NAME: Phillip m. Gilman

PHONE: [REDACTED] MAIL: [REDACTED]

MAILING ADDRESS: [REDACTED]

- B. **REASON FOR APPEAL** Clearly state the basis for the appeal and include/attach any supporting evidence if applicable.

I have cattle in the adjoining pasture and the water source is used to water them and also supplement my household. The water source is located on my property. In my pasture and in the field below their tanks the wild Ketchen Flower grows I understand it is a protected plant. They were pumping water

Signature: Phillip m. Gilman Date: 7-11-2023

Date: 7-11-2023

Received by: D. Rogge

Notice Published: _____

FOR OFFICE USE ONLY

Project number: P-23-19

Receipt number: P L 2023-00046

Hearing Date: _____

They were pumping water from creek with gas powered pump in mid MAY.

This water source flows into Hefren Creek which is very low and flow into the Van Nuys River. The ~~old~~ residents down the Creek from me will also be impacted.

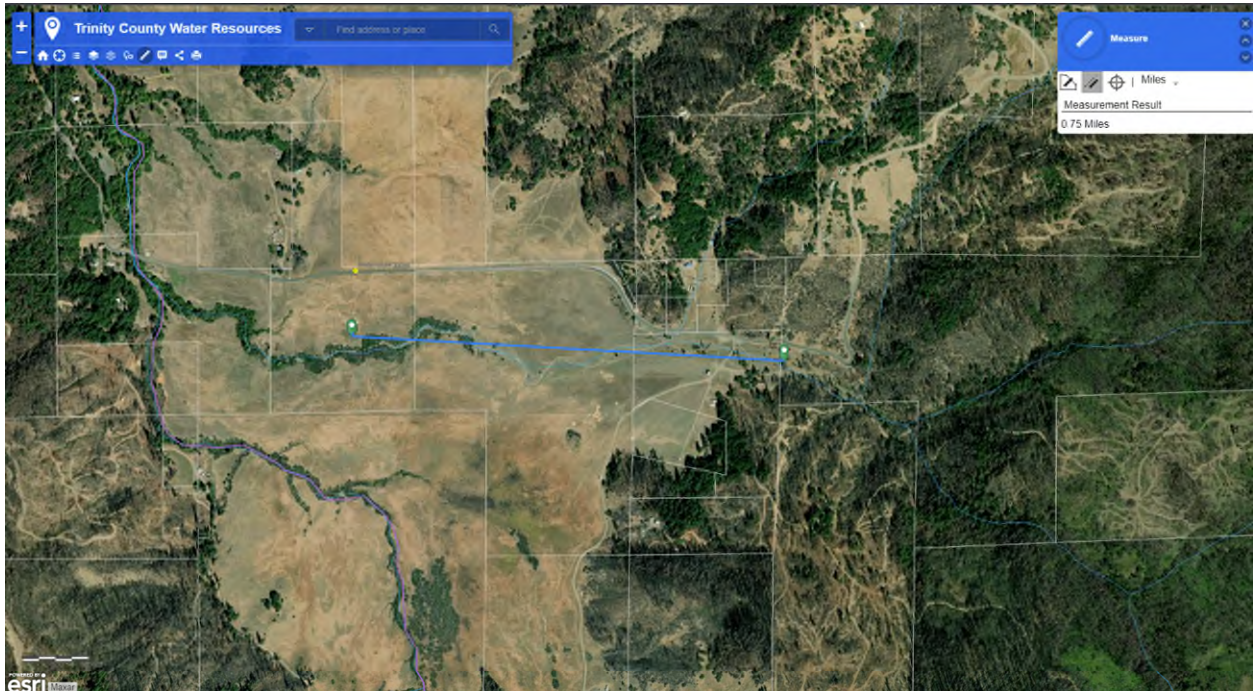
CCL 771 APPEAL PREP D. MARVEL

REASONS FOR APPEAL:

- Proximity to the headwaters of the Van Duzen River and the potential environmental impact of contamination to our water sources. This parcel is the very head water to the Van Duzen River; therefore, any contamination will impact any and all persons, properties, animals and environments beginning at that point until it reaches the ocean. It affects the water all native wildlife and livestock have access to. It increases the nitrogen levels in the surrounding ground water and therefore into the runoff into the river.
- Native American arch sites: There are known Native American archeological and cultural sites on this parcel that must be taken into consideration before further development.
- No potential economic impact to our community. This proposed CCL offers no positive economic impact that should override the protection of the local residents and environment.
- Visual impairment to surrounding homes. This parcel is located in the middle of Hettenshaw Valley straddling the main road and in direct view of multiple homes and properties, therefore, damaging the property value of those properties.
- Allegations of illegally diverting water from watercourse in May 2023. Appellant is also under the impression that the “wild ketten flower” found in the area is a protected plant species.

STAFF OBSERVATIONS D. MARVEL

- Proximity to the headwaters of the Van Duzen River: During the Appeal Prep Site Inspection performed 9/26/2023, it was determined by CDFW staff (also present during the inspection) that the headwaters of the Van Duzen River originate on APN: 020-510-09-00, roughly 0.75 miles east of the proposed project.



The watercourse directly South of the proposed project is identified as a class 2 (intermittent) watercourse by the California Water Resources Control Board, this classification requires a 100ft setback from cultivation activities.



During the Pre-License inspection performed 5.19.23, Cannabis Division staff measured the project's perimeter fence at 89' from said watercourse. Staff advised the applicant that the proposed cultivation infrastructure (greenhouses) will need to be at least 100' from the watercourse.

- Allegations of illegally diverting water from watercourse as recent as May 2023: During the Pre-License Inspection performed 5/19/2023, Cannabis Division staff did not observe any additional POD's (points of diversion) taking place on the watercourse. Additionally, during the Appeal Prep Inspection performed 9/26/2023, Cannabis Division staff did not observe any additional POD's taking place on the watercourse. During both inspections the only POD staff observed was the legally approved cistern seep well near the watercourse.



The Formal Appeal included two photos indicating a gas-powered water pump had been located near the watercourse, possibly for additional water diversion. Staff was unable to verify these photos as they were physically submitted to the Cannabis Division office with hand written dates of May 17 2023. I believe staff should require digital photo submissions so the Cannabis Division may verify date/time via MetaData.

Additionally, staff would like to note that the water storage tanks on property during the 5/19/2023 inspection were observed to be full. During the inspection on 9/26/2023, staff observed there being additional water storage tanks on property. These tanks were empty at time of inspection on 9/26/2023, and the tanks observed full on 5/19/2023 were still full on 9/26/2023, appearing to indicate no additional diversion has taken place between 5/19/2023 and 9/26/2023.

No observations of recent/past cannabis cultivation were made during the inspections on 5/19/2023 and 9/26/2023.

Response to P-23-19, Biological Assessment review for the “wild ketten flower”

- Follow-up was made in office with staff and appellant viewing stock photos on a cell phone, of a purple flower most similar to the *Camas* genus:



Without seeing those photos myself or having been on-site in person, I cannot make a formal botanical determination. Otherwise, given the available information, County staff has identified the “wild ketten flower” as *Camassia quamash*, otherwise potentially a similar variant, for example: *Camassia quamash* ssp. *Breviflora*

<https://www.calflora.org/app/taxon?crn=1380> , <https://www.calflora.org/app/taxon?crn=1381>

This is a common plant species that does NOT have any special-status protections. While there are only a few observations included in Trinity County on Calflora.org (only 5 in total - Also to note is that the most recent recorded observation in Trinity County was 1992, otherwise 1951 and later), there are over 350 total observations throughout California. Again, *Camassia quamash* is NOT a rare plant species.

Upon review of the biological assessment, our external CEQA technical review consultants appear to have failed to identify that the Biological Assessment is lacking one of the requirements for **Mitigation Measure 3.4-1a: Conduct Preapproval Biological Reconnaissance Surveys**. Specifically: “a list of common and special-status species and habitats observed in the proposed development area.” The biological assessment discusses various habitats on-site in great detail, however there are no lists included for any common species actually observed during the on-site field survey (4/1/2020).

- Environmental Compliance staff Recommends that an updated Biological Assessment otherwise additional survey for list plant and wildlife observed on-site – to be submitted for review in order to confirm the presence of “wild ketten flower” otherwise lupin, etc.

There was also one photo taken from site inspection 05/19/23 that included a purple flower:



Without seeing a closer view of the flower structure, I cannot make a formal botanical determination. Otherwise, given the available information, County staff has identified this flower as a member of the Lupin genus, likely *Lupinus bicolor* <https://www.calflora.org/app/taxon?crn=5118>, or another common lupin.

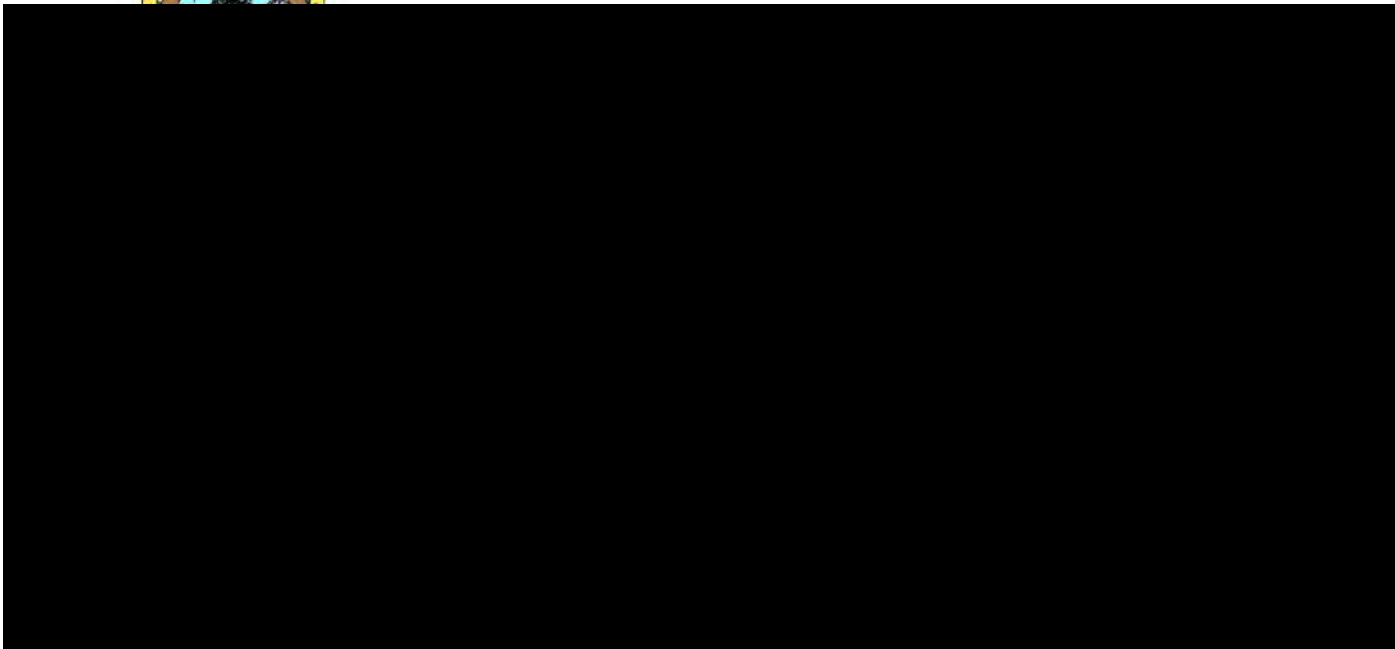




Additional flowers from inspection 5/19/23 are common plants, not rare or species-status species



Modification Request Coversheet



PLEASE PROVIDE SPECIFIC DETAILS OF REQUESTED CHANGES TO ENVIRONMENTAL DOCUMENT

Mitigations added from the Cultural Resources Assessment Survey

If the modification(s) requires a site map update, please provide an updated site map. Once the request has been received and reviewed, a projected cost agreement will be sent to Applicant/ Agent.

OFFICE USE ONLY

Staff Member Initials: _____ Date Stamp:

Time Received:

Notes:

Copy of completed form returned to the Applicant/Agent

Smoking Green Valley, LLC

Environmental Checklist

Prepared for:

Trinity County Department of Planning
530 Main Street
Weaverville, CA 96093

Prepared by:

Flowra



Resubmitted December 2023

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Figure 1: Regional Location

Figure 2: Project Area Topography

Figure 3: Property Diagram

Figure 4: Project Diagram

Attachments

Attachment A: Odor Control Plan

Attachment B: Biological Resources Assessment

Attachment C: CHRIS Search and Cultural Resources Investigation

Attachment D: DTSC EnviroStor Map

Attachment E: SWRCB General Order NOA Letter

Attachment F: Floodplains Map

Attachment G: Waste Composting Management Plan

Attachment H: Site Management Plan

Attachment I: CDFW Lake or Streambed Alteration Agreement

Attachment J: Mitigation Measures Summary Table

LIST OF ABBREVIATIONS

°C	degrees Celsius
°F	degrees Fahrenheit
AB 32	California Global Warming Solutions Act of 2006
APE	Area of Potential Effects
ATCMs	air toxic control measures
BMPs	best management practices
CAA	federal Clean Air Act
CAAQS	California Ambient Air Quality Standard
CARB	California Air Resources Board
CDFA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CH ₄	methane
CNELs	community noise equivalent levels
CNG	compressed natural gas
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	CO ₂ -equivalent
dB	decibels
DCC	Department of Cannabis Control
diesel PM	diesel particulate matter
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
GHG	greenhouse gas
GWP	global warming potential
HFCs	hydrofluorocarbons
HVAC	heating, ventilation, and air conditioning
IPCC	Intergovernmental Panel on Climate Change
L _{dn}	day-night average noise level
LSAA	Lake or Streambed Alteration Agreement
MMT	million metric tons
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NHTSA	National Highway Traffic Safety Administration
NOA	naturally occurring asbestos

NOX	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRC	National Research Council
PFCs	perfluorocarbons
PHPS	Preliminary Historic Properties Synthesis
PM10	particulate matter with an aerodynamic diameter of 10 micrometers or less
PM2.5	particulate matter with an aerodynamic diameter of 2.5 micrometers or less
PPV	peak particle velocity
RECs	recognized environmental conditions
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SENL	single event noise level
SF6	sulfur hexafluoride
SHPO	State Historic Preservation Officer
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TCE	trichloroethene
TRUs	transport refrigeration units
VdB	vibration decibels
VOC	volatile organic compound

Chapter 1 INTRODUCTION AND PROJECT HISTORY

In 2020, the Trinity County Board of Supervisors approved the Trinity County Cannabis Program (Cannabis Program) to regulate commercial cannabis operations in the unincorporated area of the county. The County prepared an Environmental Impact Report (EIR) (State Clearinghouse No. 2018122049) for the Cannabis Program that evaluated the environmental impacts associated with commercial cannabis operations based on the assumptions in the Cannabis Program.

The project proposed by Smoking Green Valley, LLC (hereinafter, “Project” or “proposed project”) for which the Applicant is applying for an Adult-Use-Small Mixed-Light Tier I cannabis cultivation license (LCA22- 0001521), is located at 10381 Ruth-Zenia Road (Trinity APN 020-510-20-00) in Hettenshaw Valley, California (40.277310, -123.413859; T02S, R07E, Section 20, Humboldt Meridian, USGS Ruth Lake 7.5-Minute Quadrangle Map) on a 51.08-acre parcel within the West Fork Duzen River-Van Duzen River watershed (HUC 12 180101050701). The Project site is zoned as Unclassified (UNC), and its Trinity County General Plan land use designation is Agricultural (A). The Project would operate 9,000 square feet (sf) of mixed-light mature cannabis canopy cultivation; 3,000 sf of immature canopy; and 2,960 sf of associated support structures within a premises area measuring 84,000 sf. Water for the Project would be provided from an existing point of diversion for agricultural and domestic uses and a proposed 100’x100’ rain catchment pond for agricultural uses. An onsite septic system would serve the Project’s domestic wastewater needs. Access to the Project site would be via a private road.

The EIR was prepared at the program “first-tier” level of environmental review consistent with the requirements of California Environmental Quality Act (CEQA) Sections 15152 and 15168. The program-level analysis considered the broad environmental impacts of the overall Cannabis Program. The EIR acknowledged that subsequent projects/actions under the Cannabis Program would occur in multiple years and locations. As those projects/actions are proposed, such as the Project, they are being evaluated to determine whether the entitlements/actions proposed fall within the scope of the approved EIR and incorporate all applicable performance standards and mitigation measures identified therein. Should the subsequent projects/actions not be consistent with the approved Cannabis Program, additional environmental review through the subsequent review provisions of CEQA for changes to previously reviewed and approved projects may be warranted (CEQA Guidelines Sections 15162 through 15164).

Consistent with the process described, the County is evaluating the Project application to determine what type of additional environmental review would be required. This environmental checklist has been prepared to determine whether the environmental impacts of the Project are within the scope of the Cannabis Program EIR, or if changed environmental conditions that are of sufficient magnitude result in new or substantially more severe environmental impacts, as compared to those considered in the Cannabis Program EIR. This analysis also considers whether there is new information of substantial importance showing that new or substantially more severe environmental impacts would occur compared to that evaluated in the Cannabis Program EIR.

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Chapter 2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The Project would operate 9,000 sf of mature Adult-Use-Small Mixed-Light Tier 1 cannabis canopy cultivation (LCA22-0001521) comprised of three 30'x100' greenhouses; 3,000 sf of immature canopy; and 2,960 sf of support structures within in a premises area measuring 84,000 sf. Water for the Project would be provided from a point of diversion and proposed rain catchment pond. An onsite septic system would serve the Project's domestic wastewater needs. Access to the Project site would be via Ruth-Zenia Road.

The Project is consistent with the Cannabis Program. The Project would require licensing approval by the Trinity County Planning Department.

2.2 PROJECT LOCATION

The Project operated by Smoking Green Valley, LLC is located at 10381 Ruth-Zenia Road (Trinity APN 020-510-20-00) in Hettenshaw Valley, California (40.277310, -123.413859; T02S, R07E, Section 20, Humboldt Meridian, USGS Ruth Lake 7.5-Minute Quadrangle Map) on a 51.08-acre parcel within the West Fork Van Duzen-Van Duzen River watershed (HUC 12 180101050701).

2.3 EXISTING SETTING

The property is located in unincorporated Trinity County in Hettenshaw Valley between the Van Duzen River to the west and Mad River Ridge to the east, approximately 4.94 air miles west of Ruth, 6.46 air miles northeast of Zenia, and 8 air miles southwest of Forest Glen, within the West Fork Van Duzen-Van Duzen River watershed (Figure 1). The most prominent peaks in the area are Grizzly Mountain to the southwest and Mad River Ridge to the east.

Soils at this site are poorly drained. They consist primarily of silty clay loam, silty clay, gravelly clay, very gravelly clay loam, gravelly loam and weathered bedrock. These soils are classified as having very low to moderately low erosivity with K-values of 0.00 to 0.14 inches/hour and have hydrological class ratings of B and C. Soils here are derived predominantly from residuum weathered from shale and metasedimentary rock.¹

Geologically, the property is located on quaternary alluvium and marine deposits from the Pleistocene to Holocene ages consisting primarily of coarse detrital (alluvial, terrace and bedrock) with minor occurrences of fine-detrital (lacustrine, bedrock).²

The maximum elevation of the parcel is 3,190 feet above mean sea level (AMSL) in the northern section and the minimum elevation is 3,121 feet AMSL near the center of the parcel. The topography of the majority of the parcel is lightly sloped with grades averaging between 0-10%, with a hilly section along the western edge of the parcel with grades of up to 30%. A large portion of the northern section of the parcel exhibits characteristics of a wetland that concentrates into a channel at the southern edge, along the north side of Ruth-Zenia Road. The wetland has an unknown water source. No development shall occur in this area or within 150 feet. There is also an unnamed Class II stream across the northern end of the parcel, an unnamed Class III stream running along with western boundary

¹NRCS. Web Soil Survey. Retrieved 3/29/2021. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

²Jennings, C.W., 1985, An explanatory text to accompany the 1:750,000 scale fault and geologic maps of California: California Division of Mines and Geology, Bulletin 201, 197 p.

line with a water crossing area, and an unnamed Class II tributary to the Van Duzen River in the southern half of the parcel, which flows east to west. A riparian area exhibiting signs of water inundation was observed to the north of the stream near the western property line, which is likely a result of land modification activities circa 2005. To the east of this area and north of the Class II stream is a proposed 100'x100' rain catchment pond for agricultural and domestic uses; this pond does not connect to any jurisdictional watercourses. The Project itself is approximately 150 and 1,000 feet away from the southerly and northerly Class II streams, respectively, and 450 feet east of the Class III stream.

The vegetation community present onsite is primarily open grasslands comprised of native and non-native grasses and forbs. Riparian habitat with willow (*Salix* spp.) and rushes (*Juncaceae* spp.) exists along the western boundary line and along the unnamed Class II tributary, as noted above. There are also a scattered few oak trees (*Quercus* spp.) near Ruth-Zenia Road.

The Notice of Preparation for Trinity County's Cannabis Program EIR was published on December 21, 2018, establishing the baseline environmental conditions for CEQA analysis.³ The Project site has interspersed grasslands and remains largely undeveloped for cultivation activities in its current state, although it was previously disturbed and used historically as a cattle ranch. Construction will occur in previously disturbed areas and is planned to occur during the 2022 cultivation season.

The Project area encompasses 84,000 sf (1.93 acres) and occupies the center and northeastern corner of the parcel (Figure 3). The cultivation area is accessed from an unpaved access drive heading north off Ruth-Zenia Road. The parcel was historically a cattle ranch. There is established (legacy) property infrastructure in the north end of the property which includes:

- a 28'x34' residential dwelling with a permitted septic system;
- two 5'x8' structures for solar power battery storage and water pump housing;
- one 2,500- and eleven 5,000-gallon water storage tanks next to the shed; and
- a water diversion cistern (for agriculture and domestic uses).

The total existing disturbed area amounts to approximately 0.60 acres. Land uses in the immediate vicinity of the subject parcel consist primarily of private land holdings which are similarly zoned and clustered around the main county roads and valley bottoms (some of which are also involved in cannabis cultivation activities), with open space, agricultural and resource (predominantly for timber extraction) lands up on the ridgetops.

The Project is approximately 6.46 air miles northeast of Zenia, the nearest community with sensitive receptors such as schools and parks. The nearest neighboring residences are over 2,000 feet west and southwest from the proposed cultivation area.

2.4 PROGRAM OBJECTIVES

The objectives of the Cannabis Program, based on County Resolution No. 2016-077, "A Resolution of the Board of Supervisors of the County of Trinity Adopting Four Principles on Local Regulation of Cannabis," are to:

³ See generally, CEQA Guidelines 15125(a) & 15126.2(a). For a discussion of the relevant case law, see FEIR pages 3-1 to 3-2

- regulate cannabis operations in a manner that ensures that the county is a safe place for all residents to live and work,
- protect the county's quality of life and natural environment,
- ensure that cannabis operations avoid environmental damage and detrimental impacts on communities and neighborhoods,
- regulate cannabis operations to protect the county's reputation as a tourist destination, and
- align the County's commercial cannabis regulations with state requirements.

2.5 PROJECT ELEMENTS

The proposed reconfiguration activities include:

- the addition of a 100'x100' rain catchment pond for agricultural use;
- installation of four 30'x100' greenhouses with cannabis waste tilling areas, three for mature and one for immature canopy;
- construction of a 32'x80' building for harvest storage (10'x30'), processing (30'x80'), and agricultural chemical and pesticide storage (12'x12'); and
- the addition of a 20'x20' cannabis waste area (waste will be tilled back into beds).

Installation of the building and greenhouses will occur in previously disturbed areas and will require heavy equipment, which will be operated by a licensed contractor during the dry season (April 1 to November 15). All other construction activities will utilize hand tools and no road improvement components are necessary. The staging area for construction materials and equipment will be located just outside of the premise area.

The parcel is not currently connected to grid power. Existing infrastructure is powered via solar panels mounted to the restroom structure, a solar generator which powers the residential dwelling, and a portable photovoltaic system which will power the cultivation area. There is also a 20-horsepower backup generator onsite and a small wind turbine nearby serving as an additional energy source.

Two resident employees live on the property year-round and will not hire additional help for the cultivation season. Cars and trucks are parked in a designated parking area next to the residence, with contains approximately four parking spaces. The number of daily trips for the delivery of materials or supplies and shipment of agricultural products amount to no more than two times per month; trips related to personal errands and/or to obtain general domestic supplies occur on a daily basis.

Domestic wastewater is treated by a permitted septic system. The cultivation area will be irrigated via a drip system and is only watered in the morning and evening to reduce evapotranspiration and water loss. The Project has been designed such that no appreciable wastewater would be generated by Project operations throughout the year.

Collected and consolidated cannabis waste product will be composted.

The applicant will utilize energy and water as efficiently and conservatively as possible. While there are no water

meters currently installed onsite, the applicant regularly monitors storage tank levels and will report the water usage annually to the State Water Resources Control Board as directed in the Cannabis General Order (see description in the “Other Required Permits and Approvals” section below). Onsite water storage capacity after installation of the rain catchment pond will be 1,057,500 gallons. Estimated water usage for cultivation activities is 50,000 gallons per year, or approximately 10,000 gallons per month from May to September.

The applicant will utilize blackout tarps for light mitigation and keep business hours from 10 a.m. to 3 p.m., Monday through Friday to avoid noise conflicts with neighboring residences and disturbance to nocturnal wildlife.

Onsite security systems include locked gates at all Project site access points.

Disturbed soil will be reseeded with native vegetation to reduce erosion on slopes, and erosion control devices such as straw wattles will be installed where appropriate.

2.6 REQUIRED ACTIONS

Smoking Green Valley, LLC is currently applying for an Adult-Use-Small Mixed-Light Tier I commercial cannabis cultivation license from the California Department of Cannabis Control (DCC; LCA22-0001521) and is applying for the same license type from the Trinity County Planning Department (CCL- 771) to cultivate up to 10,000 sf of mature cannabis canopy.

Smoking Green Valley, LLC is enrolled under the State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ (“Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation (Policy), and the General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities”; WDID#1_53CC425894). **The property’s Site Management Plan (SMP) is provided as Attachment H to this document.** The SMP’s project description may not match the project description in this CEQA compliance document as some reports were completed prior to the preparation of this document. However, the SMP is still valid as the assessment done for that document was for existing conditions at the time and covered the entirety of the parcel and Project area. Therefore, the SMP is valid even without the project description matching the one contained herein.

The Project proponent submitted a Notification of Lake or Streambed Alteration on September 27, 2021 to the California Department of Fish and Wildlife (CDFW; EPIMS-23550-R1) for the proposed project and received notification that a Lake and Streambed Alteration Agreement is applicable for the onsite water diversion. **A Streambed Alteration Agreement is found as Attachment I to this document.**

The Project would also require the following actions by the county:

- a CEQA compliance determination and awarding of the cultivation permit; and
- issuance of building permits.

Figure 1: Regional Location

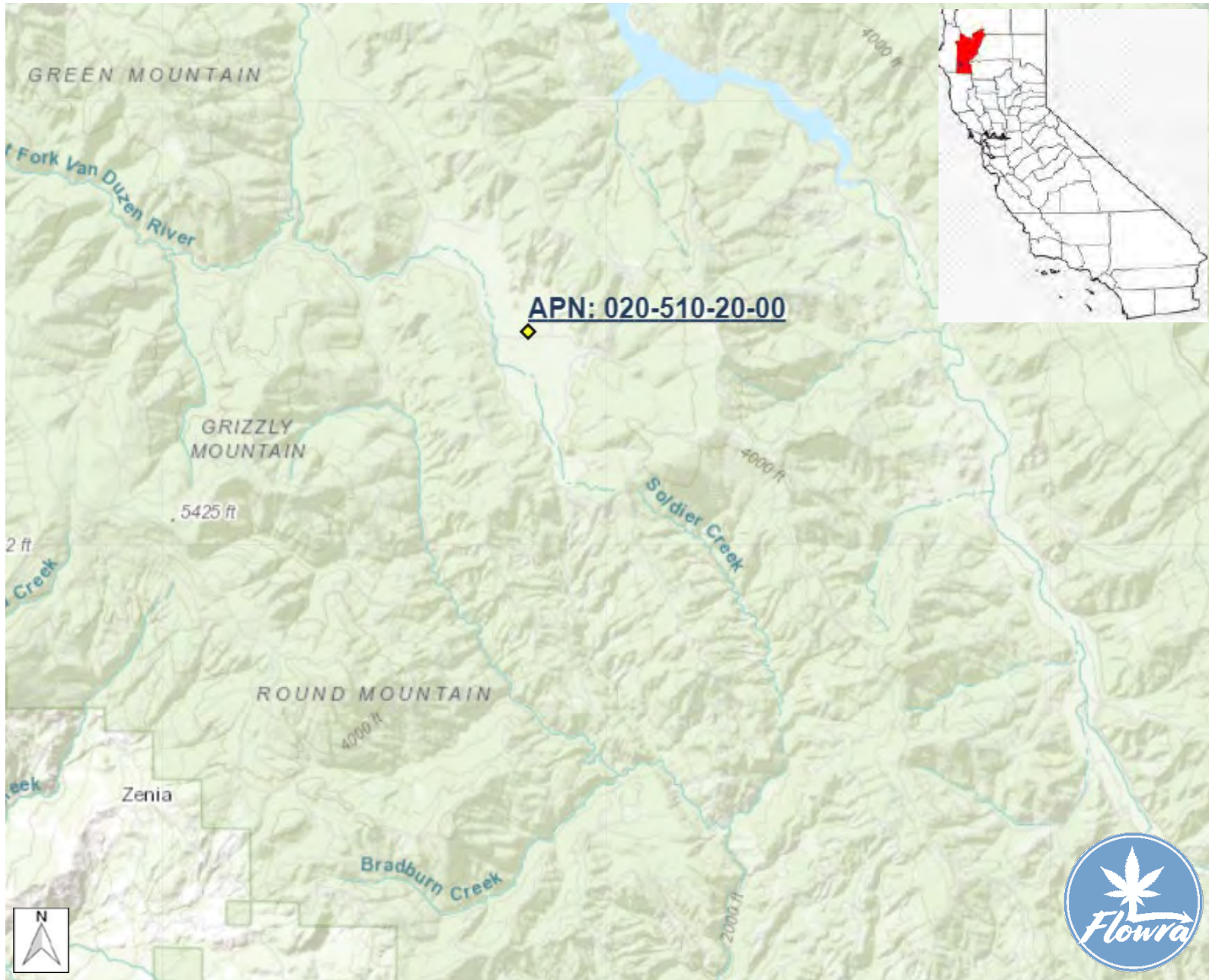


Figure 2: Project Area Topography

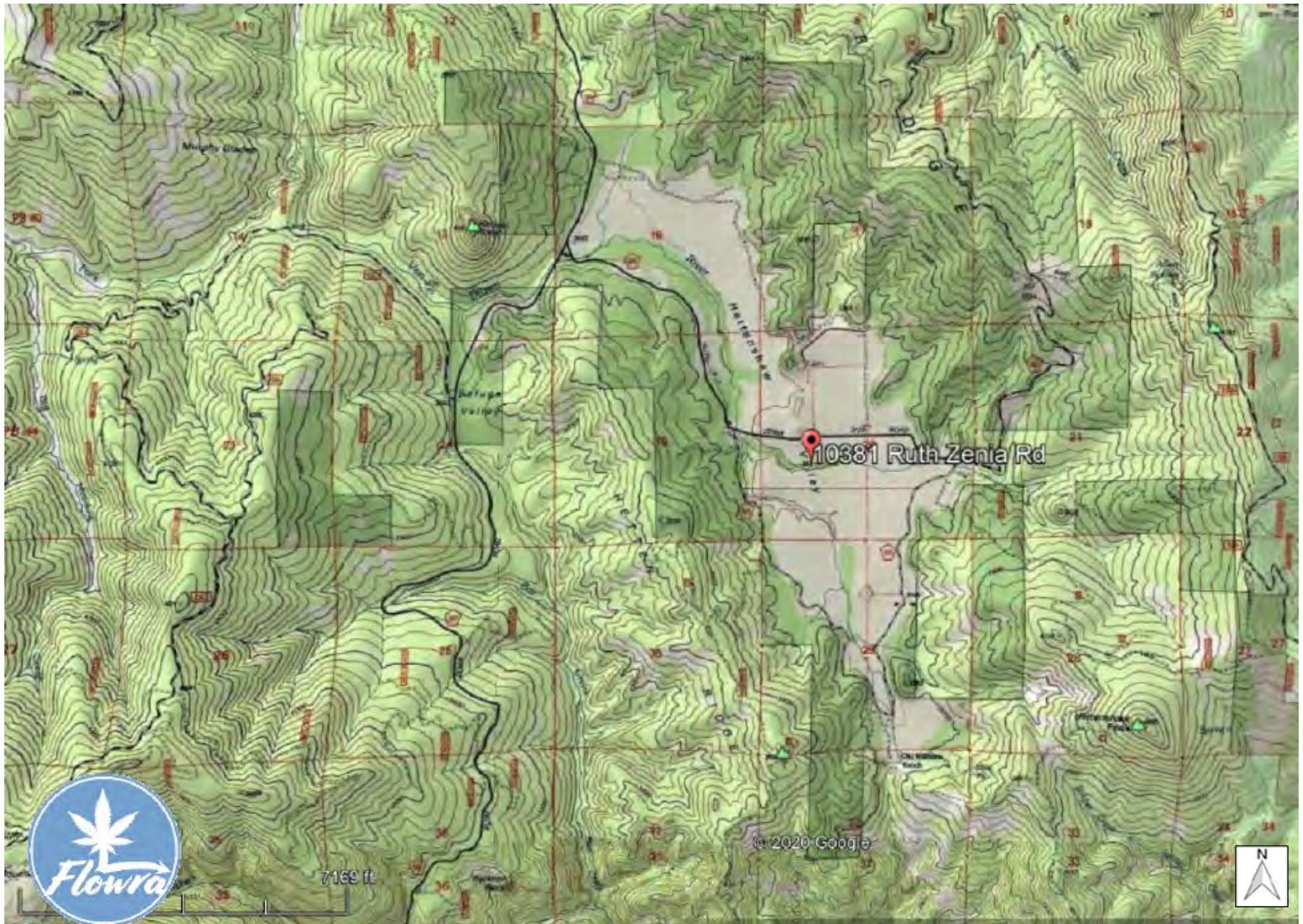


Figure 3: Property Diagram

- | | |
|--|--|
| 1.) Point of Diversion (Domestic, Agriculture) | 9.) Proposed 100' x 100' Rain Catchment Pond |
| 2.) Ten 5,000G Water Tanks | 10.) Access Roads |
| 3.) 2,500G Water Tank | 11.) Premises Entrance/Exit |
| 4.) Parcel Entrance/Exit | 12.) 5,000G Water Storage Tank |
| 5.) Watercourse Crossing | 13.) 28'x32' Dwelling |
| 6.) Class III Watercourse | 14.) One 10'x12' Shed for general storage; |
| 7.) Class II Watercourse | Two 5'x8' Structures for Solar Batter Storage and Water Pump Housing |
| 8.) Wetlands | |

Light-Blue-Dashed Line Indicate Water Transport from Well to Water Tank to Cultivation

APN:
020-510-20-00

Remaining Portion of Parcel is Unused

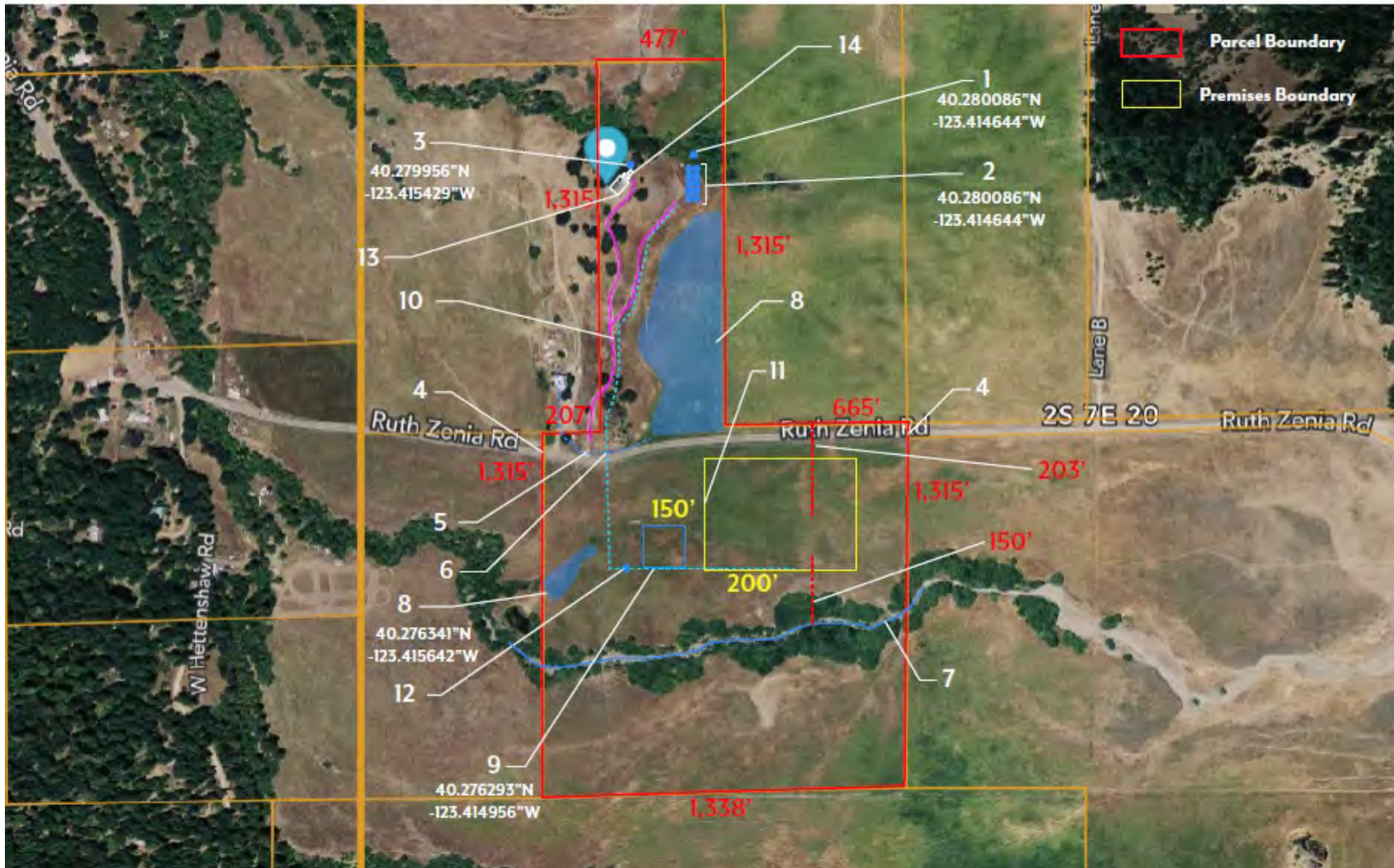


Figure 4: Project Diagram

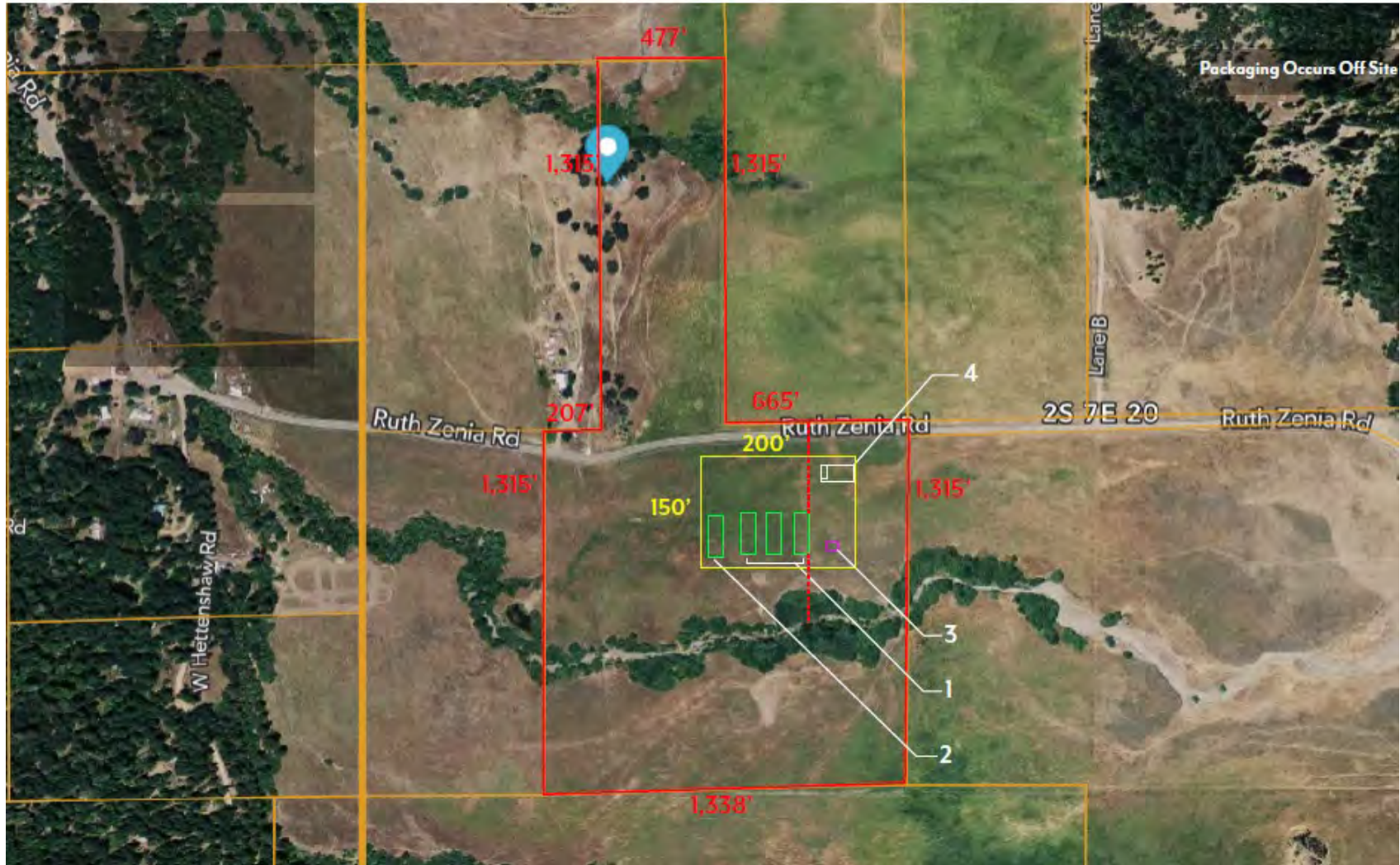
- 1.) Proposed Three 30' x 100' Greenhouses - Mature & Cannabis Waste Tilling Area
- 2.) Proposed 30' x 100' Greenhouse - Immature & Cannabis Waste Tilling Area
- 3.) Proposed 20' x 20' Cannabis Waste Area - Storage for On-Site Tilling
- 4.) Proposed 32' x 80' Building - Harvest Storage (10' x 30'), Processing (80' x 30'), Ag. Chemical/Pesticide Storage (12' x 12')

Parcel Boundary
Premises Boundary

APN:
020-510-20-00

Remaining Portion of Parcel is
Unused

Immature Canopy Area:	Mature Canopy Area:
30' x 100'	(3) 30' x 100' = 9,000
= 3,000 sq. ft.	= 9,000 sq. ft.



Chapter 3 ENVIRONMENTAL CHECKLIST FOR SUPPLEMENTAL ENVIRONMENTAL REVIEW

3.1 EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

The purpose of this checklist is to evaluate the categories in terms of any “changed condition” (i.e., changed circumstances, Project changes, or new information of substantial importance) that may result in environmental impact significance conclusions different from those found in the Cannabis Program EIR. The row titles of the checklist include the full range of environmental topics, as presented in Appendix G of the State CEQA Guidelines. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to CEQA Section 21166 and State CEQA Guidelines Section 15162. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact because it was analyzed and addressed with mitigation measures in the Cannabis Program EIR. For instance, the environmental categories might be answered with a “no” in the checklist because the impacts associated with the Project were adequately addressed in the Cannabis Program EIR, and the environmental impact significance conclusions of the Cannabis Program EIR remain applicable. The purpose of each column of the checklist is described below.

Where Impact Was Analyzed

This column provides a cross-reference to the pages of the Cannabis Program Draft and Final EIR where information and analysis may be found relative to the environmental issue listed under each topic.

Do Proposed Changes Involve New Significant Impacts?

The significance of the environmental impacts of the Project-specific features not considered in the Cannabis Program and its EIR (i.e., off-site intersection improvement), is indicated in the columns to the right of the environmental issues.

Any New Circumstances Involving New or Substantially More Severe Significant Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the Project site or the vicinity (circumstances under which the Project is undertaken) that have occurred subsequent to the prior environmental documents, which would result in the current Project having new significant environmental impacts that were not considered in the prior environmental documents or having substantial increases in the severity of previously identified significant impacts.

Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete is available, requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigation measures remain valid. If the new information shows that: (A) the Project will have one or more significant effects not discussed in the prior environmental documents; or (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects on the Project, but the Project proponents decline to adopt the Mitigation Measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the Mitigation Measure or alternative, the question would be answered “yes” requiring the preparation of a subsequent EIR or supplement to the EIR. However, if the

additional analysis completed as part of this Environmental Checklist Review finds that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified significant environmental impacts are not found to be substantially more severe, the question would be answered “no” and no additional EIR documentation (supplement to the EIR or subsequent EIR) would be required.

Notably, where the only basis for preparing a subsequent EIR or a supplement to an EIR is a new significant impact or a substantial increase in the severity of a previously identified impact, the need for the new EIR can be avoided if the Project applicant agrees to one or more mitigation measures that can reduce the significant effect(s) at issue to less than significant levels. (See *River Valley Preservation Project v. Metropolitan Transit Development Board* (1995) 37 Cal.App.4th 154, 168.)

Do Prior Environmental Documents Mitigations Address/Resolve Impacts?

This column indicates whether the prior environmental documents and adopted CEQA Findings provide mitigation measures to address effects in the related impact category. In some cases, the mitigation measures have already been implemented. A “yes” response will be provided in either instance. If “NA” is indicated, this Environmental Checklist Review concludes that there was no impact, or the impact was less-than-significant and, therefore, no mitigation measures are needed.

3.2 DISCUSSION AND MITIGATION SECTIONS

Discussion

A discussion of the elements of the checklist is provided under each environmental category to clarify the answers. The discussion provides information about the particular environmental issue, how the Project relates to the issue, and the status of any mitigation that may be required or that has already been implemented. Additional discussion of the Project’s specific potential effect upon the public trust resources described in each environmental category are provided in greater detail in the Mitigation Measures of each resource area.

Mitigation Measures

Applicable mitigation measures from the prior environmental review that would apply to the Project are listed under each environmental category. New mitigation measures are included, if needed.

A Mitigation Measures Summary Table is provided at the end of this document as Attachment J.

Conclusions

A discussion of the conclusion relating to the need for additional environmental documentation is contained in each section.

Acronyms Used in Checklist Tables

Acronyms used in the Environmental Checklist tables and discussions include:

EIR	Environmental Impact Report
MM	Mitigation Measure
NA	not applicable

Chapter 4 ENVIRONMENTAL CHECKLIST

4.1 AESTHETICS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/ Resolve Impacts?
1. Aesthetics. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	Draft EIR Setting pp. 3.1-1 to 3.1-6 Impact 3.1-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Draft EIR Setting pp. 3.1-1 to 3.1-6 Impact 3.1-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Draft EIR Setting pp. 3.1-1 to 3.1-6 Impact 3.1-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Draft EIR Setting pp. 3.1-1 to 3.1-6 Impact 3.1-3	No	No	NA, impact remains less than significant

4.1.1 Discussion

No substantial change in the environmental and regulatory settings related to aesthetics, described in the Cannabis Program Draft EIR Section 3.1, "Aesthetics," has occurred since certification of the EIR.

a) Have a substantial adverse effect on a scenic vista?

As identified in Impact 3.1-1 of the Cannabis Program EIR, scenic vistas and resources in Trinity County include public views of mountains, natural forests, and rivers and other waterways. Potential visual effects associated with commercial cannabis operations under the Cannabis Program would generally include those related to the establishment of cultivation areas, structures used for processing/drying and storing cannabis, and on-site nurseries, as well as construction of solid fencing around the perimeter of the cultivation areas. Although the visual quality of cannabis cultivation is not substantially different from that of other row crops or greenhouse cultivation of vegetables when located

in areas of existing agricultural operation, cultivation that occurs in forested areas and livestock grazing areas is more visually prominent because the operation is visually dissimilar and it often alters the character of the view.

The Draft EIR acknowledged that there are approximately 113 acres of existing licensed cultivation site development (defined as “Designated Area” under the Cannabis Program). These sites are required to renew their licenses annually under the Cannabis Program. Some existing licensed cultivation sites are located along SR 3 and SR 299. Field review as part of the Draft EIR identified that some existing cultivation sites are visible from these highways. Cultivation sites within the forested portion of SR 3 were highly visible because the clearing of the site, planting of cannabis, structures, water storage facilities, and debris piles contrasted with the surrounding forested condition. Other cultivation sites were visible because of the use of black tarp as part of the perimeter fencing, which is visually disharmonious with the surrounding natural or rural visual character. Although these sites are part of the existing visual conditions along these scenic corridors, continued operation of these cultivation sites may further affect public scenic views from expansion of operations through the proposed amendment to expand the Designated Area for cultivation activities (land clearing, nurseries [greenhouses], extension of electrical facilities, and other related outdoor uses) from 200 percent of the licensed cannabis canopy area to 250 percent.

New cannabis cultivation operations could be located in areas similar to existing licensed sites, further altering scenic resources and viewsheds in the county through site clearing; construction of structures, fencing, roadways, water storage facilities, and infrastructure improvements for electricity and drainage; and other activities. This impact would be most prominent for forested cultivation sites visible from SR 3 and SR 299. This could also occur along other County-designated scenic roadways. New licensed cultivation would reduce visual impacts on county waterways through compliance with setback and avoidance requirements of the State Water Resources Control Board. The reader is referred to Section 3.10, “Hydrology and Water Quality,” for further information on these requirements.

The impacts related to cannabis cultivation are potentially significant impacts, but would be mitigated through implementation of adopted Mitigation Measures 3.1-1a, 3.1-1b, and 3.1-1c that were incorporated into the Cannabis Program. Implementation of adopted Mitigation Measure 3.1-1a would address impacts on scenic views and scenic resources by requiring the screening of new cultivation sites and the establishment of screening features at existing cultivation sites, ensuring that these features do not dominate the scenic view. Adopted Mitigation Measure 3.1-1b and 3.1-1c would require that the cultivation parcel site conditions be maintained clean of trash and debris piles and that fencing blend with the surrounding conditions of the parcel. Therefore, the impact related to cannabis cultivation would be less than significant.

The Project is in compliance with adopted Mitigation Measures 3.1-1a, 3.1-1b, and 3.1-1c. Mitigation Measure 3.1-1a does not apply as the Project site is not located within 0.5 mile of a County-designated scenic roadway. The Project site is well maintained to be free of trash and debris, and there are no abandoned vehicles or old appliance accumulation onsite. No significant impacts would occur.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

See discussion under item a) above.

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

Impact 3.1-2 of the Cannabis Program EIR describes the scenic resources in Trinity County, including mountains, forests and wilderness areas, rivers and other waterways, rural communities, and designated scenic roadways that create unique visual character conditions in each region and community of the county. Potential visual effects associated with commercial cannabis operations under the Cannabis Program would generally include those related to the establishment of cultivation areas, structures used for processing/drying and storing cannabis, and on-site nurseries, as well as construction of solid fencing around the perimeter of the cultivation areas. Noncultivation cannabis operations (e.g., manufacturing, distribution, non-storefront retail, and microbusiness) include construction of new structures or

reuse of existing structures within rural communities. These features have the potential to alter the local visual character of a region or community in the county.

The Draft EIR identified existing licensed cultivation sites located along the state highway corridors and within or near the county's rural communities. In some unforested portions of the county, the visual character of cannabis cultivation is not substantially different from that of other existing agricultural operations. However, cultivation that occurs in forested areas, in livestock grazing areas, and near rural communities is more visually prominent and often conflicts with the visual character of the surrounding area. This is typically a result of clearing on-site trees and vegetation, establishment of cannabis planters or hoop houses for mixed-light cultivation, grading to establish benches for cultivation sites, construction of solid perimeter fencing, and the establishment of trash and debris piles. Implementation of the Cannabis Program could further expand this existing visual condition through the proposed amendment to expand the Designated Area for cultivation activities (land clearing, storage facilities, nurseries, and other related uses) from 200 percent of the licensed cannabis canopy area to 250 percent.

Implementation of the Cannabis Program would allow the construction and operation of new cannabis cultivation development activity in the county, which could expand the visual character impacts identified above for existing licensed commercial cannabis operations. These visual character impacts would occur through site clearing; construction of structures, fencing, roadways, water storage facilities, and infrastructure improvements for electricity and drainage; and other activities. Therefore, the impact associated with implementation of the Cannabis Program related to new cannabis cultivation would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.1-1a, as required by Mitigation Measure 3.1-2, would address visual character impacts by requiring the screening of new cultivation sites and the establishment of screening features at existing cultivation sites to ensure that these features do not dominate the scenic view. Screening features would be consistent with surrounding natural features to avoid the appearance of excessive land clearing. Adopted Mitigation Measures 3.1-1b and 3.1-1c, as required by adopted Mitigation Measure 3.1-2, would require that the cultivation parcel site conditions be maintained clean of trash and debris piles and that fencing blend with the surrounding conditions of the parcel. This would address new cultivation visual character impacts as well improve existing visual character conditions. Therefore, the impact would be less than significant.

The Project as proposed would be consistent with the Cannabis Program. The Project's land uses are consistent with the Cannabis Program standards for the proposed use and the Project is consistent with the Cannabis Program policies and guidelines for design. Project buildings and structures are below the maximum allowed height for the zone. No changes to the visual character of the site or surrounding areas have occurred since approval of the Cannabis Program and certification of its EIR. The proposed project is consistent with zoning and design requirements for the site, as well as the requirements of adopted Mitigation Measures 3.1-1b and 3.1-1c, and Mitigation Measure 3.1-1a does not apply. Therefore, no significant impacts would occur.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

As identified in Impact 3.1-3, cannabis operations and cultivation are known to use light sources for cultivation of the cannabis plant (nurseries, mixed-light cultivation, and indoor cultivation) in addition to nighttime lighting associated with security. If not adequately controlled, these light sources can create substantial light and glare impacts, adversely affecting neighboring land uses and wildlife.

Mixed-light and indoor cultivation operations use lighting to extend the photoperiod for the cannabis plants. Such lighting may create a nuisance to adjacent and nearby properties, residences, and/or motorists traveling on nearby roadways. Artificial night lighting used for cannabis cultivation operations could result in adverse ecological effects on terrestrial and aquatic resources. Security lighting could affect nighttime views or disturb neighboring residents. The degree to which such lighting would have adverse impacts on sensitive receptors would vary among proposed cultivation sites. Lighting used for cultivation purposes could create additional ambient lighting within the area and be intrusive to neighboring residents. Depending on the location of lighting for outdoor and/or mixed-light cultivation, spillover of lighting could occur to varying degrees and result in additional light and glare at off-site locations, including nearby residences.

Some mixed-light cultivation operations use hoop houses, or nonpermanent structures supported with PVC pipes draped with opaque plastic sheeting. Nurseries may also use nighttime lighting to manipulate growth. At night, for mixed-light cultivation to take place, lights are placed over the plants to trigger plant flowering and produce more harvests. With lights on in the hoop houses at night, the structures emit a glow of light and are illuminated. The hoop houses and associated light have the potential to be visible from roadways, hillsides, and neighboring residences and be viewed as out of character with the rural uses in the area.

The Cannabis Program includes the following requirements that ensure nighttime lighting and glare impacts are avoided:

All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky (Section 315-843[6][l]).

Those cultivations using artificial lighting from mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise (Section 315-843[6][m]).

These performance standards are consistent with CCR Sections 8304(c) and 8304(g) regarding state licensing requirements for cultivation. Implementation of these performance standards would ensure that potential light and glare impacts are reduced to a level that would be less than significant for the Cannabis Program under Project and cumulative conditions.

No changes in the nighttime lighting conditions for the Project site have occurred since certification of the Cannabis Program EIR. Therefore, no significant impacts would occur. The Project is consistent with the nighttime lighting and glare performance standards identified above and would not be a substantial new source of lighting.

Mitigation Measures

The following mitigation measures were referenced in the Cannabis Program EIR analysis and would be implemented if the Project were approved.

Mitigation Measure 3.1-1a: Screen Cultivation Sites from County Scenic Roadways

This mitigation measure does not apply. According to the California State Scenic Highway System map by ArcGIS and Trinity County General Plan prepared by LSC Transportation Consultants in 2002, the Project site is not located within 0.5 mile of a County-designated scenic roadway.

Mitigation Measure 3.1-1b: Maintain Cultivation Parcel

This mitigation measure applies. This Project will maintain the parcel clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on this parcel for a period greater than two weeks for the life of the license.

Mitigation Measure 3.1-1c: Fence Cultivation Site

This mitigation measure only applies if the Project applicant desires to fence their cultivation area. If the Project applicant chooses to fence their cultivation site, covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements.

Mitigation Measure 3.1-2: Implement Mitigation Measures 3.1-1a, 3.1-b, and 3.1-1c

This mitigation measure does not apply as 3.1-1a is not applicable therefore this mitigation is not applicable.

CONCLUSION

Implementation of Mitigation Measures 3.1-1b and 3.1-1c by the Project proponent (Smoking Green Valley, LLC) will reduce any potential impacts that could result from the Project as proposed to a less-than-significant level, and therefore approval of the Project would not result in significant impacts to aesthetics.

4.2 AGRICULTURE AND FORESTRY RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
2. Agriculture and Forestry Resources. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps as prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impact 3.2-1	No	No	NA, remains no impact
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impact 3.2-1	No	No	NA, remains no impact
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impact 3.2-2	No	No	NA, remains less than significant
d. Result in the loss of forest land or conversion of forest land to non-forest land?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impact 3.2-2	No	No	NA, remains less than significant
e. Involve other changes in the exiting environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impacts 3.2-1 and 3.2-2	No	No	NA, remains no impact

4.2.1 Discussion and Conclusion

No substantial change in the environmental and regulatory settings related to agriculture and forestry resources, described in the Cannabis Program Draft EIR Section 3.2, "Agriculture and Forestry Resources," has occurred since certification of the EIR.

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Impact 3.2-1 of the Cannabis Program EIR noted that Farmland (Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) has not been mapped by the state for Trinity County. Cannabis is defined by the state (Health and Safety Code Section 11362.777[a] and Business and Professions Code Section 26067[a]) as an agricultural product; therefore, cultivation activities in agricultural areas would not result in conversion to a nonagricultural use.

The Project is not located on Farmland as identified in maps prepared pursuant to the Farmland Mapping and

Monitoring Program. No conversion of Farmland would occur. Therefore, there would be no impact from the Project as proposed.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

See discussion under item a) above.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Impact 3.2-2 of the Cannabis Program EIR noted that forest land represents approximately 83 percent of the county (1.7 million acres). Implementation of the Cannabis Program would result in new or expanded commercial cannabis cultivation activities throughout the unincorporated county. Licensed commercial cannabis operations under the Cannabis Program would be generally excluded from lands zoned TPZ (326,168 acres), as well as public lands, including the Shasta-Trinity, Six Rivers, and Mendocino National Forests and four wilderness areas (Yolla Bolly-Middle Eel, Trinity Alps, Chancelulla, and North Fork) that encompass 2,051,988 acres for a grand total of 2,378,156 acres of protected forest land. These protected areas make up most of the forest conditions in the county.

CAL FIRE provides exemptions for timberland conversions for conversions of 3 acres or less of timberland for cultivation sites. Applicants are required to comply with these regulations and show the County the application for exemption with CAL FIRE. If the CAL FIRE 3-acre-or-less exemption is accepted, the County would not allow for clearing land greater than the designated area if the intent of the clearing is to cultivate cannabis. If a cannabis cultivation applicant requests County approval on a less than 3-Acre conversion exemption, the County requests documentation from the applicant demonstrating that the conversion from timber land is to another legal use and is subject to the following:

The applicant must be enrolled in the County's commercial cannabis program.

The applicant must submit a site plan that indicates the square footage that will be converted to commercial cannabis use and the additional acreage that will be converted for any other bona fide intent.

The site plan for the proposed conversion must reflect the information provided on the site plan submitted for the commercial cannabis cultivation license.

The County will not approve any conversion to commercial cannabis that is greater than the Designated Area associated with the approved commercial cannabis license issued for the subject site.

The County will not approve any conversion including a stated bone fide intent for cannabis cultivation without receiving verification from the State Water Resources Control Board that the applicant is enrolled, and in compliance with, the State Water Resources Control Board Cannabis Cultivation General Order

County site inspectors will do a post-harvest inspection to verify that the area converted to commercial cannabis cultivation use is consistent with the site plan submitted with the less than 3-acre conversion exemption and what is currently on file with the commercial cannabis license. Site development must reflect the same information as what is provided on the site plan for the approved commercial cannabis cultivation license.

In the case that Trinity County Planning Department inspectors or staff determine that the post-harvest area converted to commercial cannabis cultivation does not match the site plan or the bona fide intention listed on the exemption does not match on-the-ground conditions, the applicant's enrollment in the commercial cannabis program will be suspended and remediation of any areas harvested in excess of what was originally identified for conversion will be remediated.

Unless identified in a less than 3-acre conversion exemption with the bona fide intent of commercial cannabis, areas converted under a less than 3-acre conversion exemption for any other bona fide intent are ineligible for commercial cannabis cultivation for 2 years from completion of the conversion.

Several existing licensed commercial cannabis cultivation operations have already cleared on-site forest conditions as part of site preparation and are part of the baseline conditions of the county. However, the proposed amendment to Section 315-843(l)(i) provisions to increase the Designated Area (land area used to support the cultivation operation) from 200

percent to 250 percent of the licensed cannabis canopy area would allow existing cultivation sites to expand and clear additional forest on-site. This would further fragment forest conditions in areas where cannabis cultivation occurs. Biological resource impacts related to the loss of forest habitat are addressed in Section 3.4, "Biological Resources." As noted above, the majority of forest conditions in the county are protected from licensed cannabis activities under the Cannabis Program.

New licensed commercial cannabis operations could result in additional loss of forest lands. As identified in Cannabis Program Draft EIR Table 2-3, the Designated Areas of all new licensed cannabis cultivation operations could remove up to 246.16 acres of forest land (assuming it is all located on forested sites) within the same areas of the county where cultivation currently occurs. This would result in loss of 0.014 percent of the county's total forest land acreage and is therefore not considered a substantial loss by the County. As noted above, the majority of forestland areas in the county are protected from licensed cannabis activities under the Cannabis Program because they consist of public lands and areas zoned TPZ where new cannabis uses are prohibited. Thus, this impact would be less than significant.

The Project is not located on forest lands and would not result in the conversion of forest land to non-forest uses. Implementation of the Project would not result in tree removal or forest cover alteration. Therefore, the Project as proposed would cause a less than significant impact.

d) Result in the loss of forest land or conversion of forest land to non-forest land?

See discussion under item c) above.

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

See discussions under items a) and c) above.

Mitigation Measures

No mitigation is required.

CONCLUSION

As no mitigation is required or needed for the Project as proposed (Smoking Green Valley, LLC), approval of the Project would not result in significant impacts to agriculture or forestry resources.

4.3 AIR QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
3. Air Quality. Would the project:				
Are significance criteria established by the applicable air district available to rely on for significance determinations?				
		<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No
a. Conflict with or obstruct implementation of the applicable air quality plan?	Draft EIR Setting pp. 3.3-1 to 3.3-11 Impacts 3.3-1 and 3.3-2	No	No	NA, remains less than significant
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Draft EIR Setting pp. 3.3-1 to 3.3-11 Impacts 3.3-1 and 3.3-2	No	No	NA, remains less than significant
c. Expose sensitive receptors to substantial pollutant concentrations?	Draft EIR Setting pp. 3.3-1 to 3.3-11	No	No	NA, remains no impact
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Draft EIR Setting pp. 3.3-1 to 3.3-11 Impacts 3.3-3	No	Yes	NA, remains less than significant

4.3.1 Discussion

No substantial change in the environmental and regulatory settings related to Air Quality, described in Cannabis Program Draft EIR Section 3.3, "Air Quality," has occurred since certification of the EIR.

a) Conflict with or obstruct implementation of the applicable air quality plan?

As noted on Cannabis Program Draft EIR page 3.3-5, the North Coast Unified Air Quality Management District (NCUAQMD) is the primary agency responsible for planning to meet the national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS) in Humboldt, Del Norte, and Trinity Counties' portions of the North Coast Air Basin (NCAB). NCUAQMD works to maintain the NAAQS and CAAQS for all criteria air pollutants. NCUAQMD attains and maintains air quality conditions in its jurisdiction through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of the NCUAQMD includes preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, and issuing permits for stationary sources of air pollution.

Impact 3.3-1 of the Cannabis Program Draft EIR evaluated construction-generated emissions of criteria air pollutants and precursors and noted that construction-generated emissions from later projects under the Cannabis Program could exceed NCUAQMD-recommended maximum daily emission threshold for NOX and annual mass emission threshold for PM10. Because the NCAB is in nonattainment for PM10, construction of new facilities licensed under the Cannabis Program would contribute substantially to an existing or projected air quality violation, could expose sensitive receptors to substantial pollutant concentrations, and could conflict with air quality planning efforts in Trinity County and the NCAB. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c would reduce construction-generated emissions by requiring performance standards prohibiting the burning of vegetation, requiring construction equipment to meet EPA standards, requiring dust control measures, and the use of renewable diesel fuel in construction equipment. Implementation of adopted Mitigation Measure 3.3-1a would reduce PM emissions associated with burning vegetation. Although implementation of adopted Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c would reduce NOX and PM10 emissions associated with construction activities, it would not reduce the Cannabis Program's PM10 emissions below the NCUAQMD threshold. Daily NOX and annual PM10 emissions would remain above the respective thresholds. Because there is no other feasible mitigation available, this impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Impact 3.3-2 of the Cannabis Program Draft EIR evaluated long-term operational emissions and noted that operation of existing licensed commercial cannabis cultivation in Trinity County generates daily emissions of ROG, NOX, and PM10 and annual emissions of PM10 that exceed applicable NCUAQMD mass emission thresholds.

Operation of new commercial cannabis cultivation and noncultivation operations would generate emissions of ROG, NOX, PM10, and PM2.5 that exceed applicable daily and annual mass emission thresholds established by NCUAQMD. Thus, operational emissions of ozone precursors (i.e., ROG and NOX) and of PM2.5 could conflict with NCUAQMD's efforts to maintain the CAAQS and NAAQS for ozone and PM2.5. Given that the NCAB is designated as nonattainment with respect to the CAAQS for PM10, implementation of the Cannabis Program could contribute to an existing or projected air quality violation. This impact would be significant.

Implementation of adopted Mitigation Measures 3.3-2a and 3.3-2b would reduce operational emissions by limiting the use of fossil fuel-powered equipment and requiring the use of low emission diesel back-up generators. Implementation of Mitigation Measure 3.3-2a would result in the reduction of criteria air pollutants and precursors associated with the use of an on-site utility vehicle by replacing a fossil fuel-powered vehicle with one that is electric at outdoor and mixed-light cultivation sites and all noncultivation sites. Implementation of these measures would result in the reduction of emissions associated with new and existing licensed cultivation and noncultivation sites and back-up diesel generators at mixed-light cultivation sites. However, the County considered but rejected as infeasible measures to reduce air pollutant emissions. Therefore, this impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures. Mitigation Measures 3.3-1b, 3.3-1c, 3.3-2a, and 3.3-2b will be implemented to reduce construction-generated and operational emissions to prevent conflicts with applicable air quality plans.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

The NCAB is designated nonattainment with respect to the CAAQS for PM10 and is designated as attainment for all other CAAQS and NAAQS for criteria air pollutants (NCUAQMD n.d.). However, as noted on Cannabis Program Draft EIR page 3.3-14, Trinity County's portion of the NCAB is in attainment for all criteria air pollutants and precursors.

Individual cultivation sites may include back-up diesel generators but would not include new stationary sources that could potentially exceed established emissions limits for ROG, NOX, PM10, PM2.5, CO, and SO2. As discussed under item a) above, the NCAB is designated as nonattainment with respect to the CAAQS for PM10 and implementation of the Cannabis Program could contribute to an existing or projected air quality violation. While implementation of adopted Mitigation Measures 3.3-1a, 3.3-1b, 3.3-1c, 3.3-2a, and 3.3-2b would reduce emissions, the impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

As discussed under item (a), above, the Project would not exceed NCUAQMD CEQA thresholds for construction or operational emissions. The Project's land use and development intensities are consistent with the Cannabis Program and what was assumed in the Cannabis Program Draft EIR air quality analysis in Section 3.3, "Air Quality." Therefore, no significant impacts would occur. Construction of the proposed project would generate minor emissions and would not substantially contribute to new emissions.

c) Expose sensitive receptors to substantial pollutant concentrations?

As discussed on pages 3.3-13 and 3.3-14 of the Cannabis Program Draft EIR, issues related to potential CO hot spots and substantial pollutant concentrations was not included in the analysis for the reasons discussed below.

Regarding the potential for CO “hot spots” at local intersections, these types of effects only have the potential to occur at intersections experiencing extremely high volumes of traffic. For instance, the Sacramento Metropolitan Air Quality Management District determined that CO hot spots only have the potential to occur at intersections that experience a traffic volume greater than 31,600 vehicles per hour (SMAQMD 2016:4-8). Operational activities at individual facilities are not anticipated to generate more than 32 trips per day during the peak harvest period, as explained in Section 3.14, “Transportation/Traffic.” Moreover, the commercial cannabis operations would be generally spread throughout the county. Thus, it is not anticipated that vehicle trips generated by cultivation operations would result in congestion at any intersection that experiences high volumes of vehicles or long wait times. For these reasons, it is not anticipated that the additional trips associated with new cannabis operations would contribute substantially to traffic congestion at affected intersections such that local CO “hot spots” would occur that exceed the CAAQS or NAAQS for CO.

Construction and operation of the permitted cultivation and noncultivation operations may involve the use of diesel-powered equipment that emit diesel PM. However, the amount of construction activity at any single location would not be intensive (i.e., approximately one piece of off-road equipment being used at a time) would be temporary and would not take place at the same site for longer than a few months. Operational activities would not include any major sources of TACs and all operations would be subject to comply with setback distances specified in the Cannabis Program (i.e., a minimum 350-foot buffer between operations and existing residential land uses). Given the minimal construction activities, the lack of major sources of TACs, and the setback requirements, the construction and operation of new cannabis facilities would not expose existing receptors to substantial TAC concentrations and there would be no impact.

No significant impacts would occur. The proposed project would not result in a significant increase in traffic; therefore, no localized CO hazard would occur.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Impact 3.3-3 of the Cannabis Program Draft EIR evaluated the potential for people to be exposed to objectionable odors from new commercial cultivation and noncultivation sites, as well as existing cultivation. The cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are required under the Cannabis Program; however, they do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people.

Generally, the larger the size of the canopy area, the greater the potential for odor to be evident to off-site receptors. Many of the potential applicants seeking coverage under the Cannabis Program are seeking to operate outdoor cultivation sites or mixed-light cultivation facilities. Mixed-light cultivation sites could include structures that contain odors associated with cultivation. All cultivation operations would be required to be setback a minimum of 350 feet from adjacent residences such that attendant odors would less likely be detectable by people off-site.

Odors emitted by indoor cultivation and processing activities can be controlled through the use of active carbon filters, biofilters, plasma ion technology, air filters, and other manufactured odor control/masking substances (e.g., gels and sprays designed to mask odors). However, under the Cannabis Program, these types of controls are not required. While the Cannabis Program requires a minimum setback for cultivation sites of 350 feet from adjacent residences; a minimum setback for Type 3 cultivation operations (i.e., greater than 50 acres) of 500 feet from an adjacent property line; 500 feet of an authorized school bus stop; and 1,000 feet from a youth-oriented facility, a school, any church, residential treatment facility; it does not preclude the potential for off-site residential receptors to be exposed to odors emitted by mature cannabis plants that they find objectionable. As a result, this impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.3-3 would reduce the potential for odor impacts by requiring cannabis sites to develop and implement an odor control plan and including corrective actions for cultivation sites that

routinely generate nuisance odor impacts. However, it is possible that nuisance odor impacts would occur occasionally before abatement for outdoor cultivation sites, especially in areas where outdoor cultivation sites are concentrated. There are no feasible mitigation measures for completely avoiding the potential for occasional odor nuisance impacts because there is no reliable method to contain odors on-site under all atmospheric conditions during harvest season. There are no effective mitigation measures to ensure the elimination of cannabis odors at harvest for outdoor cultivation operations in all circumstances. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

No significant impacts would occur. There are no sensitive receptors in the vicinity of the subject parcel. The nearest neighboring residences are over 2,000 feet west and southwest from the proposed cultivation area. The Project involves a new mixed-light cultivation area.

Mitigation Measures

The following mitigation measures were referenced in the Cannabis Program EIR analysis and would be implemented if the Project were approved.

Mitigation Measure 3.3-1a: Prohibit Burning Vegetation

This mitigation does not apply. The burning of vegetation related to cannabis cultivation and cannabis waste is already prohibited, and the Project as proposed does not include tree removal or clearing of existing vegetation of any kind that would require disposal by any means.

Mitigation Measure 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control

This mitigation measure applies as the Project applicant proposes construction that could utilize diesel engine machines. This mitigation measure will be satisfied by the following:

- **All diesel-powered off-road equipment used in construction shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the Project applicant establishes with its construction contractors.**
- **Construction activities will implement measures to control dust such as:**
 - Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
 - Cover all haul trucks transporting soil, sand, or other loose material off-site.
 - Remove all visible mud or dirt track-out onto adjacent roads.
 - Limit all construction vehicle speeds on unpaved roads to 15 miles per hour.

Mitigation Measure 3.3-1c: Use Alternative Fuels

This mitigation measure applies as construction is proposed for the Project and this construction is associated with a new cannabis license application. The mitigation measures applicable are as follows:

- **Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:**
 - meet California's Low Carbon Fuel Standards and be certified by CARB Executive Officer;
 - be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
 - contain no fatty acids or functionalized fatty acid esters; and
 - have a chemical structure that is identical to petroleum-based diesel and complies with American

Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

The County shall require implementation of this measure of the licensed entities building a new cannabis site.

Mitigation Measure 3.3-2a: Limit the Use of Fossil Fuel-Powered Outdoor Power Equipment at All Commercial Cannabis Cultivation and Noncultivation Sites

This mitigation measure applies. The Project applicant will do the following to satisfy this mitigation measure:

- Limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. This requirement does not apply to generators.

Mitigation Measure 3.3-2b: Require Use of Low Emission Diesel Back-Up Generators at All Commercial Cannabis Cultivation and Noncultivation Sites

This mitigation measure applies as the Project applicant currently uses back-up diesel generator(s) for their cultivation operations. The applicant will apply the following mitigation measure:

- All generators shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the Project applicant establishes with its construction contractors.

Mitigation Measure 3.3-3: Implement Odor Control Plan for the Growing, Cultivating, Processing, Handling of Cannabis

The Project in question has no sensitive receptors in the vicinity of the Project site, as stated in the Project Description. The Project is approximately 6.46 air miles northeast of Zenia, the nearest community with sensitive receptors such as schools and parks. Additionally, the nearest neighboring residences are over 2,000 feet to the west and southwest of the cultivation area. In the event sensitive receptors do move into the Project vicinity, the Odor Control Plan found at Attachment A will be implemented. The Odor Control Plan contains the following elements to satisfy this mitigation measure:

- Identify and describe odor-emitting activities and the nature and characteristics of the emissions.
- Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site.
- Demonstrate that the cannabis site's distance to receptors, wind direction, and local topographic conditions would not result in detection of cannabis odors by off-site sensitive receptors that would create a nuisance.
- If off-site odor nuisance impacts cannot be avoided without odor controls, identify procedures and controls for reducing/controlling odors on-site, including the following as applicable to the cannabis use and license type (outdoor, mixed-light, and indoor). The operator may propose a numeric odor detection threshold for on-site operations (such as dilution-to-threshold standard that is verified by persons of normal odor sensitivity as defined by European Standard EN 13725) subject to County review and approval.⁴
 - All fully enclosed and secure structures that contain cannabis plants or products that generate odors will employ mechanical ventilation controls, carbon filtration, or other equivalent or superior method(s) to eliminate the detection of cannabis off the parcel. This will include all drying and

⁴The use of a dilution-to-threshold (D/T) standard is based on scientific publications on odor pollution control that have identified that odors above 7 D/T will often result in complaints (i.e., objectionable), with 15 D/T often described as a nuisance, and odors above 30 D/T described as a serious nuisance (i.e., nauseating) (McGinley 2000; Huey et al. 1960).

processing of cannabis plant material recently harvested.

- Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site design or other technology and/or use of odor easements to address odor impacts.
- Corrective actions to address County-verified off-site odor complaints will be identified. This may include immediate and complete harvest of the cannabis plants or identification of other methods to be applied as part of the current harvest or the next harvest to minimize off-site odor impacts so that they would not conflict with other applicable standards of the County's Cannabis Program or State license requirements.

CONCLUSION

Implementation of Mitigation Measures 3.3-1b, 3.3-1c, 3.3-2a, 3.3-2b, and 3.3-3 by the Project proponent (Smoking Green Valley, LLC) would reduce any potential impacts resulting from the Project as proposed to a less-than-significant level, and therefore approval of the Project would not result in significant impacts to air quality.

4.4 BIOLOGICAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
4. Biological Resources. Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Draft EIR Setting pp. 3.4 to 3.4-41 Impacts 3.4-1, 3.4-2, and 3.4-3	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Draft EIR Setting pp. 3.4 to 3.4-41 Impact 3.4-4	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Draft EIR Setting pp. 3.4 to 3.4-41 Impact 3.4-5	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Draft EIR Setting pp. 3.4-1 to 3.4-41 Impact 3.4-6	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	Draft EIR Setting pp. 3.4-1 to 3.4-41 Impacts 3.4-1, 3.4-2, 3.4-3, 3.4-5, and 3.4-6	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Draft EIR Setting pp. 3.4-1 to 3.4-41	No	No	NA, activities under the County Cannabis Program would not be permitted within the implementation areas of HCPs

4.4.1 Discussion

No substantial change in the environmental and regulatory settings related to Biological Resources, described in Cannabis Program Draft EIR Section 3.4, "Biological Resources," has occurred since certification of the EIR.

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

Impact 3.4-1 of the Cannabis Program Draft EIR evaluated the potential for disturbance to or loss of special-status plant species and habitat. Potential land use conversion and development as part of the implementation of the Cannabis Program could result in disturbance to or loss of several special-status plant species, if they are present. Additionally, development under the Cannabis Program could result in introduction or spread of invasive plants during vegetation removal, ground disturbance, or introduction of off-site soils, which could result in exclusion of special-status plants. Because the loss of special-status plants could substantially affect the abundance, distribution, and viability of local and regional populations of these species, this impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

A total of 103 special-status plants were identified as having potential to occur within Trinity County. Cannabis-related activities may include ground disturbance, vegetation removal, roadway construction, construction of water storage facilities, infrastructure improvements, extension of electrical facilities, and grading, which could result in the direct loss of special-status plants or their habitat if they are present.

Implementation of adopted Mitigation Measures 3.4-1a, 3.4-1b, and 3.4-1c would reduce potential impacts to special-status plant species and their habitat by requiring preapproval biological reconnaissance surveys; conduct special-status plant surveys and implement avoidance measures and mitigation; and implement measures to avoid introduction or spread of invasive plant species. Implementation of Mitigation Measure 3.4-1a, 3.4-1b, and 3.4-1c would reduce significant impacts on special-status plants to a less-than-significant level because it would require applicants to identify and avoid special-status plants and would prevent the spread of invasive weeds by removal of existing populations on-site and inspecting machinery.

Impact 3.4-2 of the Cannabis Program Draft EIR evaluated the potential for disturbance to or loss of special-status wildlife species and habitat. Potential land use conversion and development that may occur from implementation of the Cannabis Program could adversely affect several special-status wildlife species. Project implementation may include ground disturbance, vegetation removal, and overall conversion of wildlife habitat, which could result in the disturbance to or loss of individuals and reduced breeding productivity of these species. Special-status wildlife species are protected under the ESA, CESA, California Fish and Game Code, CEQA, and other regulations. The loss of special-status wildlife species and their habitat would be a significant impact.

A total of 41 special-status wildlife species were identified as having potential to occur in Trinity County, including reptiles, amphibians, nesting birds, and mammals. Conversion of wildlife habitat, ground disturbance, and vegetation removal as part of expansion of existing licensed cultivation sites from the proposed amendment of the size limitations on the Designated Area and construction and operation of new commercial cannabis uses under the Cannabis Program could result in the disturbance or loss of special-status wildlife, if present.

Implementation of adopted Mitigation Measures 3.4-2a through 3.4-2o would reduce potential impacts to special-status wildlife species and their habitat by requiring surveys and prescribing steps to be taken to minimize potential impacts on special status wildlife species.

Impact 3.4-2 of the Cannabis Program Draft EIR also evaluated the effects of artificial nighttime light and generator noise on special status wildlife species. The Cannabis Program includes requirements that ensure nighttime lighting and glare impacts from cultivation are avoided, consistent with CCR Sections 8304(c) and 8304(g) regarding state licensing requirements for cultivation and nurseries, and no mitigation is required.

While the effects of anthropogenic noise on wildlife species is an issue that is complex and poorly understood, anthropogenic

noise can result in elevated stress levels in wildlife species and this impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.4-2n would reduce impacts to a less-than-significant level through limitations on noise levels.

Impact 3.4-3 of the Cannabis Program Draft EIR evaluated potential disturbance to or loss of special-status fisheries. Surface water diversions for commercial cannabis uses that may occur under the County Cannabis Program could adversely affect several special-status fish species. Four special-status fish species are known to occur in the county, including chinook salmon (upper Klamath and Trinity Rivers evolutionarily significant unit [ESU]), coho salmon (southern Oregon/northern California ESU), Pacific lamprey, and summer-run steelhead trout. Critical habitat for Chinook salmon and steelhead trout is present within the county. Cannabis cultivation water demands would make up over 90 percent of the total water demands of the Cannabis Program and could result in surface water flow impacts if surface water diversions are used. Special-status fish species are protected under ESA, CESA, and other regulations. The alteration of surface water conditions that support special-status fish species would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.4-3, which requires implementation of adopted Mitigation Measures 3.10-1a and 3.10-1b. Adopted Mitigation Measure 3.10-1a would amend the Cannabis Program to require compliance with the requirements of SWRCB Order WQ 2019-0001-DWQ, or any subsequent water quality standards to apply to all new commercial cannabis cultivation operations. Adopted Mitigation Measure 3.10-3b would require the County to deny any application for cultivation that is located within a watershed that has a moratorium for state licenses in place pursuant to CCR Section 8216. These mitigation measures would be consistent with the General Plan Conservation Element recommendations. Compliance with the SWRCB numeric and narrative instream flow requirements and implementation of Mitigation Measures 3.10-1a and 3.10-3b would ensure that surface water flows are protected and would reduce this impact to less than significant.

The Project is required to comply with adopted Mitigation Measures 3.4-1a through 3.4-1c, 3.4-2a through 3.4-2o, and 3.4-3, which would reduce impacts on special status species and their habitat.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Impact 3.4-4 of the Cannabis Program Draft EIR evaluated the potential for disturbance to or loss of riparian habitat, old-growth habitat, or other sensitive natural communities. Potential land use conversion and development that may occur from implementation of the County Cannabis Program could adversely affect riparian habitat, old-growth habitat, and other sensitive natural communities if they are present on the site. Construction-related activities, including ground disturbance, old-growth habitat removal, removal of riparian vegetation, or disturbance of stream and river habitat would be a potentially significant impact.

Riparian habitat within the county can be found adjacent to aquatic habitat such as streams and rivers. A total of four sensitive natural communities are also present, including fish stream habitat (Klamath/North Coast summer steelhead stream and Klamath/North Coast rainbow trout stream), and two terrestrial plant communities (Darlingtonia seep and upland Douglas-fir forest). Large portions of this habitat occur on public lands managed by U.S. Forest Service where new commercial cannabis operations would be prohibited under the Cannabis Program. Riparian habitat areas also occur near the Eel, Mad, and Trinity Rivers, and their tributaries. Streams supporting riparian and wetland vegetation are regulated by CDFW under Sections 1600-1616 of the California Fish and Game Code, which provides for the protection of fish, wildlife, and native plant resources.

Old-growth forest habitat, predominately Douglas-fir, occurs throughout the county. Old-growth and late-successional forests include features such as very large trees, large snags, complex canopy structure (i.e., understory, midstory, overstory), and coarse woody debris (e.g., large logs) on the forest floor; all features that provide unique habitat for many wildlife species. Many special-status wildlife species, including fisher, marten, and Sonoma tree vole use old-growth forest habitat for nesting and movement corridors.

Approximately 168 acres of blue oak and valley oak woodland occurs within the county. Oak woodlands are considered under the state Oak Woodlands Conservation Act, which requires the County to determine whether proposed development would result in conversion of oak woodlands that would have a significant adverse effect on the environment.

Implementation of adopted Mitigation Measures 3.4-4a would reduce potential impacts to sensitive natural communities, riparian habitat, and wetland vegetation by requiring surveys for these sensitive resources and steps that must be taken to protect or compensate for any losses. Implementation of adopted Mitigation Measure 3.4-4b requires restoration of abandoned cultivation or nursery sites. Mitigation Measures 3.4-4a and 3.4-4b would reduce significant impacts to sensitive natural communities and riparian habitat to less-than-significant levels because it would require applicants to identify and avoid sensitive resources or provide compensation for the loss of riparian habitat through enhancement of existing populations, creation and management of off-site populations, conservation easements, or other appropriate measures and to restore cultivation and nursery sites upon revocation of a use permit or abandonment.

The biological resources report submitted for the Project and found at Attachment B to this document identified that the Project site does not include any sensitive natural communities, riparian habitat, or wetland vegetation within the cultivation area. While some riparian and wetland habitat exists on site, all Project activities will remain outside of riparian setbacks as required by the SWRCB.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Impact 3.4-5 of the Cannabis Program Draft EIR evaluated the potential to result in disturbance to or loss of waters of the United States, such as streams, rivers, lakes, and wetlands. The county contains approximately 20,761 acres of aquatic habitat, including major rivers (e.g., Trinity, Mad, Van Duzen, Eel) and their tributaries, and lakes, as well as associated wetland habitat. All commercial cannabis cultivation would be required to meet the requirements of Attachment A (General Requirements and Prohibitions) SWRCB Order WQ 2019-0001-DWQ regarding setbacks and other protection measures for all water features.

Although existing cultivation sites are part of the existing conditions, continued operation of these cultivation sites may result in new loss of waters of the United States from expansion of operations through the proposed amendment to expand the Designated Area for cultivation activities (land clearing, storage facilities, water storage, extension of electrical facilities, nurseries, and other related uses) from 200 percent of the licensed cannabis canopy area to 250 percent. Development of new cultivation sites, which could include vegetation removal and other ground disturbance, could result in the loss or degradation wetlands or other waters of the United States through fill or other disturbances. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of Mitigation Measure 3.4-5 would reduce potential impacts to waters of the United States by requiring a survey be performed to evaluate the potential for any protected waters to be located on the Project site. Additionally, projects are required to provide compliance documentation to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of waters of the United States from new development related to cannabis activities. Mitigation Measure 3.4-5 would reduce impacts to wetlands and other waters of the United States to a less-than-significant level because it would require the proposed projects to avoid any wetlands or waters of the United States.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Impact 3.4-6 of the Cannabis Program Draft EIR evaluated the potential for activities under the Cannabis Program to interference with resident or migratory wildlife corridors or native wildlife nursery sites. Potential land use conversion and development under the Cannabis Program could adversely affect resident or migratory wildlife corridors through habitat

fragmentation, degradation of aquatic habitat (e.g., streams and rivers), or blockage of important wildlife migration paths. Impacts to movement corridors and habitat connectivity for these species would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.4-6a, would reduce impacts to aquatic corridors to a less-than-significant level because it would require approval and permits from CDFW and RWQCB and result in no net loss of functions and acreage of wetlands, including aquatic corridors through avoidance of these features. Implementation of adopted Mitigation Measure 3.4-6b would reduce impacts to terrestrial wildlife movement corridors to a less-than-significant level because it would prohibit removal of old-growth habitat and would retain features important for habitat connectivity for the fisher and Humboldt marten. Implementation of adopted Mitigation Measure 3.4-6c, which requires implementation of adopted Mitigation Measure 3.1-1b, would also mitigate wildlife movement impacts by requiring that sites remain clear of trash and debris piles.

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

See discussions under items a) through d) above.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As noted on Cannabis Program Draft EIR page 3.4-42, cannabis operations under the Cannabis Program do not qualify as covered activities under the habitat conservation plans (HCPs) within Trinity County. Additionally, activities under the Cannabis Program would not be permitted within the implementation areas of these HCPs (private land designated for timber harvest and aquatic habitat), and thus would not affect the successful implementation of the HCPs.

Mitigation Measures

The following mitigation measures were referenced in the Cannabis Program EIR analysis and would be implemented if the Project were approved.

Mitigation Measure 3.4-1a: Conduct Preapproval Biological Reconnaissance Surveys

This mitigation measure applies and is satisfied as a reconnaissance-level survey was conducted by Qualified Biologist Jack Henry with Timberland Resource Consultants (TRC) on the Project site April 10, 2020, to determine whether there is potential for 22 special-status plants, 21 special-status fish and wildlife species, or three sensitive habitats identified in the Biological Assessment prepared for the Project (found at Attachment B) to be present onsite.

The biological reconnaissance survey was conducted by Qualified Biologist Jack Henry. The Biological Assessment report has been provided to the Project applicant and to the County as Attachment B of this CEQA compliance document and provides evidence supporting a conclusion that no sensitive habitats are present or likely to occur within the proposed Project area. Evidence supporting findings of existing or non-existing suitable habitat, and detailing the technical analysis of said findings, are found in the Biological Assessment found at Attachment B. The project description in the Biological Assessment may not match the project description in this document, as the project description in the Assessment was relevant to the time of the survey. The validity of the Biological Assessment should not be challenged by this, as these assessments were conducted parcel-wide, as opposed to only Project area assessments. Therefore, the Biological Assessment found at Attachment B is valid even though the project description contained therein may be out of date.

There is the potential for sixteen special-status plants and six special-status animal species to occur onsite due to the presence of suitable habitat, though none of these species or any evidence of their presence was seen and identified during the reconnaissance survey. The Biological Assessment report found at Attachment B includes a discussion of potential direct and indirect impacts on these resources, as well as a comprehensive list of cannabis cultivation Best Management Practices that when implemented will avoid any potential adverse impacts to special-status species.

Mitigation Measure 3.4-1b: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation

This mitigation measure applies and has been satisfied. See discussion above for Mitigation Measure 3.4-1a; although six special-status plant species have suitable habitat onsite, none of these species were observed during the survey.

Mitigation Measure 3.4-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

This mitigation measure applies to the Project, and will be satisfied by the following:

- The application will include identification of invasive plant species, as applicable, that occur on the site to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices.
- All invasive plant species introduced to the site from commercial cannabis activities and/or from land disturbances caused by commercial cannabis activities shall be removed from the site using measures appropriate to the species to the extent practicable. For example, species that cannot easily reroor, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.
- Applicants shall monitor annually to ensure successful removal and prevention of new infestations of invasive species.
- Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species.
- Only weed-free erosion control materials and mulch shall be used on-site.

Mitigation Measure 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although it is outside of the proposed Project area and no individuals or evidence were observed), and the following will be implemented to satisfy:

- If special-status amphibians are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur based on the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as Project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate.
- Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 24 hours before new development activities. Preconstruction surveys for special-status amphibians shall follow widely used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in *Considerations for Conserving Foothill Yellow-Legged Frog* (CDFW 2018b), and *Visual Encounter Survey Protocol for Rana Boylei in Lotic Environments* (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of “visual encounter” as well as “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to

maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).

- If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required.
- If special-status amphibians are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians will be avoided by modifying Project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit (ITP) application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.

Mitigation Measure 3.4-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although it is outside of the proposed Project area and no individuals or evidence were observed), and the following will be implemented to satisfy:

- If pond turtles are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a), preconstruction surveys, or are determined to be likely to occur, consultation with CDFW will be initiated to determine whether additional measures, such as Project design modifications, relocation of the site, relocation of individual animals by a qualified biologist with a valid CDFW Scientific Collecting Permit, or installation of exclusionary fencing, will be necessary and appropriate.
- Regardless of detection during the initial biological reconnaissance survey, if suitable aquatic habitat for western pond turtle is present within the proposed development area, a qualified biologist approved by the County and familiar with the life history of western pond turtle will conduct preconstruction surveys of proposed new development activities within 200 feet of any aquatic habitat 24 hours before such development activities.
- If pond turtles are not detected during the preconstruction survey, then further mitigation is not required.
- If pond turtles are detected during the preconstruction survey, then consultation with CDFW will be initiated as described above. Injury or mortality of western pond turtle will be avoided through Project design modification, cultivation site relocation, or relocation of the turtle by a qualified biologist with a valid CDFW Scientific Collecting Permit. If relocation of western pond turtles is determined to be necessary, turtles will be relocated to similar nearby habitat free of predators (e.g., racoon, coyote, raptors, bullfrog, nonnative turtles, other western pond turtles) as determined by the qualified biologist. If western pond turtles are relocated, a report will be submitted electronically to CDFW within 15 days of the relocation. The report will include the location, date, time, and duration of collection and release; the number of individuals relocated; and identification of the qualified biologist.

Mitigation Measure 3.4-2c: Conduct Preconstruction Nesting Raptor Surveys and Establish Protective Buffers

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite and there is no new development related to cannabis activities that will remove trees. Additionally, construction will occur during the nonbreeding season (September 1 to January 31). Should construction occur during the breeding season, a survey will be conducted. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-2d: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite and there is no new development related to cannabis activities that will remove trees. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-2e: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, while there is suitable habitat, this mitigation measure does not apply as no tree removal is proposed, and construction will occur during the nonbreeding season (September 1 to January 31).

Mitigation Measure 3.4-2f: Conduct Preconstruction Surveys for Trinity Bristle Snail

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-2g: Implement Measures to Avoid Take of Special-Status Bumble Bees or Obtain Incidental Take Coverage

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although no individuals or signs were observed), and the following will be implemented to satisfy:

- If special-status bumble bees are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW will be initiated to determine whether mitigation measures, such as protocol-level surveys, Project design modifications, or relocation of the site, will be necessary and appropriate.
- If impacts to special-status bumble bees are determined to be unavoidable, then the applicant will submit an ITP application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual bumble bees, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.

Mitigation Measure 3.4-2h: Conduct Preconstruction American Badger Survey and Establish Protective Buffers

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although no individuals or signs were observed), and the following will be implemented to satisfy:

- Prior to the commencement of construction activities, a qualified wildlife biologist approved by the County will conduct surveys of the suitable grassland or agricultural habitats slated for conversion within the site to identify any American badger burrows/dens. These surveys will be conducted not more than 30 days prior to the start of construction. If occupied burrows are not found, further mitigation will not be required. If occupied burrows are found, impacts to active badger dens will be avoided by establishing exclusion zones around all active badger dens, within which construction related activities will be prohibited until denning

activities are complete or the den is abandoned. The qualified biologist will monitor each den once per week to track the status of the den and to determine when it is no longer occupied.

Mitigation Measure 3.4-2i: Conduct Preconstruction Fisher and Humboldt Marten Survey and Preserve Active Den Sites

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite (although some exists nearby) and there is no new development related to cannabis activities that will remove trees. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-2j: Conduct Preconstruction Surveys for Ringtail and Implement Avoidance Measures

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-2k: Conduct Preconstruction Surveys for Oregon Snowshoe Hare and Implement Avoidance Measures

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-2l: Preconstruction Bat Survey and Exclusion

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although no individuals or signs were observed), and the following will be implemented to satisfy:

- Before commencing any development related to cannabis activities, a qualified biologist approved by the County will conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required.
- If pallid bats or Townsend's big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence will be submitted to the Planning Director and CDFW by the qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. Implementation of the mitigation plan will be a condition of Project approval. The mitigation plan will establish a buffer area around the nest during hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies.

Mitigation Measure 3.4-2m: Preconstruction Vole Survey

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-2n: Implement Generator Noise Reduction Measures

This mitigation measure applies, and the following will be implemented in order to satisfy this condition:

- The cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55 A-weighted decibels (dBA) from 7:00 a.m. to 7:00 p.m. and 50 dBA from 7:00 p.m. to 7:00 a.m. measured at the property line, except that generators associated with a commercial grow are not to be

used between 10:00 p.m. and 7:00 a.m. (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use:

- Project-generated sound must not exceed ambient nesting conditions by 20-25 dBA.
- Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA.

Mitigation Measure 3.4-2o: Implement Measures to Avoid Take of Gray Wolf

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-3: Implement Mitigation Measures 3.10-1a and 3.10-3b.

This mitigation measure does not apply to the Project as mitigation measure 3.10-3b does not apply to the Project.

Mitigation Measure 3.4-4a: Identify, Avoid, and Protect Sensitive Natural Communities, Riparian Habitat, and Wetland Vegetation or Provide Compensation

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, wetland vegetation and riparian habitat exists onsite; however, these sensitive communities are outside all required SWRCB setbacks. Therefore, none of these communities will be impacted by cannabis activities in any way. A large portion of the northern section of the parcel exhibits characteristics of a wetland that concentrates into a channel at the southern edge, along the north side of Ruth-Zenia Road. The wetland has an unknown water source. No development shall occur in this area or within 150 feet. There is also an unnamed Class II stream across the northern end of the parcel, an unnamed Class III stream running along with western boundary line with a water crossing area, and an unnamed Class II tributary to the Van Duzen River in the southern half of the parcel, which flows east to west. A riparian area exhibiting signs of water inundation was observed to the north of the stream near the western property line, which is likely a result of land modification activities circa 2005. To the east of this area and north of the Class II stream is a proposed 100'x100' rain catchment pond for agricultural and domestic uses; this pond does not connect to any jurisdictional watercourses. The Project itself is approximately 150 and 1,000 feet away from the southerly and northerly Class II streams, respectively, and 450 feet east of the Class III stream. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-4b: Restore Abandoned Cultivation and Nursery Sites

There are currently no abandoned cultivation or nursery areas anywhere on the property; therefore, this mitigation measure does not apply.

Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, wetlands and associated vegetation exist onsite, as well as two Class II and one Class III streams; however, these water features are outside all required SWRCB setbacks. Therefore, none of these communities will be impacted by cannabis activities in any way. A large portion of the northern section of the parcel exhibits characteristics of a wetland that concentrates into a channel at the southern edge, along the north side of Ruth-Zenia Road. The wetland has an unknown water source. No development shall occur in this area or within 150 feet. There is also an unnamed Class II stream across the northern end of the parcel, an unnamed Class III stream running along with western boundary line with a water crossing area, and an unnamed Class II tributary to the Van Duzen River in the southern half of the parcel, which flows east to west. A riparian area exhibiting signs of water inundation was observed to the north of the stream near the western property line, which is likely a result of land modification activities circa 2005. To the east of this area and north of the Class II stream is a proposed 100'x100' rain catchment pond for agricultural and domestic

uses; this pond does not connect to any jurisdictional watercourses. The Project itself is approximately 150 and 1,000 feet away from the southerly and northerly Class II streams, respectively, and 450 feet east of the Class III stream. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features

Mitigation Measure 3.4-5 does not apply to the Project as proposed; therefore, this mitigation measure similarly does not apply.

Mitigation Measure 3.4-6b: Retention of Fisher and Humboldt Marten Habitat Features

This mitigation measure does not apply. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure does not apply as there is no suitable habitat onsite (although some exists nearby) and there is no new development related to cannabis activities that will remove trees. Evidence of this determination can be further found in Attachment B.

Mitigation Measure 3.4-6c: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel

This mitigation measure applies as Mitigation Measure 3.1-1b is applicable to the Project. Therefore, this mitigation measure is satisfied by the implementation of Mitigation Measure 3.1-1b.

CONCLUSION

With the biological survey of the site having been conducted, the information presented in this section is consistent with the activities recommended in the mitigation adopted for the Cannabis Program. No significant biological impacts would occur with implementation of the proposed project. Therefore, the Project as proposed (Smoking Green Valley, LLC) is consistent and in compliance with the Trinity County Cannabis Program EIR and implementation of Mitigation Measures 3.4-1a, 3.4-1b, 3.4-1c, 3.4-2a, 3.4-2b, 3.4-2g, 3.4-2h, 3.4-2i, 3.4-2n, and 3.4-6c would reduce any potential impacts arising from the Project as proposed to a less-than-significant level.

4.5 CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
5. Cultural Resources. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Draft EIR Setting pp. 3.5-1 to 3.5-17 Impact 3.5-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15065.5?	Draft EIR Setting pp. 3.5-1 to 3.5-17 Impact 3.5-2	No	No	NA, impacts would remain less than significant
c. Substantially disturb human remains, including those interred outside of formal cemeteries?	Draft EIR Setting pp. 3.5-1 to 3.5-17 Impact 3.5-3	No	No	NA, impacts would remain less than significant

4.5.1 Discussion

No new information pertaining to archaeological or historical resources, described in Cannabis Program Draft EIR Section 3.5, “Archaeological, Historical, and Tribal Cultural Resources,” has become available since the Cannabis Program EIR was certified.

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Impact 3.5-1 of the Cannabis Program Draft EIR evaluated whether the Cannabis Program could cause a substantial adverse change in the significance of a historic resource. Cannabis operations associated with the implementation of the Cannabis Program could be located on lands that contain or are near historic resources. Trinity County is home to several designated historic sites and historic districts (Denny, Helena, Lewiston, and Weaverville) that are listed in or are eligible for listing in the NRHP or CRHR or as a CHL. Commercial cannabis operations could use these sites and potentially adversely affect the historic resources. This could result in damage to or destruction of a historic building or structure, thereby resulting in a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. This would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

The Cannabis Program would require that licensed operations obtain Cal Cannabis cultivation licensing and comply with the SWRCB Attachment A (General Requirements and Prohibitions) of Order WQ 2019-0001-DWQ for cannabis cultivation. Term 21 of the General Requirements and Prohibitions requires that records searches be performed through the applicable CHRIS information center before land-disturbing activities. Any positive results identified in the records search would need to be further evaluated. Compliance with Term 21 of the SWRCB’s General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical features and further evaluation.

Implementation of adopted Mitigation Measure 3.5-1a, which requires a one-time historic building evaluation during the

relicensing process for existing operations, would ensure that any buildings of potential historical value would be identified and would further prevent modifications that could result in a change in the historical significance of the buildings. Implementation of Mitigation Measure 3.5-1b requires performance standards to be added to the Cannabis Program that would reduce potentially significant impacts by amending the proposed cannabis program to include protection of historic resources within the county's historic districts. Further, this mitigation ensures that actions will be taken to record, evaluate, avoid, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. Implementation of Mitigation Measures 3.5-1a and 3.5-1b would reduce impacts to a less-than-significant level.

The Project site includes no historic structures and no significant impacts would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Impact 3.5-2 of the Cannabis Program Draft EIR evaluated the potential for projects to disturb unique archaeological features, sites, or materials. Cannabis operations associated with implementation of the Cannabis Program could be located on properties that contain known or unknown archaeological resources, and ground-disturbing activities could result in discovery or damage of previously undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5.

Existing commercial cannabis cultivation within Trinity County is required to be in compliance with SWRCB and Cal Cannabis regulations. Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2019-0001-DWQ includes terms that require CHRIS records searches, NAHC record searches, archaeological evaluations (if necessary), and protection of discovered resources. Compliance with these regulations would ensure that existing cannabis cultivation operations that propose to expand their Designated Area from 200 percent to 250 percent would not adversely affect archaeological resources. Violations of these regulations would result in enforcement action from the County.

The Cannabis Program would require that proposed new operations obtain Cal Cannabis cultivation licensing and comply with the SWRCB's cannabis cultivation policies for cultivation activities. Attachment A (General Requirements and Prohibitions) of Order WQ 2019-0001-DWQ Terms 21 and 22 of the General Requirements and Prohibitions require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with Terms 21 and 22 of the SWRCB General Requirements and Prohibitions would reduce impacts to known archaeological resources through requiring standard record searches, requiring archaeological evaluations of identified features, and implementing necessary measures to ensure the protection of archaeological resources.

The Project site existed prior to this analysis. The first ground disturbance for development of the cannabis cultivation site occurred in approximately 2022. The last ground disturbing activities will also occur in 2022. This Project site was enrolled in the State Water Resource Control Board's Cannabis General Order on July 28, 2020, after the NOP baseline date of December 23, 2018. Per SWRCB's Cannabis General Order regulations, a search was conducted in the California Historic Resources Information System (CHRIS) for any known resource areas in the Project area and Project's vicinity. No cultural resources or records were found in the Project area or within a ¼-mile radius. A Cultural Resources Assessment was also completed and found two prehistoric sites on the parcel. While they are outside of the Project area, they are located within the 600-ft buffer; however, no impacts will occur with the implementation of mitigation measures described below. The CHRIS Search and Cultural Resources Investigation are included as Attachment C.

Implementation of existing state regulations would ensure that the Project's potential impacts are addressed and mitigated. This would be a less than significant impact.

c) Substantially disturb human remains, including those interred outside of formal cemeteries?

Impact 3.5-3 of the Cannabis Program Draft EIR evaluated the potential for projects to result in the destruction of human remains. Previously undiscovered human remains could be discovered when soils are disturbed during construction of commercial cultivation and processing sites under the Cannabis Program. Compliance with California Health and Safety Code Sections 7050.5 and 7052, PRC Section 5097. These statutes require that if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted

immediately, and the Trinity County coroner and NAHC shall be notified immediately, in accordance with PRC Section 5097.98 and Section 7050.5 of California's Health and Safety Code. If the remains are determined by NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94. Compliance with these and other state regulations associated with cannabis cultivation would make this impact less than significant.

Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the Project was approved.

Mitigation Measure 3.5-1a: Conduct Historic Evaluations for Existing Operations

This mitigation measure does not apply as the Project was not licensed before 2019, and there are no buildings onsite that are over 45 years old.

Mitigation Measure 3.5-1b: Prohibition for All Historic Districts and Additional Measures to Protect Historic Resources

This mitigation measure does not apply as the Project site is not located within the historic districts of Weaverville, Denny, Helena, or Lewiston, where cannabis cultivation operations are not permitted. There are no historic-age (over 45 years in age) buildings and structures that are proposed to be removed or modified as part of cannabis operations.

The following Mitigation Measures recommended in the Cultural Resources Investigation (not included in the Trinity County EIR) will be implemented on site:

- **Avoid the area of the prehistoric sites and install a fence between the resource location and the Project area.**
- **If buried archaeological resources are discovered during project implementation all work should be halted within 100 feet of the find and county officials, a professional archaeologist and tribal representatives should be contacted immediately to evaluate the find.**
- **If human remains are discovered during project implementation all work shall be halted and the permitting agency, Trinity County shall be contacted immediately. The County shall contact the County Coroner immediately and the coroner will evaluate the find to determine the subsequent course of action.**

CONCLUSION

No significant cultural resource impacts would occur with the Project (Smoking Green Valley, LLC).

4.6 ENERGY

Environmental Issue Areas	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/ Resolve Impacts?
VI. Energy. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Draft EIR Setting pp. 3.6-1 to 3.6-6 Impact 3.6-1	No	No	NA, remains less than significant
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Draft EIR Setting pp. 3.6-1 to 3.6-6 Impact 3.6-2	No	No	NA, remains no impact

4.6.1 Discussion

No substantial change in the environmental and regulatory settings related to energy, described in Cannabis Program Draft EIR Section 3.6, “Energy,” has occurred since certification of the EIR.

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

Impact 3.6-1 of the Cannabis Program Draft EIR evaluated potential impacts related to energy efficiency and conservation. The CEQA Guidelines requires the consideration of the energy implications of a project. CEQA requires mitigation measures to reduce “wasteful, inefficient, and unnecessary” energy usage (Public Resources Code Section 21100, subdivision (b)(3)). Neither the law nor the State CEQA Guidelines establish criteria that define wasteful, inefficient, or unnecessary use. Construction and operation of commercial cannabis cultivation and noncultivation sites under the Cannabis Program would result in consumption of fuel (gasoline and diesel), electricity, and propane. Energy consumption associated with construction of new cultivation and noncultivation sites would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. Sections 8203, 8205, and 8206 include energy efficiency requirements that are more stringent than standard requirements in the California Energy Code. Energy consumption associated with the cultivation and noncultivation operations under the Cannabis Program would not result in wasteful, inefficient, or unnecessary consumption of energy; this impact would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

Impact 3.6-2 of the Cannabis Program Draft EIR evaluated the consistency with plans for renewable energy and energy efficiency. Renewable energy generation requirements pursuant to the Cannabis Program would result in an increase renewable energy use, which would directly support the goals and strategies in the state’s *2008 Update Energy Action Plan* (EAP). Constructing and operating Project buildings in compliance with the 2019 California Energy Code would improve energy efficiency compared to building built to earlier iterations of the Code. Therefore, construction and operation of cannabis facilities licensed under the program would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No impact would occur.

Mitigation Measures

No mitigation measures were needed for the Cannabis Program regarding energy, and as the Project as proposed is consistent with the Cannabis Program EIR, no additional mitigation measures are required for the Project for this topic.

CONCLUSION

As no mitigation measures are required or needed for the Project as proposed (Smoking Green Valley, LLC), approval of the Project would not result in significant impacts to energy.

4.7 GEOLOGY AND SOILS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
7. Geology and Soils. Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? 	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-1	No	No	NA, impacts would remain less than significant
b. Result in substantial soil erosion or the loss of topsoil?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in: on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-1	No	No	NA, impacts would remain less than significant
d. Be located on an expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-3	No	No	NA, impacts would remain less than significant

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
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4.7.1 Discussion

No substantial change in the environmental and regulatory settings related to geology and soils, described in the Cannabis Program Draft EIR Section 3.7, "Geology and Soils," has occurred since certification of the CEIR.

a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)**

See discussion under item iv) below.

ii) **Strong seismic ground shaking?**

See discussion under item iv) below.

iii) **Seismic-related ground failure, including liquefaction?**

See discussion under item iv) below.

iv) **Landslides?**

Impact 3.7-1 of the Cannabis Program Draft EIR evaluated the potential for loss, injury or death resulting from seismic hazards. Implementation of the Cannabis Program could expose additional people and structures in a region susceptible to existing seismic hazards. New development from implementation of the Cannabis Program would not exacerbate existing seismic hazards and would comply with state and local regulatory design requirements related to seismic hazards (e.g., building codes and other laws and regulations), such that the exposure of people or structures to risk of loss, injury or death resulting from rupture of a known earthquake fault or strong seismic shaking would be avoided or reduced. This impact would be less than significant. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid.

b) **Result in substantial soil erosion or the loss of topsoil?**

Impact 3.7-2 of the Cannabis Program Draft EIR evaluated whether the Cannabis Program would create geologic hazard and soil stability issues and associated soil erosion impacts. Parts of Trinity County are characterized by steep slopes, landslides, expansive soils, and other related conditions that can result in geologic and soil stability hazards.

SWRCB Order WQ 2019-0001-DWQ contains requirements for cannabis cultivation on sites greater than 2,000 square feet. These requirements include plans that address site erosion and sediment control, disturbed areas stabilization, site closure procedures, and monitoring and reporting requirements. In addition, the Order contains requirements for land development maintenance, erosion control, drainage features, stream crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance.

County Code of Ordinances Chapter 12.12 provides construction improvement standards for roadways in decomposed granite areas of the county that would apply to all cannabis uses. This chapter includes limits on the roadway grades, drainage and culvert design standards to minimize erosion potential, and revegetation and maintenance requirements (Section 12.12.040). Recently adopted Chapter 15.24 of the Code of Ordinances establishes restrictions on mass grading.

This chapter prohibits any activity that consists of a volume of graded material greater than 800 cubic yards and/or any contiguous or noncontiguous surface area to be graded that is greater than 20,000 square feet. This extent of grading may be allowed subject to the approval of a Director's Use Permit or a Conditional Use Permit that would apply to activities in the Cannabis Program. As described under Section 3.7.1, "Regulatory Setting," under no circumstances are grading activities allowed that could create a public health hazard, damage facilities and roadways, or degrade water quality.

The Cannabis Program includes the following standards that address water quality for cultivation operations:

- ▶ The cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river, or body of water. If the designated area has more than a 35 percent slope, the applicant shall apply for a Tier 2 cultivation under the North Coast RWQCB Order #2015-0023, or regulations established by the SWRCB (Section 315-843[6][d]).
- ▶ Applicant shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity for construction projects that disturb 1 or more acres of land surface, specifically for new site preparation and development (Section 315-843[6][o]).

Development of cannabis uses from implementation of the Cannabis Program could result in geologic and soil stability issues resulting slope failures and soil erosion and sedimentation. This impact would be potentially significant as the Program level, but less than significant at the project level with implementation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.7-2 requires implementation of Mitigation Measure 3.10-1a which requires all existing and new commercial cannabis activities in the county to comply with the conditions of SWRCB Order WQ 2019-0001-DWQ or otherwise avoid water quality impacts regardless of the site size. This would also include ensuring that sites are geologically stable and do not result in operational soil erosion and sedimentation impacts. This would be consistent with the intent and protection provisions of County Code of Ordinances Chapters 12.12. and 15.24, related to soil stability, drainage control, and erosion minimization. Therefore, geologic and soil stability impacts would be less than significant. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid.

The Site Management Plan found at Attachment H includes measures to reduce soil erosion and sedimentation. Additionally, slopes of the Project area do not exceed 30% and no grading is proposed; therefore, the Project would not result in substantial soil erosion or loss of topsoil.

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

See discussion under item a) and b) above.

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

See discussion under item b) above.

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

Impact 3.7-3 of the Cannabis Program Draft EIR evaluated whether future projects could create adverse soil conditions resulting from use of septic tanks or alternative domestic wastewater disposal systems. Implementation of the Cannabis Program would lead to the installation of septic tanks and onsite sewage disposal systems. Portions of the county may contain areas with soils not suitable for wastewater treatment. Such systems must be sited, designed, and constructed in accordance with applicable local requirements. Because the siting and design of wastewater disposal systems is governed by existing requirements, there would be a less-than-significant impact. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further

analysis is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact 3.7-4 of the Cannabis Program Draft EIR evaluated whether projects could result in adverse effects to paleontological resources. Expansion of existing commercial cannabis uses and development of new commercial cannabis uses under the Cannabis Program could result in the accidental damage of previously undiscovered paleontological resources. This impact would be potentially significant. Implementation of adopted Mitigation Measure 3.7-4 would reduce potential loss of paleontological resources from site development to a less-than-significant level because it would ensure that discovered resources are evaluated and protected. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the Project was approved.

Mitigation Measure 3.7-2: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards.

This mitigation measure applies and is satisfied by the implementation of Mitigation Measure 3.10-1a.

Mitigation Measure 3.7-4: Protect Discovered Paleontological Resources

This mitigation measure applies as construction is proposed and the following measures will be taken to satisfy this condition:

- If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County.
- A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the Project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. It is encouraged that the excavated finds first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds may be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

CONCLUSION

Implementation of Mitigation Measures 3.7-2 and 3.7-4 by the Project proponent (Smoking Green Valley, LLC) would reduce any potential impacts resulting from the Project as proposed to a less-than-significant level, and therefore approval of the Project would not result in significant impacts to geology and soils.

4.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
8. Greenhouse Gas Emissions. Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment>	Draft EIR Setting pp. 3.8-1 to 3.8-7	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Draft EIR Setting pp. 3.8-1 to 3.8-7 Impact 3.8-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

4.8.1 Discussion

No new information pertaining to greenhouse gas emissions and climate change, described in Cannabis Program Draft EIR Section 3.8, "Greenhouse Gas Emissions and Climate Change," has become available since the Cannabis Program EIR was certified.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

See discussion under item b) below.

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

Impact 3.8-1 of the Cannabis Program Draft EIR evaluated the potential for projects under the Cannabis Program to generate greenhouse gas (GHG) emissions. Operation of existing licensed commercial cannabis cultivation sites, as well as construction and operation of new cultivation sites permitted under the Cannabis Program, would result in the generation of GHG emissions. Although there are state regulations that would require projects to reduce GHG emissions (i.e., Sections 8203 and 8305 of CCR Title 3, Division 8, Chapter 1) these regulations would not take effect until 2022 and 2023, respectively. The Cannabis Program does not include performance standards that reduce GHG emissions. Therefore, implementation of the Cannabis Program could conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Operation of existing permitted cultivation sites generates GHG emissions through area sources, energy consumption, mobile sources, water consumption, wastewater and waste generation. During operation of cultivation and noncultivation sites, GHGs are emitted by haul trucks transporting products, worker commute trips, and electricity and propane that supply power for well pumps and grow lights. Use of off-road equipment such as utility vehicles (e.g., John Deere Gator) would also generate of GHG emissions. Construction and operation of new commercial cannabis

cultivation operations would also generate GHG emissions. During construction of new cannabis cultivation and noncultivation sites, GHGs would be emitted by construction equipment, haul trips transporting equipment and materials, and commute trips by construction workers. Operation of commercial cannabis cultivation sites licensed under the Cannabis Program would generate GHG emissions associated with worker commute trips, haul truck trips transporting products, landscaping and fertilizer use, water consumption, waste and wastewater generation, waste generation, and supplemental energy supply (i.e., back-up generators).

Implementation of the Cannabis Program would result in the generation of GHG emissions and could conflict with the 2017 Scoping Plan. California has established GHG reduction targets for the years 2020 and 2030 and approved the 2017 Scoping Plan, which provides a potential strategy for California to meet overall emission targets. The 2017 Scoping Plan provides details regarding local actions that land use development projects and municipalities can implement to support the statewide GHG emissions goal of 40 percent below 1990 levels by 2030. Although the Project is not a typical land use development project and not necessarily subject to these specific recommendations, there are no performance measures included in the Cannabis Program that would be consistent with these recommended local actions. For this reason, this impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.8-1a would reduce construction-generated GHG emissions by 67 percent at all new licensed cultivation and noncultivation sites. Implementation of adopted Mitigation Measure 3.8-1b would reduce GHG emissions associated with off-road equipment. Implementation of adopted Mitigation Measures 3.8-1c and 3.8-1d would require all cannabis cultivation and noncultivation sites to reduce their GHG emissions through the use of electrified off-road equipment, higher performing back-up generators, renewable energy, high- efficacy lighting. These requirements would apply to all new cultivation and noncultivation sites under the Cannabis Program and would apply to all existing cultivation and noncultivation site when seeking annual relicensing.

With implementation of these mitigation measures, the Cannabis Program would be consistent with the 2017 Scoping Plan's Local Action recommendations for reducing GHG emissions. All cultivation and noncultivation sites permitted under the Cannabis Program would align with applicable plans and policies adopted for the purpose of reducing GHG emissions. The GHG emissions associated with Project implementation would not be a considerable contribution to global climate change and would be less than significant. The Project is required to comply with these adopted measures.

Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the Project was approved.

Mitigation Measure 3.8-1a: Implement Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c

This mitigation measure does not apply as mitigation measure 3.3-1a does not apply to this Project.

Mitigation Measure 3.8-1b: Implement Mitigation Measures 3.3-2a and 3.3-2b

This mitigation measure applies and is satisfied by the implementation of Mitigation Measures 3.3-2a and 3.3-2b.

Mitigation Measure 3.8-1c: Renewable Electricity Requirements

This mitigation measure applies, and will be satisfied through the following conditions:

Energy for the Project site will be provided through a combination of renewable and non-renewable sources including generators and a proposed solar array/photovoltaic system. Carbon offset credits will be purchased to meet the requirements of this mitigation measure.

Mitigation Measure 3.8-1d: Lighting Efficiency Requirements

This mitigation measure applies as the Project proposes to utilize artificial lighting in their cultivation site. The following conditions will be implemented to satisfy this mitigation measure:

- **Only light-emitting diodes (LEDs) or double-ended high-pressure sodium (HPS) fixtures shall be used in all existing and new mixed-light cultivation operations (i.e., sites not seeking relicensing).**

- Only high efficacy lighting shall be used in all existing and new noncultivation operations (i.e., sites not seeking relicensing).

Examples of high efficacy lighting include:

- Pin-based linear fluorescent or compact fluorescent light sources using electronic ballasts;
- Pulse-start metal halide light sources;
- HPS light sources;
- Luminaries with hardwired high frequency generator and induction lamp; and
- LEDs.

CONCLUSION

With implementation of Mitigation Measures 3.8-1b, 3.8-1c, and 3.8-1d, any potential impacts resulting from the Project as proposed (Smoking Green Valley, LLC) would be reduced to a less-than-significant level, and therefore approval of the Project would not result in significant impacts to GHG emissions.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
9. Hazards and Hazardous Materials. Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-1	No	No	NA, impact remains less than significant
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-3	No	No	NA, impact remains less than significant
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-5	No	No	NA
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-6	No	No	NA
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	See Section 4.20, "Wildfire"			

4.9.1 Discussion

No substantial change in the environmental and regulatory settings related to hazards and hazardous materials, described in Cannabis Program Draft EIR Section 3.9, “Hazards and Hazardous Materials,” has occurred since certification of the EIR.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Impact 3.9-1 of the Cannabis Program Draft EIR evaluated the potential for projects to create a significant hazard through transport, use, or disposal of hazardous materials.

Commercial cannabis operations involve the use of pesticides, herbicides, rodenticides, and other chemicals for growing and manufacturing of cannabis and cannabis products. As described in Section 3.9.1 “Regulatory Setting,” commercial cannabis cultivation operations are regulated to protect public health and through storage and restriction requirements of the use of pesticides, herbicides, and rodenticides, as well as testing requirements of cannabis goods to ensure contamination does not occur (CCR Sections 5304, 8307[a], and 8307[b]).

Cannabis Program provides the following public health and environmental protections:

Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked structure or device. All use of pesticide products shall be in compliance with state pesticide laws and regulations enforced by the County Agricultural Commissioner’s Office, Trinity County Environmental Health and CDPR (Section 315-843[6][g]).

Hazardous materials and wastes from agricultural businesses are regulated by Trinity County Environmental Health and DTSC (Trinity County Certified Unified Program Agency [CUPA]) (Section 315-843[6][h]).

Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally Restricted Use Products can only be used by a certified applicator (Section 315-843[6][i]).

The following rodent repellents may be used in and around cannabis cultivation sites consistent with the label: Capsicum oleoresin, Putrescent Whole Egg Solids and Garlic (Section 315-843[6][j]).

Applicants must apply for CUPA associated with handling hazardous materials. For Trinity County, this process is administered through DTSC (Section 315-842[4][G]).

Existing licensed cannabis operations would continue to be required to comply with CCR Sections 5304, 8307(a) and 8307(b) as well as the requirements under the Cannabis Program. Compliance with existing applicable rules and regulations would prevent any impacts related to hazardous materials from the existing licensed commercial cannabis operations.

Development associated with the new and renewed-license commercial cannabis operations could temporarily increase the regional transport, use, storage, and disposal of hazardous materials and petroleum products (such as diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals) that are commonly used at construction sites. Hazardous waste generated during construction may consist of welding materials, fuel and lubricant containers, paint and solvent containers, and cement products containing basic or acidic chemicals. However, these types of routine uses are regulated and would be used, store, and disposed of in accordance with applicable federal, state, and local laws.

Operation of new and renewed-licensed commercial cannabis operations, including cultivation, manufacturing, and other related operations, could also involve the use of hazardous materials, such as fuel for power equipment and generators, pesticides, rodenticides, and chemicals and gases for extraction activities. Cultivation may employ rechargeable batteries to power operations associated with the use of solar power. Eventually the batteries would no longer hold a significant charge and would need to be properly managed at the end of their life. In California, all types of batteries are considered to be a hazardous waste and are managed under the Universal Waste Rule, unless determined they do not exhibit a characteristic of a hazardous waste. Compliance with existing laws and regulations related to transport, use, and disposal of hazardous materials would avoid creating a substantial hazard to the public.

Depending on the size of the new or renewed-license commercial cannabis operation and nature of activities, licensees may be required to prepare a hazardous material business plan and/or hazardous materials management plan. Additionally, new, as well as renewed, licensees under the program would be required to comply with OSHA and Cal/OSHA requirements, such as providing personal protective equipment, as necessary, to protect the health of workers.

New and renewed-license commercial cannabis operations would be required to comply with requirements for the storage and use of hazardous materials. In addition, manufacturing operations would be required comply with CCR Section 40223(b) and 40225 regarding the proper handling of gases and chemical associated with extraction operations and CCR Section 40280 that requires proper safety and cleanup activities of employees.

With enforcement of existing hazardous materials regulations and the requirements of the Cannabis Program, this impact would be less than significant. The Project would be subject to the above standards noted above. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

Impact 3.9-3 of the Cannabis Program Draft EIR evaluated the potential for projects to create a significant hazard to the public or environment due to upset and accident conditions. As commercial cannabis operations do involve the use of pesticides, herbicides, rodenticides, and other chemicals for growing and manufacturing of cannabis and cannabis products, commercial cannabis cultivation operations are regulated to protect public health and through storage and restriction requirements of the use of pesticides, herbicides, and rodenticides, as well as testing requirements of cannabis goods to ensure contamination does not occur (CCR Sections 5304, 8307[a], and 8307[b]). Existing licensed cannabis operations would continue to be required to comply with CCR Sections 5304, 8307(a) and 8307(b) as well as the Cannabis Program (Sections 315-843[6][g], 315-843[6][h], 315-843[6][i], and 315-843[6][j]). that provide public health and environmental protections. Operation of new licensed commercial cannabis operations, including cultivation, manufacturing, and other related operations, could also involve the use of hazardous materials, such as fuel for power equipment and generators, pesticides, rodenticides, and chemicals and gases for extraction activities. Commercial cannabis operations would not generally require intensive use of hazardous materials. Existing regulations effectively reduce the potential for individual projects to create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. This impact would be less than significant. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Impact 3.9-4 of the Cannabis Program EIR evaluated the potential for projects to emit hazardous emissions or handle hazardous materials within 0.25 mile of a school. Cultivation sites are not anticipated to use large quantities of hazardous materials. Materials used in noncultivation cannabis operations would be used in accordance with applicable regulations to limit the potential for accident or upset conditions. Setbacks from school sites are required in the Cannabis Program.

The existing licensed commercial cannabis cultivation operations may contain small amounts of hazardous materials that are regulated. Existing cannabis cultivation occurs in remote rural areas, far from high traffic areas with a strong public presence (such as schools). The Cannabis Program requires that cultivation sites be located at least 1,000 feet from schools.

The Cannabis Program includes the following regulations for commercial cannabis operations that specify buffers from schools:

Cultivation is prohibited within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility (Section 315-843[5][a]).

For new schools that may be developed, the California Education Code, including Section 17213(b) of the Education

Code, establishes requirements for assessments and approvals that address the potential for existing contamination on the site, and whether nearby land uses might reasonably be anticipated to emit hazardous air emissions or handle hazardous materials. Assessment of existing contamination is conducted in coordination with DTSC's School Property Evaluation and Cleanup Division, which is responsible for accessing, investigating, and cleaning up proposed school sites. This division ensures that selected properties are free of contamination or, if the properties were previously contaminated, that they have been cleaned up to a level that protects the students and staff who would occupy a new school. All proposed school sites that would receive state funding for acquisition or construction are required to go through a rigorous environmental review and cleanup process under DTSC's oversight.

The potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school would be a less-than-significant impact. No significant impacts would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Impact 3.9-2 of the Cannabis Program Draft EIR evaluated the potential for projects to create potential human hazards from exposure to existing onsite hazardous materials. Construction activities that disturb subsurface materials could encounter previously unidentified contamination from past practices, placement of undocumented fill, or even unauthorized disposal of hazardous wastes. Encountering these hazardous materials could expose workers, the public, or the environment to adverse effects depending on the volume, materials involve, and concentrations. This impact would be potentially significant.

Implementation of adopted Mitigation Measures 3.9-2a and 3.9-2b would reduce impacts by requiring the preparation of, and compliance with, a Phase I environmental site assessment (ESA) for properties at risk of potential hazardous materials and/or waste contamination. This would minimize the risk of an accidental release of hazardous substances that could adversely affect human health or the environment. Mitigation Measure 3.9-2b would establish a hazardous materials contingency plan to address potential soil and groundwater contamination and ensure remediation, if discovered during construction activities consistent with County General Plan Safety Element policies. This impact would be reduced to a less-than-significant level.

The subject parcel is not located on a site included on a list of hazardous materials pursuant to Government Code §65962.5. See the DTSC's EnviroStor map at Attachment D.

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

Impact 3.8-5 of the Cannabis Program Draft EIR evaluated whether projects could result in a safety hazard or excessive noise for people residing or working in a project area that is located within 2 miles of a public airport or public use airport. The existing licensed commercial cannabis operations in Trinity County were previously subject to criteria and policies set forth in the ALUCP when previously assessing land use compatibility. Any future modification of these existing sites would still be required to comply with the ALUCP. Applications for new licensed commercial cannabis operations development near public airports would be required to comply with the Trinity County ALUCP. Further, development subject to the Cannabis Program would not result in new sensitive land uses or attract dense populations. The Cannabis Program would not create a safety hazard or excessive noise exposure for people working or residing near a public airport. This impact would be less than significant. The Project site is not located within an airport use plan or within two miles of a public airport or public use airport.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Impact 3.9-6 of the Cannabis Program Draft EIR evaluated whether projects could impair emergency response or evacuation plans. Existing and future licensed commercial cannabis operations that would be allowed under the

Cannabis Program could impair implementation of, or physically interfere with, emergency response plans or emergency evacuation if roadways and driveways are not designed properly.

Implementation of adopted Mitigation Measure 3.9-6, which requires implementation of adopted Mitigation Measures 3.14-3 and 3.14-4, would require that existing licensed and new commercial cannabis sites meet County roadway and access design and fire safety requirements set forth in County Code of Ordinances Chapters 8.30 and 12.10. This impact would be reduced to a less-than-significant level, and no additional mitigation measures would be necessary for the Project as proposed to comply with this measure.

g) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

See Section 4.20, "Wildfire," of this checklist.

Mitigation Measures

The following mitigation measure was referenced in the Cannabis Program EIR analysis and would continue to remain applicable if the Project was approved.

Mitigation Measure 3.9-2a: Prepare Environmental Site Assessments

This mitigation measure does not apply. The Project as proposed does not contain previous commercial, business park, or industrial uses, nor did the subject parcel previously contain commercial, business park, or industrial uses. There are no records or any evidence indicating the subject property contains any hazardous material or contaminants onsite (see California Department of Toxic Substances Control EnviroStor map at Attachment D of this document).

Mitigation Measure 3.9-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities

This mitigation measure does not apply. The Project as proposed is not located on a commercial, business park, or industrial site. There are no records or any evidence indicating the subject property contains any hazardous material or contaminants onsite (see California Department of Toxic Substances Control EnviroStor map at Attachment D of this document).

Mitigation Measure 3.9-6: Implement Mitigation Measures 3.14-3 and 3.14-4.

This mitigation measure applies due to Mitigation Measures 3.14-3 and 3.14-4 being applicable. Satisfaction of Mitigation Measures 3.14-3 and 3.14-4 thus satisfies this mitigation measure.

CONCLUSION

With implementation of Mitigation Measure 3.9-6, any potential impacts that could result from the Project as proposed (Smoking Green Valley, LLC) will be reduced to a less-than-significant level. The Project site is not located in an area that would contain hazardous materials or contaminants onsite, and approval of the Project as proposed would not pose any potential detrimental impacts to hazards or hazardous materials.

4.10 HYDROLOGY AND WATER QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
10. Hydrology and Water Quality. Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management in the basin?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would:				
i. Result in substantial on- or offsite erosion or siltation;	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
iv. Impede or redirect flood flows?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. In flood hazard, tsunami, or seiche zones, risk increases of pollutants due to project inundation?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
10. Hydrology and Water Quality. Would the project:				
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impacts 3.10-1 and 3.10-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

4.10.1 Discussion

No substantial change in the environmental and regulatory settings related to hydrology and water quality, described in Cannabis Program Draft EIR Section 3.10, "Hydrology and Water Quality," has occurred since certification of the Cannabis Program EIR.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Impact 3.10-1 of the Cannabis Program Draft EIR evaluated whether projects would degrade water quality. Cannabis cultivation can degrade water quality in various ways, including discharges of sediment to surface water from roads or other land improvements; discharges of fertilizers, pesticides, and other chemicals to surface waters or groundwater; discharges of fertilizers and pesticides to surface water or groundwater; spills or leaks of fuels, lubricants, hydraulic oil, or other chemicals associated with pumps, construction, or other equipment; and discharges of trash, household refuse, or domestic wastewater. In addition, construction of ponds, and grading for other water storage devices and structures can lead to erosion and thus further degradation of surface water quality during construction. Due to past and current practices, hydrologic units in Trinity County are subject to the 303(d) list of impaired waterways and associated with the North Coast RWQCB Sedimentation TMDL. Generally, listing of the waterways is associated with sedimentation, siltation, temperature, and turbidity. In addition, the Upper South Fork Trinity River, Middle South Fork Trinity River, Lower South Fork Trinity River, Upper Hayfork Creek, and Lower Hayfork Creek are listed as Cannabis Priority Watersheds in Trinity County.

SWRCB Order WQ 2019-0001-DWQ contains requirements for cannabis cultivation on sites greater than 2,000 square feet. These requirements include plans that address site erosion and sediment control, disturbed areas stabilization, nitrogen management, implementation of BPTC, site closure procedures, and monitoring and reporting requirements. In addition, the Order contains requirements for land development maintenance, erosion control, drainage features, stream crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance. If the site is less than 2,000 square feet, the operation may be conditionally exempt from enrolling under the order and instead be required to obtain coverage under the waiver of WDRs. Cannabis operations are also subject to Chapter 12.12 of Trinity County Code of Ordinances that requires roadways constructed in decomposed granite areas to meet grade, culvert design, and revegetation requirements to address erosion. Chapter 15.24 of the County Code of Ordinances restricts mass grading activities and requires permitting and protection of water quality for any activity that would handle 800 cubic yards or greater of material or grades a surface area of 20,000 square feet or greater.

The Cannabis Program includes the following standards that address water quality for cultivation operations:

- ▶ The cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river, or body of water. If the designated area has more than a 35 percent slope, the applicant shall apply for a Tier 2

cultivation under the North Coast RWQCB Order #2015-0023, or regulations established by SWRCB (Section 315-843[6][d]).

Applicant shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity for construction projects that disturb 1 or more acres of land surface, specifically for new site preparation and development (Section 315-423[6][o]).

Although these sites are part of the existing conditions, continued operation of cultivation sites that are not participating in the North Coast RWQCB's Order RI-2015-0023 or SWRCB Order WQ 2019-0001-DWQ would continue to result in water quality degradation. Field review of existing cannabis cultivation sites in the county identified slope stability issues associated with terrace construction on some sites as well as a lack of water quality control features on-site or associated access roadways. Expansion of existing operations could result in further water quality impacts. Thus, this impact associated with existing licensed cannabis cultivation operations would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Development of new commercial cannabis cultivation and noncultivation sites could involve preparation of level surfaces such as terraces, construction of water detention features for water storage, building construction, extension of electrical facilities, and other site improvements. Site preparation and construction of these features would require activities such as grading, placement of fill, and excavation. These types of land disturbance activities could lead to accelerated erosion and sedimentation (especially in areas of decomposed granite) that causes poor water quality from high turbidity, total suspended solids, and total dissolved solids in local waterways, thus contributing to further degraded conditions in already impaired waterways. Placement of cannabis cultivation facilities within the 100-year floodplain of rivers and streams can also result in direct discharge of pollutants to the waterway during a flood event. Potential water quality impacts would be addressed through compliance with SWRCB Order WQ 2019-0001-DWQ and County Code of Ordinances Chapters 12.12 and 15.24. Operation and harvest activities would involve the use of pesticides, fertilizers, and other materials that could affect water quality. Cannabis cultivation sites could also result in on-site needs for proper septic systems to accommodate season workers.

Trinity County does not require any site-specific erosion and sediment control measures, such as those typically required through a grading permit program. Thus, for sites that are not subject to these standards and requirements, it would be expected that cannabis operations would cause degradation of water quality, as already documented in Trinity County. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.10-1a would reduce the potential for degradation of water quality by requiring all existing and new commercial cannabis activities in the county to comply with the conditions of SWRCB Order WQ 2019-0001-DWQ or otherwise avoid water quality impacts. These conditions were developed in consultation with California Department of Fish and Wildlife to ensure that the individual and cumulative effects of water diversions and discharges associated with cannabis cultivation do not affect fish spawning, migration, and rearing for endangered anadromous salmonids. The provisions of SWRCB Order WQ 2019-0001-DWQ were scientifically peer reviewed by four experts. The peer review determined that water quality, instream flow, and diversion requirements of the Policy were based on sound scientific knowledge, methods, and data (SWRCB 2017b). This would also include ensuring that sites are stable and do not result in operational water quality impacts. Implementation of adopted Mitigation Measure 3.10-1b would reduce water quality impacts by requiring the avoidance of direct discharge of pollutants during a flood event. With implementation of these measures, impacts on surface water and groundwater quality would be less than significant.

The Project and any off-site improvement are subject to the water quality control requirements identified above. The Applicant and the Project are enrolled under the State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ ("Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation (Policy) (WDID#1_53CC425894). Documentation is provided at Attachment E. See also the Site Management Plan at Attachment H that includes measures to reduce waste discharge, soil erosion, and sedimentation to prevent water quality impacts.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater

recharge such that the project may impede sustainable groundwater management of the basin?

Impact 3.10-2 of the Cannabis Program Draft EIR evaluated whether projects could result in groundwater supply impacts. The Cannabis Program and state regulations require each commercial cannabis cultivation operation to obtain and disclose a legal water supply source. Possible water supplies include domestic water service from a local service provider, existing riparian water rights to utilize surface water on the site, approved surface water diversions, rainwater capture to storage facilities, and groundwater.

In areas where groundwater is available, and depending on the location of extraction and condition of local groundwater resources, it is possible for drawdown at a well in one location to affect groundwater elevations in other wells. One of the most important factors is distance; larger parcels generally have larger areas to draw from, thereby reducing the potential to adversely affect adjacent properties. The close proximity of wells to other wells, and structure and volume of the groundwater basin (among many factors), can influence if a well would affect other wells.

The Cannabis Program includes the following standard, which addresses water quality for cultivation operations:

Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well or diversion. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river, or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source (Section 315-843[6][c]).

Trinity County Environmental Health is currently requiring well production rates for cannabis cultivation sites to be at least 3 gallons per minute.

Implementation of adopted Mitigation Measure 3.10-2 would reduce groundwater impacts by requiring the reporting of annual monitoring of groundwater conditions to the County as part of the annual inspections required under the ordinance. This monitoring would identify if on-site well operations were resulting in groundwater drawdown impacts and what adaptive measures would be implemented to recover groundwater levels and protect adjacent wells. Because implementation of this mitigation measure would be required as part of annual commercial cannabis operations permit renewals, it would provide ongoing protection of local groundwater resources. Thus, implementation of Mitigation Measure 3.10-2 would reduce this impact to a less-than-significant level. No new significant impacts or substantially more severe impacts would occur. The findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would:

i) Result in substantial on- or off-site erosion or siltation;

See discussion under item a) above.

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

Impact 3.10-3 of the Cannabis Program Draft EIR evaluated whether projects would divert surface water. New commercial cannabis cultivation operations in the county that may occur under the Cannabis Program could result in decreased flow rates on county streams and rivers because of surface water diversion. Low flows are associated with increased temperature and may also aggravate the effects of water pollution. Compliance with SWRCB Order WQ 2019-0001-DWQ requires that certain flow and gaging requirements be met and that a surface water diversion forbearance period be implemented.

Ensuring local compliance with SWQRCB Order WQ 2019-0001-DWQ through implementation of Mitigation Measure 3.10-1a would ensure surface water impacts are mitigated to a less-than-significant level. These requirements have been determined by SWRCB to limit adverse effects on surface waterways due to low flows. Implementation of adopted

Mitigation Measure 3.10-3b requires the County to prohibit any new commercial cannabis uses that could further affect critical watersheds identified by SWRCB and CDFW. Thus, this impact would be mitigated to a less-than- significant level. No new significant impacts or substantially more severe impacts would occur. The findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

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

See discussion under item a) above.

- iv) **Impede or redirect flood flows?**

See discussion under item d) below.

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

Impact 3.10-4 of the Cannabis Program Draft EIR evaluated whether projects would result in alteration of drainage conditions and floodplains. Cannabis cultivation facilities placed within natural drainage courses and the 100-year floodplain can result in alteration of peak flow conditions and create new sources of flooding. This impact would be significant.

Implementation of adopted Mitigation Measure 3.10-4 would ensure that cultivation activities avoid alteration of floodplain conditions. Therefore, impacts on flooding would be less than significant. The Project is not located in a floodplain or designated floodway (see Trinity County Water Resources map at Attachment F).

- e) **Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

See discussion under items a) and d) above.

Mitigation Measures

The following mitigation measures were adopted in the Cannabis Program EIR analysis and would continue to remain applicable if the Project was approved.

Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

This mitigation measure applies. The Applicant and the Project are enrolled under the State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ ("Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation (Policy), and the General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities") (WDID#1_53CC425894). Documentation is provided at Attachment E.

The onsite septic system is permitted and has more than enough capacity to accommodate the two year-round resident employees of the operation. Therefore, the Project is in compliance with this mitigation measure.

Mitigation Measure 3.10-1b: Restrict Cultivation Operations in Floodplains

This mitigation measure is not applicable as the Project is not located in a floodplain or designated floodway (see Trinity County Water Resources map at Attachment F).

Mitigation Measure 3.10-2: Conduct Groundwater Monitoring and Adaptive Management

This mitigation measure applies. A large portion of the northern section of the parcel exhibits characteristics of a wetland that concentrates into a channel at the southern edge, along the north side of Ruth-Zenia Road. The wetland has an unknown water source. No development shall occur in this area or within 150 feet. There is also an unnamed Class II stream across the northern end of the parcel, an unnamed Class III stream running along with western boundary line with a water crossing area, and an unnamed Class II tributary to the Van Duzen

River in the southern half of the parcel, which flows east to west. A riparian area exhibiting signs of water inundation was observed to the north of the stream near the western property line, which is likely a result of land modification activities circa 2005. To the east of this area and north of the Class II stream is a proposed 100'x100' rain catchment pond for agricultural and domestic uses; this pond does not connect to any jurisdictional watercourses. The Project itself is approximately 150 and 1,000 feet away from the southerly and northerly Class II streams, respectively, and 450 feet east of the Class III stream. Therefore, all water features are outside of all stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ. The Applicant currently submits to the SWRCB regular annual Cannabis Water Quality Monitoring & Reports as required per their current enrollment under Order WQ 2019-0001-DWQ and will continue to do so as required for the life of the Project. By adhering to the requirements of the SWRCB General Order, groundwater draft volumes will be recorded, reported, and monitored such that the intent of this mitigation measure will be met and thereby with which the proposed project will be kept in compliance.

Mitigation Measure 3.10-3a: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

This mitigation measure applies; see Mitigation Measure 3.10-1a for how this mitigation measure is satisfied.

Mitigation Measure 3.10-3b: Prohibit Commercial Cannabis Operations in Watersheds under a DCC Moratorium

This mitigation measure does not apply as the subject parcel is not located within a watershed currently under a DCC moratorium.

Mitigation Measure 3.10-4: Implement Mitigation Measure 3.10-1b: Restrict Cultivation Operations in Floodplains

See discussion above in Mitigation Measure 3.10-1b.

CONCLUSION

Implementation by the Project proponent of Mitigation Measures 3.10-1a, 3.10-2, and 3.10-3a would reduce any potential impacts incurred by the Project as proposed to a less-than-significant level, and therefore approval of the Project would not result in significant impacts to hydrology and water quality.

4.11 LAND USE AND PLANNING

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
II. Land Use and Planning. Would the project:				
a. Physically divide an established community?	Draft EIR Setting pp. 3.11-1 to 3.11-5 Impact 3.11-1	No	No	NA, this impact would remain less than significant.
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect?	Draft EIR Setting pp. 3.11-1 to 3.11-5 Impact 3.11-2	No	No	NA, this impact would remain less than significant.

4.11.1 Discussion

No substantial change in the environmental and regulatory settings related to land use and planning, described in Cannabis Program EIR Section 3.11, "Land Use and Planning," has occurred since certification of the Cannabis Program EIR.

a) Physically divide an established community?

Impact 3.11-1 of the Cannabis Program Draft EIR evaluated whether projects would have the potential for physical division of an established community. The Cannabis Program contains requirements that would manage conditions that create public nuisances by enacting restrictions on the location, type, and size of cannabis cultivation sites and commercial activities in the county, as well as other requirements such as setbacks, security, and other protective measures.

The Cannabis Program includes the following regulations specifying buffers from sensitive land uses to reduce potential land use conflicts and other public nuisances:

Cultivation is prohibited within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility (Section 315-843[5][a]).

Cultivation is not allowed within residential zoning designations (Section 315-843[5][a][v]).

Cultivation is prohibited within 500 feet of an authorized school bus stop (Section 315-843[5][a][ii]).

Because the Project would include the above requirements, land use conflicts that could result in the division of established communities would not occur. Therefore, this impact would be less than significant.

Project implementation would not physically divide an established community. The Project site is not located within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility.

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

Impact 3.11-2 of the Cannabis Program Draft EIR evaluated whether projects under the Cannabis Program would conflict with relevant zoning, plans, and policies for the purpose of avoiding an environmental effect. The Cannabis Program would amend the County Code of Ordinances that implements the General Plan land use policy direction, and would be consistent with General Plan land use provisions. Further, the Cannabis Program contains permitting

requirements that provides a mechanism for the County to ensure compliance with relevant plans and policies. Subsequent projects under the Cannabis Program would be required to comply with the relevant requirements of the community plans. The Cannabis Program does not include any changes to community plan policies or land use designations, and therefore would not conflict with community plans. Therefore, this impact would be less than significant.

The Project land uses are consistent with the Cannabis Program requirements and are subject to the mitigation measures adopted when the EIR was certified; no mitigation measures are required or needed for the Cannabis Program and thereby for the Project as proposed.

Mitigation Measures

No mitigation measures were needed for the Cannabis Program regarding land use and planning. No additional mitigation measures are required for the Project for this topic.

CONCLUSION

As no mitigation is required or necessary for the Project as proposed (Smoking Green Valley, LLC) regarding this topic, approval of the Project would not result in significant impacts to land use and planning.

4.12 MINERAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
12. Mineral Resources. Would the Project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state	Scoped out on Draft EIR p. 1-3	No	No	NA
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	Scoped out on Draft EIR p. 1-3	No	No	NA

4.12.1 Discussion and Conclusion

Mineral resource impacts were scoped out of the Cannabis Program EIR as discussed on page 1-3 of the Cannabis Program Draft EIR as projects would not preclude the recovery of mineral resources within the county. Therefore, no significant impacts on mineral resources would occur.

4.13 NOISE

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New or Substantially More Severe Significant Impacts?	Any Substantially Important New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
13. Noise. Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	Draft EIR Setting pp. 3.12-1 to 3.12-7 Impacts 3.12-1, 3.12-2, and 3.12-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Generation of excessive groundborne vibration or groundborne noise levels?	Draft EIR Setting pp. 3.12-1 to 3.12-7 Draft EIR p. 3.12-8	No	No	NA
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Draft EIR Setting pp. 3.12-1 to 3.12-7 Draft EIR p. 3.12-8	No	No	NA

4.13.1 Discussion

No substantial change in the environmental and regulatory settings related to noise and vibration, described in Cannabis Program Draft EIR Section 3.12, "Noise," has occurred since certification of the EIR.

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Impact 3.12-1 of the Cannabis Program Draft EIR evaluated whether projects could create short-term, construction-related noise impacts. Construction of new commercial cannabis operations that may occur under the Cannabis Program could involve the use of heavy off-road equipment that could increase noise levels at nearby land uses and expose noise-sensitive receptors to noise levels that exceed County noise standards and/or result in sleep disturbance at residential receptors during evening and nighttime hours. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Construction of commercial cannabis cultivation sites and their ancillary facilities may require earthwork and use of heavy equipment, which has the potential to result in a temporary increase in noise levels in the vicinity of the site. Generally, the intensity of construction activity for commercial cannabis cultivation sites would be similar to that of agricultural development, residential renovation, or a building addition project. Establishment of the new cultivation sites may involve the use of off-road construction equipment for grubbing and removal of existing vegetation, breaking ground, initial plowing, terracing, and/or grading to establish a gravel pad or foundation and lifting supplies and building materials. It is assumed that new commercial cannabis noncultivation sites may also require earth- moving construction activities (tree removal, vegetation clearing, grading) at a similar scale and intensity to that of new cannabis cultivation sites.

Implementation of the Cannabis Program could result in the development of approximately 246 acres of new commercial

cannabis cultivation operations and 34 new commercial cannabis noncultivation operations (e.g., testing, processing, manufacturing, distribution, and retail nurseries) (see Cannabis Program Draft EIR Table 2-3).

Due to the relatively small size of these operations, it is anticipated that one piece of heavy off-road equipment would be used at a time (e.g., loader, grader, scraper, dozer, or something with a comparable engine size and power rating). It is anticipated that construction activity would last approximately 4 weeks at each cultivation site, and the use of heavy off-road equipment at a single new cultivation site would occur for approximately 2 weeks. The Trinity County Code of Ordinances does not formally exempt construction-generated noise from applicable standards; the construction activity takes place during daytime hours; however, Trinity County considers construction noise occurring during the daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.) to be exempt from Trinity County General Plan noise standards (Hubbard, pers. comm., 2019). Several cities and counties in California exempt construction noise from local noise standards if the noise-generating construction activity is performed during daytime hours.

The hours during which construction equipment would operate is unknown; thus, it is conservatively assumed that construction could occur throughout the daytime and nighttime hours and potentially result in sleep disturbance at nearby residential land uses.

The Cannabis Program would require that each cultivation site be set back 350–500 feet (depending on license type) from residences on neighboring properties, and 1,000 feet from youth-oriented facilities, schools, churches, or residential treatment facilities. Through distance alone, the noise level generated by the construction equipment would attenuate to approximately 59 dB Leq and 63 dB Lmax at 350 feet, 55 dB Leq and 59 dB Lmax at 500 feet, and 47 dB Leq and 51 dB Lmax at 1,000 feet. Additional noise reduction would be provided by any intervening topography, dense stands of trees, or human-made structures located between the cultivation site and off-site receptors. However, the conservative approach of not factoring in any additional noise attenuation that these intervening factors may provide was taken.

However, as detailed above, the noise levels at surrounding noise-sensitive land uses resulting from construction activities occurring outside of the exempt daytime hours could potentially surpass evening, and nighttime maximum allowable Leq standards (i.e., 50 and 45 dB Leq, respectively) established in the Trinity County General Plan for stationary noise sources.

Construction would be temporary in nature; however, construction is not limited to the daytime hours under the proposed ordinance; and thus, noise sensitive receptors could be exposed to excessive noise levels that exceed Trinity County General Plan noise standards and disrupt sleep during nighttime construction activities. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measure 3.12-1 would ensure that surrounding noise-sensitive receptors would not be exposed to construction noise during the more noise-sensitive evening and nighttime hours and that sleep disturbance would not occur during these times of the day at residential land uses. Thus, this impact would be reduced to a less-than-significant level.

Impact 3.12-2 of the Cannabis Program Draft EIR evaluated whether projects would result in impacts related to long-term non-transportation operational noise. Commercial cannabis cultivation operations in the county that may occur under the Cannabis Program could generate increased noise levels as a result of the use of specialized, mechanized equipment, as determined necessary for individual sites. However, the use of mechanized equipment would be temporary and periodic in nature and adjacent land uses would not be exposed to noise levels that exceed noise standards in the Trinity County General Plan. Additionally, the setback requirements in the Cannabis Program would prevent sensitive uses from being exposed to excessive noise levels during each harvest. Therefore, this impact would be less than significant.

Impact 3.12-3 of the Cannabis Program Draft EIR evaluated potential impacts related to traffic noise levels. Commercial cannabis operations in the county that may occur under the Cannabis Program could result in increased traffic volumes on associated roadways and highways in the county, particularly during fall harvest season when the demand for workers is highest. Project-generated traffic volumes could expose noise-sensitive receptors to traffic noise levels that exceed the Trinity County General Plan exterior noise standards for transportation noise. Due to this potential, this impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

The typical approach to mitigate traffic noise levels is to construct structures (e.g., soundwalls, berms, or some berm- wall combination) between the roadway segment and the affected noise-sensitive receptors. However, this method would be infeasible given the extensive length of the affected state highway segments (i.e., over 45 contiguous miles along SR 3), and the number of sensitive receptors along these highway segments. Even if landowners were offered to have protective noise barriers constructed on their property, it cannot be assured that all of the landowners of the affected properties residences would allow for the construction of a noise barrier. Additionally, if any soundwalls were proposed within Caltrans right-of-way, implementation of the improvements would not fall within Trinity County's jurisdictional control, and while the appropriate jurisdictions can and should implement feasible mitigation to reduce impacts, it cannot be guaranteed that these improvements would be implemented. Moreover, some noise barriers could potentially result in other types of environmental impacts (e.g., aesthetic impacts) or adversely affect the potential for a highway segment to be designated as a scenic highway.

It should be noted that the methodology used to estimate the number of trips that could potentially be generated by the Project was based on the conservative assumptions discussed above and represents a worst-case scenario. Additionally, the levels of traffic noise modeled and shown in Cannabis Program Revised Draft EIR Table 3.12-5 would occur only during the peak harvest time (i.e., 4 weeks per year). However, as stated above, there is no feasible mitigation to address the potential long-term traffic noise levels generated by the Project. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

The Project as proposed would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards. Any construction activity will occur between the hours of 7 am and 7 pm and business hours will be kept between 8 am and 5 pm, Monday through Friday. Additionally, the Project site is not located within 1,000 feet from youth-oriented facilities, schools, churches, or residential treatment facilities. Therefore, no significant impacts to ambient noise levels would occur.

b) Generation of excessive groundborne vibration or groundborne noise levels?

As discussed on Cannabis Program Draft EIR page 3.12-8, no major sources of vibration would be potentially constructed as a result of the Cannabis Program and construction of any future commercial cannabis operations would not include vibration-intensive activities such as blasting or pile driving. Thus, the Project would not result in the exposure of sensitive receptors to levels of excessive vibration or vibration levels and ground vibration-related impacts were not discussed further in the EIR. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

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

As discussed on Cannabis Program Draft EIR page 3.12-8, the Cannabis Program would not result in the development of new residential land uses near private air strips or public commercial airports in Trinity County. Thus, aircraft-related noise impacts were not discussed further in the EIR. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

Mitigation Measures

The following mitigation measure was adopted in the Cannabis Program EIR and would continue to remain applicable if the Project were approved.

Mitigation Measure 3.12-1: Implement Construction Noise Mitigation

This mitigation measure applies as construction is proposed for this Project. The following conditions will be implemented to satisfy this mitigation measure:

All outdoor construction activity and use of heavy equipment outdoors will take place between 7:00 a.m. and 7:00 p.m.

CONCLUSION

With the implementation by the Project proponent (Smoking Green Valley, LLC) of Mitigation Measure 3.12-1, there would as a result be no significant impacts from Project approval to ambient noise levels.

4.14 POPULATION AND HOUSING

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
13. Population and Housing. Would the project:				
a. Induce substantial population growth within an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Scoped out on Draft EIR p. 1-3	No	No	NA
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Scoped out on Draft EIR p. 1-3	No	No	NA

4.14.1 Discussion and Conclusion

Population and housing impacts were scoped out of the Cannabis Program EIR as discussed on page 1-3 of the Cannabis Program Draft EIR. It is anticipated that the potential job creation from the Cannabis Program would be primarily absorbed by the county's existing workforce and would not induce substantial population growth and necessitate the construction of new housing. Commercial cannabis uses are not expected to displace housing or displace people because cultivation would be required to be setback from residential uses. Therefore, no significant impacts on population and housing would occur, and this issue was not discussed further in the EIR.

4.15 PUBLIC SERVICES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
15. Public Services.				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any public services:				
i. Fire protection?	Draft EIR Setting pp. 3.13-1 to 3.13-9 Impact 3.13-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
ii. Police protection?	Draft EIR Setting pp. 3.13-1 to 3.13-9 Impact 3.13-2	No	No	NA, impact remains less than significant
iii. Schools?	Draft EIR p. 3.13-10	No	No	NA
iv. Parks?	Draft EIR p. 3.13-10	No	No	NA
v. Other public facilities?	Draft EIR p. 3.13-10	No	No	NA

4.15.1 Discussion

No substantial change in the environmental and regulatory settings related to public services, described in Cannabis Program Draft EIR Section 3.13, "Public Services," has occurred since certification of the EIR.

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

Fire protection?

Impact 3.13-1 of the Cannabis Program Draft EIR evaluated whether projects would result in substantial adverse physical impacts associated with the need for new or physically altered fire protection facilities. Commercial cannabis operations could create fire hazards from electrical sources and the storage and use of flammable materials and other power equipment that would also generate fire risk. Commercial cannabis operations would be regulated for fire protection

measures consistent with building and fire codes and through state licensing requirements for cultivation (CCR Section 8102[aa] and CCR 5501[i]).

Existing licensed commercial cannabis operations that have been constructed would not create new fire hazards. These sites are required to comply with fire standards that include CCR Title 24, Part 2, Chapter 7A, which requires buildings to be fire resistant (roof material, decking material, accessory structures, and venting to resist the intrusion of flame and ember); PRC Section 4291, which addresses defensible space and fuel modification standards; and provision of sufficient fire equipment and emergency access standards. However, some existing cannabis operations may have been located on substandard roadways that would hinder emergency response or evacuation. Relicensing of these operations would continue to expose these areas to these fire access hazards. Thus, this impact would be potentially significant.

New cannabis cultivation would be required to comply with existing regulations for fire safety and protection as discussed above. Compliance with these requirements would ensure that adequate on-site fire protection measures are provided and would avoid the need for expanded fire protection services that would necessitate the construction of new fire protection facilities (e.g., fire stations). However, construction and operation of new licensed commercial cannabis operations could result in temporary lane closures, increased truck traffic, and safety issues if located on substandard roadways that are not adequately maintained. This would hinder emergency response or evacuation. Thus, this impact would be potentially significant.

Implementation of adopted Mitigation Measure 3.13-1, which requires implementation of Mitigation Measures 3.14-3 and 3.14-4 requiring that existing licensed and new commercial cannabis sites meet county roadway and access design and fire safety requirements set forth in County Code of Ordinances Chapters 8.30 and 12.10. This impact would be reduced to a less-than-significant level. The Project is required to meet all County requirements regarding fire protection, including fire access. The Project will implement Mitigation Measure 3.13-1 as well as Mitigation Measures 3.16-1, 3.16-2b and 3.16-3 to prevent new fire hazards.

Police protection?

Impact 3.13-2 of the Cannabis Program Draft EIR evaluated whether projects would result in substantial adverse physical impacts associated with the need for new or physically altered law enforcement facilities. Commercial cannabis operations are a target for potential crime. The Cannabis Program includes the following standards for security:

All buildings where cannabis is cultivated or stored shall be secured to prevent unauthorized entry (Cultivation) (Section 315-843[6][f]).

Existing licensed commercial cannabis operations that have been constructed would not create new law enforcement issues and would be required to continue to comply with state and Cannabis Program security requirements identified above. New cultivation and noncultivation uses could attract criminal activities that could increase the demand for law enforcement services. Compliance with the Cannabis Program performance standards identified above would require secure access to sites and implementation of security plans to protect sites from trespass and burglary. CCR Sections 5042, 5043, 5046, 5047, 40200, and 40205 require on-site security measures. These standards would minimize the potential for criminal activities through controlled access for authorized personnel and locked door requirements at noncultivation sites (CCR Sections 5042 and 5043), security measures that include video surveillance, security personnel, and lock and alarm system requirements (CCR Sections 5044, 5045, 5046, and 5047). Manufacturing sites are required to provide a security plan that implements access controls to the building, alarm system requirements, and video surveillance (CCR Sections 40200 and 40205). Implementation of these measures would ensure protection of sites that would not require the need to expand law enforcement services and facilities. Thus, this impact would be less than significant.

The Project is required to meet all County and state requirements regarding public safety. No significant impacts would occur as a result of implementation of the Project as proposed. On-site security measures include locked gates at all Project site access points.

Schools?

As discussed on Cannabis Program Draft EIR page 3.13-10, implementation of the Cannabis Program would not substantially increase population levels in the county. Thus, there would not be additional use of schools such that new or expansion of facilities would be necessary. There would be no impacts. Thus, issues pertaining to impacts on public

services related to population growth were not discussed further.

Parks?

As discussed on Cannabis Program Draft EIR page 3.13-10, implementation of the Cannabis Program would not substantially increase population levels in the county. Thus, there would not be additional use of parks and recreation facilities such that new or expansion of facilities would be necessary. There would be no impacts. Thus, issues pertaining to impacts on public services related to population growth were not discussed further.

Other public facilities?

As discussed on Cannabis Program Draft EIR page 3.13-10, implementation of the Cannabis Program would not substantially increase population levels in the county. Thus, there would not be additional use of public facilities such that new or expansion of facilities would be necessary. There would be no impacts. Thus, issues pertaining to impacts on public services related to population growth were not discussed further.

Mitigation Measures

The following mitigation measure was adopted in the Cannabis Program EIR and would continue to remain applicable if the Project was approved.

Mitigation Measure 3.13-1: Implement Mitigation Measures 3.14-3 and 3.14-4.

This mitigation measure applies and is satisfied by the application of Mitigation Measures 3.14-3 and 3.14-4.

CONCLUSION

With the implementation by the Project proponent (Smoking Green Valley, LLC) of Mitigation Measure 3.13-1, all potential impacts to public services and approval of the Project as proposed would be reduced to a less-than-significant level.

4.16 RECREATION

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
15. Recreation. Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Scoped out on Draft EIR p. 1-3	No	No	NA
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Scoped out on Draft EIR p. 1-3	No	No	NA

4.16.1 Discussion and Conclusions

Population and housing impacts were scoped out of the Cannabis Program EIR as discussed on page 1-3 of the Cannabis Program Draft EIR. Implementation of the Project would not directly result in increased use of recreational facilities. In addition, the Project would not result in a substantial increase in countywide population such that indirect impacts on recreational facilities could occur. Therefore, no significant impacts on recreation would occur, and this issue was not discussed further in the EIR.

4.17 TRANSPORTATION

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
17. Transportation. Would the project:				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Draft EIR Setting pp. 3.14-1 to 3.14-8 and 3.14-13 Impacts 3.14-1 and 3.14-2	No	No	No, impact remains less than significant
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Draft EIR Setting pp. 3.14-1 to 3.14-8 Impact 3.14-5	No	No	No, impact remains less than significant
c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Draft EIR Setting pp. 3.14-1 to 3.14-8 Impact 3.14-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. Result in inadequate emergency access?	Draft EIR Setting pp. 3.14-1 to 3.14-8 Impact 3.14-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

4.17.1 Discussion

No substantial change in the environmental and regulatory settings related to public services, described in Cannabis Program Draft EIR Section 3.14, "Transportation/Traffic," has occurred since certification of the EIR.

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

As discussed on Cannabis Program Draft EIR page 3.14-13, rail, transit, bike, and pedestrian facilities and activities would not be affected by the Cannabis Program. Due to the rural character of much of the transportation network and the anticipated dispersion of the individual cultivation sites throughout the county, the Project would not generate demand for transit, bike, or pedestrian facilities. Therefore, the Project would not create any conflicts with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Thus, transit, bike, and pedestrian facilities are not evaluated further.

Impact 3.14-1 of the Cannabis Program Draft EIR evaluated potential safety impacts related to increases in traffic due to construction activities. New licensed commercial cannabis operations in the county that may occur under the Cannabis Program would involve construction activities. These construction activities would result in an increase in vehicular trips associated with construction workers traveling to and from construction sites. However, the increase in trips associated with construction at new licensed commercial cannabis operations would be minimal, dispersed throughout the larger roadway

network serving the county, and staggered over an extended period of time. Thus, this impact would be less than significant.

Impact 3.14-2 of the Cannabis Program Draft EIR evaluated the potential for a long-term increase in traffic. Existing and new licensed commercial cannabis operations under the Cannabis Program would result in the addition of vehicle trips to existing traffic levels on the state highway system within Trinity County. Pursuant to Public Resources Code Section 21099(b)(2), automobile delay and congestion is not considered a significant effect on the environment. No impact would occur.

The Project as proposed would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities due to its minor and significantly temporary nature of construction activity.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? Impact 3.14-5 of the Cannabis Program Draft EIR evaluated whether projects would result in a net increase in and inefficient vehicle miles travelled (VMT). New commercial cannabis operations resulting from implementation of the Cannabis Program would alter VMT conditions in the county. Based on the trip generation assumptions made for each of the commercial cannabis operations, implementation of the Cannabis Program could result in approximately 8,710 daily trips within Trinity County during the height of harvest. It is likely that implementation of the Cannabis Program would reduce the distance between existing and future cultivation operations through the creation of new noncultivation facilities within county that currently are located outside the county. The Cannabis Program would also increase employment opportunities in a county that has relatively few such opportunities and, based on the 2010 Trinity County Travel Demand Forecasting Model Development Report, showed a large percent of residents commuting out of the county on a daily basis. While no quantitative models or other current data are available to determine the relative VMT effects of the Cannabis Program, this data suggest that VMT may be reduced and, if not, would likely be substantially more efficient than the current condition of commuting out of the county for employment and industry needs currently not provided in the county. Any other conclusion would be speculative. Therefore, this impact would be less than significant.

The Project as proposed would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) due to its demonstratively minor scale of traffic impact relative to existing conditions.

c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Impact 3.14-3 of the Cannabis Program Draft EIR evaluated the potential for roadway hazards due to geometric design. Under the Cannabis Program, it cannot be assured that existing or new licensed commercial cannabis operations would provide site access along roadways that are free of hazards due to the geometric design. Therefore, certain projects could potentially result in a significant impact on roadway hazards due to geometric design, depending upon specific localized circumstances.

Agencies with the responsibility for roadway design and operation within the county, including Caltrans and Trinity County, have adopted and enforce roadway design standards. Chapter 12.10: Design Policies of the Trinity County Code of Ordinances formally adopts the American Association of State Highway and Transportation Officials roadway standards as detailed in A Policy on Geometric Design of Highways and Streets (1990) and all future amendments and subsequent editions of this document. The use and enforcement of these design standards prevents the development of transportation infrastructure that would substantially increase hazards because of a design feature.

These standards address a variety of roadway elements, including safety and hazards.

Implementation of adopted Mitigation Measure 3.14-3 requires existing and new commercial cannabis operations in the county to be in compliance with Chapter 12.10: Design Policies of the Trinity County Code; and thus, access to existing and new commercial cannabis operations would not be located along roadways that are hazardous due to the geometric design of the roadway. This impact would be reduced to a less-than-significant level.

The Project as proposed would not substantially increase hazards due to a design feature or incompatible uses due to its non-existent need for roadway design enhancement.

d) Result in inadequate emergency access?

Impact 3.14-4 of the Cannabis Program Draft EIR evaluated the potential for projects to conflict with adequate emergency access. Trinity County has adopted and enforces roadway design standards as detailed in Chapter 12.10:

Design Policies of the Trinity County Code of Ordinances. These standards address a variety of roadway elements, including safety and hazards. Emergency access to commercial cannabis operations would be provided primarily via existing public and private roadways, and access driveways. The County's emergency access standards are detailed in Chapter 8.30 – Fire Safe Ordinance of the County Code of Ordinances. As detailed in Chapter 8.30, road and street networks, whether public or private, provide for safe access for *emergency* wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire *emergency* consistent with Section 8.30.130 through Section 8.30.240. These regulations do not apply to existing structures, roads, streets and private lanes or facilities; however, the following activities would require compliance with the Fire Safe Ordinance:

Permitting or approval of new parcels;

Application for a building permit for new construction, not relating to existing structure;

Application for a use permit;

Road construction, including construction of a road that does not currently exist, or extension of an existing road.

Under the Cannabis Program, it cannot be assured that existing and new commercial cannabis operations would provide adequate emergency access. Therefore, the Project would result in a potentially significant impact on emergency access.

Adopted Mitigation Measure 3.14-4 requires existing and new commercial cannabis operations in the county that may occur under the proposed ordinance to be in compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code of Ordinances; and thus, would provide adequate emergency access. This impact would be reduced to a less-than-significant level.

The Project as proposed would not result in inadequate emergency access due to its existing onsite and access roadways being of adequate design and engineering. Implementation of the Project would not require construction of any new roads or expansion of existing roads.

Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the Project were approved.

Mitigation Measure 3.14-3: Provide Site Access Free of Hazards Due to Geometric Roadway Design

This mitigation measure applies, and will be satisfied by the following:

- This application for license renewal of existing cannabis operations will, where appropriate, provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of the Trinity County Code of Ordinances. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with Road Handbook, per CCR Title 14, Chapter 4 and SWRCB Order WQ 2019-0001-DWQ.

Mitigation Measure 3.14-4: Provide Adequate Emergency Access

This mitigation measure applies, and will be satisfied by the following:

This application for license renewal for existing cannabis operations will provide documentation showing that site access is in compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code.

CONCLUSION

With the implementation of Mitigation Measures 3.14-3 and 3.14-4 by the Project proponent (Smoking Green Valley, LLC) where applicable and as appropriate, approval of the Project as proposed would render all potential resultant impacts less than significant.

4.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/ Resolve Impacts?
XVIII. Tribal Cultural Resources.				
<p>Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
a) Listed or eligible for listing in the California local register of historical resources as defined in Public Resources Code section 5020.1(k)?	Draft EIR setting pp. 3.5-1 to 3.5-17 Impact 3.5-4	No	No	NA, impact remains less than significant
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (s) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	Draft EIR setting pp. 3.5-1 to 3.5-17 Impact 3.5-4	No	No	NA, impact remains less than significant

4.18.1 Discussion

No new information pertaining to tribal cultural resources, described in Cannabis Program Draft EIR Section 3.5, "Archaeological, Historical, and Tribal Cultural Resources," has become available since the Cannabis Program EIR was certified.

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

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Impact 3.5-4 of the Cannabis Program Draft EIR evaluated whether the Project would cause a substantial adverse change in the significance of a tribal cultural resource. During preparation of the Cannabis Program Draft EIR, the County requested consultation with tribes in compliance with AB 52. The consultation resulted in the conclusion that there is no potential for commercial cannabis operations to affect tribal cultural resources (as defined in PRC Section

21074).

As described on page 3.5-17 of the Cannabis Program Draft EIR, no tribal cultural resources have been identified for this Project. The Cannabis Program requires that licensed operations obtain Cal Cannabis cultivation licensing and comply with the SWRCB's cannabis cultivation policies for cultivation activities. Attachment A (General Requirements and Prohibitions) of Order WQ 2019-0001-DWQ Terms 21 and 22 of the General Requirements and Prohibitions require California Historical Resources Information System (CHRIS) records searches, Native American Heritage Commission (NAHC) record searches, and archaeological surveys or evaluations (if necessary). Compliance with Terms 21 and 22 of the SWRCB General Requirements and Prohibitions would reduce impacts on known archaeological resources that may include tribal cultural resources through requiring standard record searches, requiring archaeological evaluations of identified features, and implementing necessary measures to ensure the protection of archaeological resources and tribal cultural resources. Therefore, the Cannabis Program would have a less-than-significant impact on tribal cultural resources as defined in PRC Section 21074.

The Project proponent is currently enrolled under the SWRCB's General Order WQ 2019-0001-DWQ and complied with Terms 21 and 22 of the General Requirements and Prohibitions (WDID#I_53CC425894; see Attachment E).

- b) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

See discussion under item a) above.

Mitigation Measures

No mitigation measures were needed for the Cannabis Program regarding tribal cultural resources. No additional mitigation measures are required for the Project for this topic.

CONCLUSION

As the Applicant is currently enrolled under the SWRCB's General Order WQ 2019-0001-DWQ and complied with the provisions therein, approval of the Project (Smoking Green Valley, LLC) would not result in significant impacts to tribal cultural resources.

4.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
19. Utilities and Service Systems. Would the project:				
a. Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impacts 3.15-1 and 3.15-2	No	No	NA, impact remains less than significant
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impact 3.15-2	No	No	Yes, impacts would remain less than significant
c. Result in a determination by the wastewater treatment provide that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impact 3.15-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impact 3.15-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
e. Comply with federal, state, and local statutes and regulations related to solid waste?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impact 3.15-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

4.19.1 Discussion

No substantial change in the environmental and regulatory settings related to utilities, described in Cannabis Program Draft EIR Section 3.15, "Utilities and Service Systems," has occurred since certification of the EIR.

- a) **Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant**

environmental effects?

See discussions under items b) and c) below.

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

Impact 3.15-2 of the Cannabis Program Draft EIR evaluated whether the Project would increase demand of public water supplies. New commercial cannabis facilities that would be allowed under the Cannabis Program would result in increased water demand from public water systems. However, existing regulations require that adequate water supplies are available that could exceed supply and related infrastructure. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

State licensing regulations require cultivators, nurseries, processors, and microbusinesses that include cultivators to submit the source of water as part of the permit application process. If the permit applicant indicates that a retail water source is used, the name of the water supplier and the most recent bill must be submitted. This provides proof of existing pipelines and other water infrastructure, and it can generally be assumed that the infrastructure within an individual site is sufficient upon completion of permitting requirements. Licensed commercial cannabis cultivation and noncultivation uses (existing and new) could generate an annual water demand of approximately 341 acre-feet countywide. New commercial cannabis uses may be located within public water systems and may request domestic water services from these providers, including the Weaverville CSD, Trinity County Waterworks District No. 1, and the Lewiston CSD. These water service providers have appropriate water rights that total 8,284.50 acre-feet annually and are currently using approximately a total of 620.70 acre-feet annually. Thus, adequate public water supplies exist with these service providers to accommodate the anticipated water demands of the Cannabis Program.

The Cannabis Program includes the following requirements regarding water supply provision:

Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well or diversion. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river, or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source (Cultivation) (Section 315-843[6][c]).

The Cannabis Program prohibits cannabis cultivation within Weaverville CSD and Lewiston CSD. Thus, most existing cultivation operations are required to obtain their water supply through permitted surface water diversion, groundwater, and/or rainwater catchment.

New commercial cannabis cultivation (where allowed) located within a retail water supplier's area may obtain water service (if available). The provision of adequate water supply and distribution facilities from a retail water supplier are under the jurisdiction of the CSD or water company. Potential environmental impacts associated with water distribution facility improvements that may be required to service commercial cannabis uses would vary based on the extent of the improvements and their location in relation to the natural environment.

Significant environmental impacts may include changes in visual character; light and glare; direct or indirect impacts on agricultural resources; construction and operational air quality impacts; impacts on habitat, water quality, and special-status plant and animal species; disturbance of archaeological, historic, and tribal cultural resources; construction and operational impacts on water quality; and construction-related traffic. The nature and extent of these potential impacts from water supply improvements by the retail water supplier is not known.

Adopted Mitigation Measure 3.15-2 requires verification of adequate public water supply service for new commercial cannabis operations proposing to use retail water supply service. Thus, this impact would be reduced to less than significant. Possible environmental impacts from constructing and operating new or expanded water facilities by the public water service providers are identified above.

Onsite water storage capacity after installation of the rain catchment pond will be 1,057,500 gallons. Estimated water usage for cultivation activities is 50,000 gallons per year, or approximately 10,000 gallons per month from May to September.

c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Impact 3.15-1 of the Cannabis Program Draft EIR evaluated impacts related to increase demand on wastewater treatment systems. New commercial cannabis facilities that would be allowed under the Cannabis Program could result in increased wastewater service demand for public wastewater systems that may not have adequate capacity. Commercial cannabis operations involving manufacturing and testing that could result with implementation of the Cannabis Program would generate wastewater that may contain contaminants that cannot be adequately treated by existing public wastewater treatment systems. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Implementation of adopted Mitigation Measures 3.15-1a and 3.15-1b would ensure that commercial cannabis operations verify that adequate wastewater service exists for the site and that anticipated wastewater effluent quality from noncultivation operations would not adversely affect current wastewater treatment facilities of service providers and provide pretreatment of wastewater discharges if required. This impact would be reduced to a less-than-significant level.

The subject parcel's domestic wastewater is treated through a permitted onsite septic system; the cannabis cultivation operation produces no appreciable wastewater requiring capture, storage, and offsite disposal.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Impact 3.15-3 of the Cannabis Program Draft EIR considered whether the Project would generate amounts of solid waste in excess of landfill capacity, violate existing statutes related to solid waste, or result in adverse environmental effects. Cannabis cultivation and noncultivation operations under the Cannabis Program would generate solid waste from involving cannabis plant and product waste as well as non-cannabis waste. Consistent with state cannabis licensing regulations, licensees must maintain accurate and comprehensive records regarding cannabis waste that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste. Waste management plans and other regulations would ensure that solid waste (cannabis and non-cannabis waste) that is hauled offsite is disposed of properly. However, improper management of onsite composting of cannabis waste could result in adverse environmental effects. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Adopted Mitigation Measure 3.15-3 requires that on-site composting is managed in a manner to avoid adverse environmental impacts through water quality, odor, and pest control that would be monitored by the County. This impact would be reduced to a less-than-significant level. Cannabis plant waste generated by the Project is composted on site thereby reducing the amount of waste entering landfills. Implementation of the Cannabis Waste Composting Management Plan included as Attachment G would reduce environmental impacts associated with onsite composting.

e) Comply with federal, state, and local statutes and regulations related to solid waste?

See discussion under item d) above.

Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the Project were approved.

Mitigation Measure 3.15-1a: Prepare a Treatment Program for Noncultivation Activities

This mitigation measure does not apply because no non-cultivation activities are proposed for the Project.

Mitigation Measure 3.15-1b: Verification of Adequate Wastewater Service and Necessary Improvements for Public Wastewater Systems

This mitigation measure does not apply as the proposed project's domestic waste relies upon a septic system.

Mitigation Measure 3.15-2: Verify Adequate Water Supply and Service for Municipal Water Service

This mitigation measure does not apply as the Project relies upon a point of diversion and proposed rainwater catchment pond, not municipal water service.

Mitigation Measure 3.15-3: Implement a Cannabis Waste Composting Management Plan

This mitigation measure applies and is satisfied by the following:

The Applicant has developed and implements a cannabis waste composting management plan, which is found at Attachment G. The plan meets all state requirements and the following requirements to be confirmed by the County during inspections, which is not limited to but includes the following:

- designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs;
- identification of water quality control features that ensure no discharge of cannabis waste or other pollutants; and
- details on routine management and equipment used in the composting.

CONCLUSION

With adoption and implementation by the Project proponent (Smoking Green Valley, LLC) of Mitigation Measure 3.15-3, all potential impacts resulting from implementation and approval of the Project as proposed would be reduced to a less-than-significant level.

4.20 WILDFIRE

Environmental Issue Areas	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
XX. Wildfire.				
<p>Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</p>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Draft EIR p. 3.16-14	No	No	NA
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Draft EIR Setting pp. 3.16-1 to 3.16-14 Impact 3.16-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Draft EIR Setting pp. 3.16-1 to 3.16-14 Impact 3.16-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Draft EIR Setting pp. 3.16-1 to 3.16-14 Impact 3.16-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

4.20.1 Discussion

No substantial change in the environmental and regulatory settings related to wildfire, described in Cannabis Program Draft EIR Section 3.16, "Wildfire," has occurred since certification of the EIR.

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

As discussed on page 3.16-14 of the Cannabis Program Draft EIR, impacts related to the potential for the

implementation of the Cannabis Program to substantially impair an adopted emergency response plan, emergency evacuation plan or otherwise impair emergency access and evacuation have been addressed under Impact 3.9-6 in Section 3.9, "Hazards and Hazardous Materials"; Impact 3.13-1 in Section 3.13, "Public Services"; and Impact 3.14-4 in Section 3.14, "Transportation/Traffic." The reader is referred to those impact discussions.

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

Impact 3.16-1 of the Cannabis Program Draft EIR evaluated whether the Project would result in exposure of people or structures directly or indirectly to a significant risk of loss involving wildfire hazards or exacerbate wildfire risk and expose the Project and public to pollutant concentrations from uncontrolled spread of a wildfire. Trinity County is highly susceptible to wildfires. Implementation of the Cannabis Program could create new fire hazards from creation of new fuel and ignition sources and expose people and structures to increased wildfire hazards and unhealthy air quality conditions from smoke. This impact would be potentially significant.

Commercial cannabis operations would be regulated for fire avoidance and protection measures consistent with building and fire codes (CCR Title 24, Part 2, Chapter 7A and PRC Section 4291), Trinity County Code of Ordinances Chapter 8.30 that provide wildfire protection standards for emergency access, signing and building numbering; private water supply reserves for emergency fire use and vegetation modification. State licensing requirements also include fire avoidance and protection measures for cultivation (CCR Section 8102[aa] and CCR 5501[i]) and for manufacturing operations associated with extraction facilities (CCR Sections 40223[b] and 40225).

The Cannabis Program would include the following standards for fire protection:

Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked structure or device (Section 315-843[6][g]).

Adopted Mitigation Measures 3.16-1 requires implementation of adopted Mitigation Measure 3.1-1b, which requires license applications for new cultivation sites and requests for license renewal maintain the parcel clear of trash and debris piles. No trash or debris will be allowed to accumulate on the parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license renewal. This will eliminate the potential for new sources of fuel that could increase wildfire hazards. Mitigation Measure 3.1-1b is consistent with Trinity County Safety Element policies that identify the need for fuel reduction. Therefore, the impact would be less than significant.

The Project as designed and proposed would not exacerbate any wildfire risks. See Chapter 2, Project Description.

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

Impact 3.16-2 of the Cannabis Program Draft EIR evaluated whether the Project would include installation and operation of associated infrastructure that may exacerbate fire risk. Implementation of the Cannabis Program would include the development on-site and off-site infrastructure improvements to support commercial cannabis uses that could create new fire hazards. This impact would be potentially significant.

The construction and operation of commercial cannabis uses under the Cannabis Program would include improvements such as buildings, water structures, extension of electrical facilities and associated improvements by the Trinity Public Utility District and Pacific Gas and Electric Company, maintenance of fuel breaks, and roadway improvements (on-site and off-site) that could introduce new ignition sources that could increase wildfire hazards. As noted in Impact 3.16-1, the majority of the county is forested that has high wildfire risk and has experienced wildfires each year since 1999.

Commercial cannabis operations (including infrastructure improvements) would be regulated for fire avoidance and protection measures consistent with building and fire codes (CCR Title 24, Part 2, Chapter 7A and PRC Section 4291), Trinity County Code of Ordinances Chapter 8.30 that provide wildfire protection standards for emergency access, signing and building numbering; private water supply reserves for emergency fire use and vegetation modification. State

licensing requirements also include fire avoidance and protection measures for cultivation (CCR Section 8102[aa] and CCR 5501[i]) and for manufacturing operations associated with extraction facilities (CCR Sections 40223[b] and 40225).

The Cannabis Program would include the following standards for fire protection:

Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked structure or device (Section 315-843[6][g]).

However, potential extension of electrical facilities and on-site construction and maintenance activities could create new ignition sources. Thus, the impact would be potentially significant.

Adopted Mitigation Measures 3.16-2a and 3.16-2b require that power lines and electrical facilities maintain fuel breaks and that the use of outdoor motorized equipment be conducted in a manner to avoid accidental fire. Within implementation of these adopted measures, the impact would be less than significant.

The Project as designed and proposed would not exacerbate any wildfire risks. See Chapter 2, Project Description. All agricultural chemical products will be stored securely in the proposed 32'x80' building.

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

Impact 3.16-3 of the Cannabis Program Draft EIR evaluated whether the Project would expose people to increased risk of landslide from post-fire slope instability. Previous wildfires in Trinity County have resulted in the loss of vegetation on sloped terrain. This condition could result in soil erosion and slope failure. Development of commercial cannabis uses under the Cannabis Program in these areas could exacerbate this condition and increase the risk of erosion and slope failure. This impact would be potentially significant at the Program level, but less than significant at the project level with incorporation of appropriate mitigation measures.

Adopted Mitigation Measure 3.16-3 requires implementation of Mitigation Measure 3.10-1a which requires all existing and new commercial cannabis cultivation activities in the county to comply with the conditions of SWRCB Order WQ 2019-0001-DWQ or otherwise avoid water quality impacts. This would also include ensuring that sites are geologically stable and do not result in operational soil erosion impacts. Therefore, the impact would be less than significant.

The Project as designed and proposed would not exacerbate any wildfire risks. See Chapter 2, Project Description.

Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the Project were approved.

Mitigation Measure 3.16-1: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel

This mitigation measure applies and is satisfied by compliance with Mitigation Measure 3.1-1b.

Mitigation Measure 3.16-2a: Implement Fire Prevention Measures for New Power Lines and Electrical Facilities

This mitigation measure does not apply as no new power lines are proposed for this Project.

Mitigation Measure 3.16-2b: Implement Fire Prevention Measures for On-Site Construction and Maintenance Activities

This mitigation measure applies and will be satisfied by placing Fire Extinguishers in the following areas: all greenhouses, support buildings, the residence and water storage area. Appropriate defensible space will be maintained around all buildings.

Mitigation Measure 3.16-3: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

This mitigation measure applies and is satisfied by compliance with Mitigation Measure 3.10-1a.

CONCLUSION

With implementation by the Project proponent of Mitigation Measures 3.16-1, 3.16-2b, and 3.16-3, the potential impacts from implementation and approval of the Project as proposed would be reduced to a less-than-significant level.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
21. Mandatory Findings of Significance.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below the self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory?	Draft EIR Section 3.4, "Biological Resources," and Section 3.5, "Archaeological, Historical, and Tribal Cultural Resources"	No	Yes, discussed throughout environmental checklist	Yes
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Draft EIR Chapter 4, "Cumulative Impacts"	No	Yes, discussed throughout environmental checklist	Yes
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Draft EIR Section 3.3, "Air Quality"; Section 3.9, "Hazards and Hazardous Materials"; and Section 3.12, "Noise"	No	Yes, discussed throughout environmental checklist	Yes

CONCLUSION

Approved mitigation in the Cannabis Program EIR would continue to be implemented with the Project. Therefore, no significant impacts would occur with implementation of the Project.

Chapter 5 LIST OF PREPARERS AND PERSONS CONSULTED

5.1 LIST OF PREPARERS

Flowra

Kellan M. Korcheck.....Environmental Services Consultant/Primary Author
Ana Wright.....Executive Vice President/Senior Review
Lisa Wright.....CEO/Senior Review

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Chapter 6 REFERENCES

- Trinity County. 2019 (May). *Draft Environmental Impact Report [for the] Trinity County Cannabis Program*. Weaverville, CA. SCH # 2018122049. Prepared by Ascent Environmental, Sacramento, CA.
- _____. 2020 (November). *Final Environmental Impact Report [for the] Trinity County Cannabis Program*. Weaverville, CA. SCH # 2018122049. Prepared by Ascent Environmental, Sacramento, CA.

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Attachment A

Odor Control Plan



Severin Stoyanov – Smoking Green Valley, LLC
Trinity APN 020-510-20-00
Application for a Commercial Cannabis Cultivation License
Zone: Unclassified (UNC); General Plan: Agricultural (A)

Odor Control Plan

Introduction

Smoking Green Valley, LLC will take active measures to eliminate any cannabis odor that may potentially emanate from any facility or component of this cannabis operation to mitigate and eliminate possible disturbances. There are several industry best practices that will be installed into the operation to ensure that the air poses zero health risks to any employee, visitor, or surrounding neighbors/community/residents. The multiple layers of odor control that Smoking Green Valley, LLC will install will be more than sufficient to mitigate all odors produced. These include redundant carbon filtration located throughout the facility, negative pressure in all cannabis related zones, odor ionizing technology, and employee standard operating procedures (SOPs).

The following pages describe the hardware and systems, procedural activities, staff training processes, record keeping protocol for all aspects of the odor control policy, and rigorous maintenance, updates, and regular scheduled monitoring. Any air that is emitted from the operation will be carbon filtered, passed through an ozone generator, as well as bi-polar ionized. Smoking Green Valley, LLC will ensure that no airborne emissions will be emitted that are readily detectable offsite without instruments by the average person.

Client Specific Activities

The Project operated by Smoking Green Valley, LLC is located at 10381 Ruth-Zenia Road (Trinity APN 020-510-20-00) in Hettenshaw Valley, California (40.277310, -123.413859; T02S, R07E, Section 20, Humboldt Meridian, USGS Ruth Lake 7.5-Minute Quadrangle Map) on a 51.08-acre parcel within the West Fork Van Duzen-Van Duzen River watershed (HUC 12 180101050701).

The property is located in unincorporated Trinity County in Hettenshaw Valley between the Van Duzen River to the west and Mad River Ridge to the east, approximately 4.94 air miles west of Ruth, 6.46 air miles northeast of Zenia, and 8 air miles southwest of Forest Glen, within the West Fork Van Duzen-Van Duzen River watershed. The most prominent peaks in the area are Grizzly Mountain to the southwest and Mad River Ridge to the east. The nearest neighboring residential dwellings are over 2,000 feet to the west and southwest from the subject property. The wind direction varies throughout the year.

Any odor complaints would likely be from the cannabis plants two weeks into flower. Before this time, the plant has not matured enough to emit odor. From this second week of flower until the plant has been packaged is the heaviest odor emitting period. Terpenes released during this stage of development are responsible for the strong odor, and these are smells could potentially be detected by neighbors and bystanders. Drying and cutting cannabis for processing as well as composting can emit heavy amounts of these terpenes into the air.

If the filtration systems in place do not prove adequate, biological measures could be put in place to reduce the cannabis aroma. This includes planting thyme, peppermint, mint, and lavender around the property to mask to the strong smell of cannabis.

Background

As cannabis plants grow, they release a distinctive range of odors which are made up of different types of volatile organic compounds (VOCs) called terpenes. Activities during the production, harvest, post-harvest, waste, and composting cycles can release significant odors. Installing a range of control technologies that reduce the amount of all strong odor emissions released during all stages of cannabis production, as well as the correct operation, maintenance, staff training, record keeping and following the best management practices detailed in this document are the means to a successful odor control plan for reducing air quality impacts from a cannabis operation.

Carbon Filtration

Carbon filtration is currently the best control technology for reducing all odor emissions from cannabis cultivation facilities. These filters work by using an absorption process where porous carbon surfaces chemically attract and trap VOCs along with other gas phase contaminants. Carbon absorbs its molecular weight of contaminants; the more porous the activated carbon is, the more contaminants it will capture. Depending on the filter system, carbon filtration can remove 50-98% of VOCs. As the filter ages, less carbon surface area is available to trap VOCs; at this point the filter will need to be replaced. Depending on the filter load, most carbon filters will last 6-12 months in a commercial cultivation environment.

An effective filtration system must be properly sized according to the space needed for volume and air flow requirements. It is important not to exceed the maximum rated cubic feet per minute rating for air circulation through the filter. If exceeded, the passing air will not have enough contact time with the carbon, and the filter will not be effective at removing odor. Carbon filters will be used in combination with other odor control technologies.

Ozone Generation

Ozone generators use ultraviolet bulbs or corona (electrical) discharge to produce ozone gas that works on a molecular level to eliminate virtually all odor. Ozone can be used safely and efficiently by utilizing generators that fit directly into exhaust lines.

Bi-Polar Ionization

Ions produced by Plasma Air units break down gases with electron-volt ionization to harmless compounds prevalent in the atmosphere such as oxygen, nitrogen, water vapor and carbon dioxide. The resultant compounds are a function of entering contaminants into the plasma field. Once VOCs are broken down, odors are eliminated.

High-Pressure Misting Systems

High-pressure misting or fog systems are an effective and economically viable means of odor control. These products remove VOCs, as opposed to other solutions that mask odors, using a combination of high-pressure fog and a scientifically researched mixture of essential oils. Billions of atomized droplets attach to and eliminate pungent odors associated with flowering cannabis plants.

These systems work by forcing water through a specialized nozzle to create micron droplets that are then released into the air. These droplets attract VOCs and add weight to them so they will sink to the ground, where they can be effectively removed. Chemical injectors introduce a neutralizing solution into the water supply, allowing high-pressure misting systems to eliminate any type of nuisance odor. Misting fans can integrate air streams into the fog produced by the misting system, which helps the droplets cover a wider and more uniform area.

Procedures

The procedures highlighted in the Smoking Green Valley, LLC Odor Control Plan will be applied to the following odor-emitting areas of activity (please note that only structures housing pre- or post-harvest mature flower are required to have odor systems in place):

- three proposed 30'x100' greenhouses for mature canopy with cannabis waste tilling areas;
- one proposed 32'x80' building for harvest storage (10'x30'), processing (30'x80'), administrative hold (10'x30') and agricultural chemical and pesticide storage (12'x12'); and
- one proposed 20'x20' cannabis waste and composting area (waste will be tilled back into beds).

I. *Staff training procedures:* Smoking Green Valley, LLC has an extensive training program that includes training specifically for odor mitigation. SOPs related to this odor control plan will be part of monthly meetings as well as the review of odor data, maintenance schedules, and possible updates to the system.

II. *Record keeping:* Carbon filter report cards will be maintained and filled out after every change by staff on duty. Smoking Green Valley, LLC will have a supply of carbon filters on site that will be re-ordered as part of SOPs to keep aligned with the facility maintenance program. If a filter needs to be changed sooner, extra filters will be on site to do so. If maintenance is needed it will be performed immediately as to not affect the surrounding areas and the Odor Control plan.

III. *Monitoring and inspection:* Every odor emitting zone will be continuously monitored using a scentometer (or Nasal Ranger) to be able to quantify odors and record defensible data. If a high volume of odor is detected, precise and accurate responses will be performed to achieve set odor goals. Doors will be installed with automatic closing equipment to ensure no odor is released through open doors.

IV. *Technical system design and equipment installation:* Ionization and active carbon filtering will be installed to mitigate odors within the fully enclosed, indoor facilities. To the extent possible, these systems will mitigate odor migration to the outside of the buildings and surrounding areas. Each grow room will be designed to create negative air pressure within the growing environment. This essential component to our odor control system isolates odors and does not allow them to escape from their respective grow areas. (For zones where HVAC systems are used, a closed loop system with limited exhaust will be employed.)

A. *Odor Control:*

1. Cultivation areas: The greenhouses will have adequate high efficiency, high CFM carbon filtration, ozone generation, and bi-polar ionization systems. Flowering areas are by far the highest odor-producing locations in cannabis cultivation operations; therefore, extra precautions will be taken for each flowering area. Each flowering area will have either appropriate cubic feet per minute (CFM) of air filtration along with finely tuned negative air pressure, ozone generation, and bi-polar ionization technology, and an appropriate placement of perimeter fog lines and interspersed fog cannons and/or high-pressure misters throughout hoop house areas.
2. Common areas: High efficiency carbon filtration units will be installed throughout the common areas of the along with bi-polar ionization units. These units will be changed out and maintained on a fixed schedule as identified in the SOPs.
3. Drying, trimming, storage, and packaging areas: These areas will utilize carbon filters, bi-polar ionization units for odor mitigation.

B. *Staff Training:* Smoking Green Valley, LLC is owner-run by two resident employees. Training will be comprehensive and specifically tailored for maximum odor control and will include understanding of the odor management system, basic maintenance, and record keeping with the following being key components:

1. how different odor controls tools, equipment, and products work;
2. safety concerns related to odor control;
3. mastering effective odor control strategies;
4. odor systems maintenance;
5. strategies to actively reduce odor; and
6. record keeping and data collection.

Summary

Early strategic planning is key to effective odor control for cannabis operations. Smoking Green Valley, LLC will use a matrix approach to controlling odor—leveraging both mechanical means to control odors, as well as filters, ozone generators, and bi-polar ionization where appropriate. All of this will be supplemented with a rigorous training program and systems in place to ensure all items are properly documented.

- 1.) Proposed Three 30' x 100' Greenhouses - Mature & Cannabis Waste Tilling Area
- 2.) Proposed 30' x 100' Greenhouse - Immature & Cannabis Waste Tilling Area
- 3.) Proposed 20' x 20' Cannabis Waste Area - Storage for On-Site Tilling
- 4.) Proposed 32' x 80' Building - Harvest Storage (10'x30'), Processing (80'x30'), Admin Hold Area (10'x30'), Ag. Chemical/Pesticide Storage (12' x 12')

Parcel Boundary
Premises Boundary

APN:
020-510-20-00

Remaining Portion of Parcel is
Unused

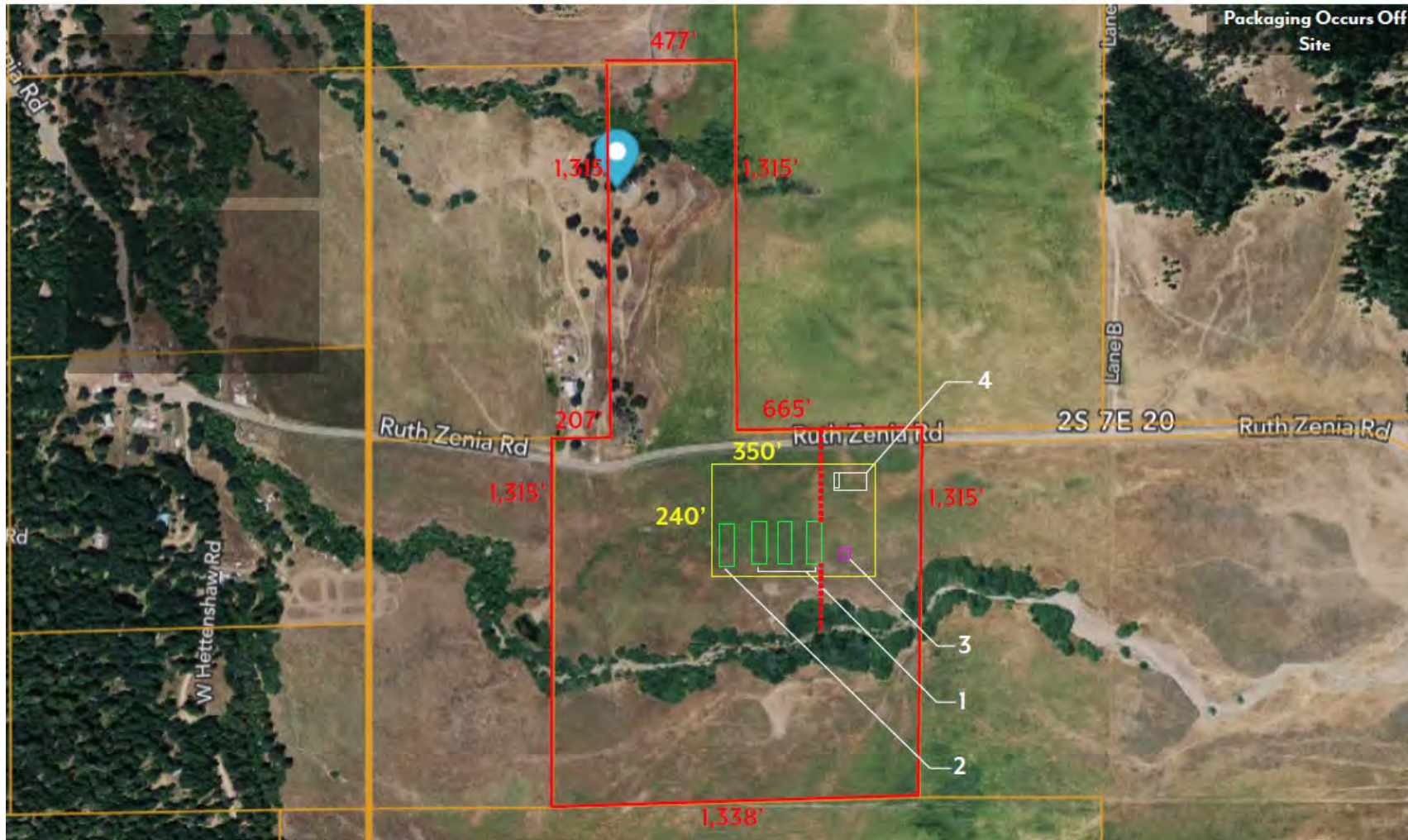
Mature Canopy Area: Immature Canopy Area:

30' x 100' = 3,000'(3)

30' x 100'

= 9,000 sq. ft.

= 3,000 sq. ft.



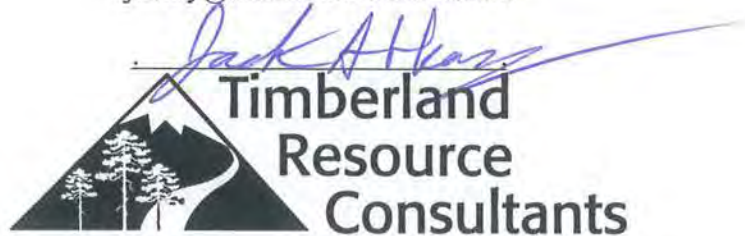
Attachment B

Biological Resources Assessment

**Biological Resource Assessment
for Trinity County
APN 020-510-20-00
07/14/2020**

Prepared for:
Smoking Green Valley, LLC

Prepared by:
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1.0 Introduction

1.1 Purpose and Need

This Biological Assessment has been prepared for Smoking Green Valley, LLC. The following report is being submitted to Trinity County as part of the licensing process associated with Ordinance No. 315-823. This report contains descriptions of existing site conditions with additional analysis on their relationship to animal species of special concern, plant species of special concern, sensitive natural communities, and potential environmental impacts prepared by a qualified biologist.

1.2 Project Description

The project proposes permitting new development of commercial cannabis cultivation on APN 020-510-20-00. The parcel is approximately 51 acres in size and zoned Unclassified (UNC). The project proposes developing a new cultivation site, associated infrastructure, and operating up to 10,000 square feet of outdoor flowering canopy. Proposed new development includes construction of a 10,000 square foot cultivation site with associated structures for storing materials.

Exact details of project development are unknown at the time of this report, thus a larger area then proposed has been assessed for this project. Here forth referred to as the Project Area. The Project Area consists of the area where development and direct impacts have the potential to occur. This area is made up of an approximately 9 acre area south of Ruth-Zenia Rd located in existing pastureland on the property. The proposed development will only permanently impact approximately 2.5 percent of this area.

1.3 Biological Assessment Area

Disturbance based impacts associated with this project have the potential to indirectly impact sensitive species outside of the Project Area. As a result, this report assesses potential presence of protected and/or rare species and potential biological resources within a Biological Assessment Area (BAA). The BAA reflects the largest area that impacts can be reasonably expected per the proposed project. Thus, the BAA reflects the largest territory for potential protected species in this area, 0.5 mile for potential nesting golden eagles. The BAA encompasses the project parcel and portions of surrounding private parcels. The BAA overlaps with Sections 19, 20, and 29, T2S, R7E, HB&M within the Ruth Lake, CA 7.5' USGS quad. Current land uses within the BAA consists of rural residences, cattle ranching, and commercial cannabis cultivation.

2.0 Regulatory Background

2.1 Cannabis Cultivation

Commercial cannabis was recognized as an agricultural crop under the Medical Cannabis Regulation and Safety Act and further legalized for recreational uses under Proposition 64. The California Department of Food and Agriculture (CDFA) implements the CalCannabis division which regulates commercial cannabis licensing from a state level. Trinity County also regulates commercial cultivation licensing from a local level through Ordinance No. 315-823 Section 28: Commercial Cannabis Cultivation Regulations. A cultivator must have both a state and county license to operator commercial cannabis cultivation in the state.

2.2 Sensitive Biological Communities

Sensitive biological communities include habitats that fulfill special functions or have special values, such as wetlands, streams, or riparian habitat. These habitats are protected under federal regulations such as the Clean Water Act (CWA); state regulations such as the Porter-Cologne Act, the CDFW Fish and Game Code and the California Environmental Quality Act (CEQA); or local ordinances or policies such as city or county tree ordinances, Special Habitat Management Areas, and General Plan Elements.

2.2.1 Aquatic Habitats

Watercourses, waterbodies, and critical hydrologic features have been recognized by federal, state, and local regulatory agencies/bodies as ecologically important biological communities. Under Section 404 of the CWA the U.S. Army Corps of Engineers regulate "Waters of the United States" as defined in the Code of Federal Regulations as waters susceptible to use in commerce, including interstate waters and

wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as “other waters” and are often characterized by an ordinary high-water mark, and herein referred to as non-wetland waters. Non-wetland waters, for example, generally include lakes, rivers, and streams.

Although very similar, the term “Waters of the State” is defined by the Porter-Cologne Act as “any surface water or groundwater, including saline waters, within the boundaries of the state.” The State Water Resources Control Board (SWRCB) protects all waters in its regulatory scope and has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. SWRCB jurisdiction includes wetlands and waters that may not be regulated by the Corps under Section 404. Waters of the state are further protected from cannabis cultivation impacts through the Order WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. Streams, lakes, and riparian habitat are also subject to jurisdiction by CDFW under Sections 1600-1616 of CDFGC.

2.2.2 Wetlands

Section 404 of the CWA protects wetlands federally. In 1989 George H.W. Bush implemented the national “No-net Loss of Wetlands” policy which either avoids the filling of wetlands or mitigates the destruction and/or degradation of wetlands. U.S. Army Corps of Engineers defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” There is no single accepted definition of wetlands at the state level although CDFW exerts jurisdiction over them through their importance as wildlife habitat. Wetlands are locally protected through setbacks built within Order WQ 2019-0001-DWQ.

2.2.3 Sensitive Natural Communities

Sensitive Natural Communities have been defined by CDFW and the California Native Plant Society (CNPS) as vegetation types with a state rank of S1-S3 per standards set forth in the NatureServe Heritage Methodology. This system uses the best and most recent scientific information to assess rarity per a community’s range, distribution, and the proportion of occurrences that are of good ecological integrity. Threats and trends are also considered in the overall ranking of a community’s rarity. The use of marsh and/or wetlands in the names of vegetation alliances does not imply or assert regulatory jurisdiction. Although there are no specific protocols for avoiding and/or mitigating impacts to these communities they are afforded consideration during environmental review per CEQA Guidelines checklist IVb.

Sensitive species and communities are ranked per standards set forth in the NatureServe Heritage Methodology. All species are given two ranks that consist of a letter and a number. The letter represents whether the rank is a global rank (G) or a state rank (S). The number corresponds to the subject’s rarity.

1 Critically Imperiled. At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors

2 Imperiled. At risk because of rarity due to the very restricted range, very few populations, (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or state/province

3 Vulnerable. At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent widespread declines, or other factors

4 Apparently Secure. Uncommon but not rare; some cause for long-term concern due to declines or other factors

5 Secure – Common; widespread and abundant

Subspecies receive a T-rank attached to the G-rank and an additional S-rank for state ranking. With subspecies, the initial rank reflects the entire species' risk while the second rank represents just the subspecies' status.

2.2.4 Local Policies, Ordinances, and Regulations

The Trinity County General Plan affords general considerations to protecting fish and wildlife and their associated resources. The Conservation Element of the General Plan is relatively dated and does not specifically identify any habitat features, species of concern, or habitat types that require protection.

2.2.5 Sensitive and Protected Species

Sensitive and protected species include those plants and wildlife species that have been formally listed or are candidates for either listings under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford legal protection to both listed species and species that are candidates for listing. Additionally, CEQA affords special consideration to species ranked as sensitive (S1-2 are considered sensitive), as a CDFW Species of Special Concern, or CDFW Fully Protected. In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under this legislation, destroying active nests, eggs, and young is illegal.

Wildlife species are ranked using the same system NatureServe Heritage methodology.

Plant species have an additional ranking system designed by the CNPS. The following alphanumeric codes are the CNPS List, California Rare Plant Ranks (CRPR):

- 1A – Presumed extirpated in California and either rare or extinct elsewhere
- 1B – Rare or Endangered in California and elsewhere
- 2A – Presumed extirpated in California, but more common elsewhere
- 2B – Rare or endangered in California, but more common elsewhere
- 3 – Plants for which more information is needed – Review List
- 4 – Plants of limited distribution – Watch List

The CRPR use a decimal-style threat rank. The threat rank is an extension added onto the CRPR and designates the level of threats by a 1 to 3 ranking with 1 being the most threatened and 3 being the least threatened. Most CRPRs read as 1B.1, 1B.2, 1B.3, etc. Note that some Rank 3 plants do not have a threat code extension due to difficulty in ascertaining threats. Rank 1A and 2A plants also do not have threat code extensions since there are no known extant populations in California. Threat Code extensions and their meanings are as follows:

- 1) Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 2) Moderately threatened in California (20-80% of occurrences threatened / moderate degree and of threat)
- 3) Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

3.0 Methods

3.1 Field Observations

All field data was collected by wildlife biologist, Jack Henry, using direct observations, measurements, and ocular estimations during site visits conducted on April 01, 2020. A 200' Lufkin FE200 HI-VIZ measuring tape and Forestry Pro (Nikon Laser Range Finder) was used for recording distances to the

nearest tenth of a foot. Slope percent was measured using a Suunto PM-5/360 PC Clinometer to the nearest degree. The reach of direct field observations covered terrestrial and aquatic habitat present within the project parcel.

3.2 Review of Scientific Literature

Scientific literature and data have been sourced from multiple locations. The majority of reference material has been sourced from online journal archives and databases. If hardcopies or pdfs could not be acquired the web url and date of reference is present within the bibliography. Some species data is sourced from agency factsheets such as the U.S. Department of Agriculture (USDA), U.S. Geological Survey (USGS), and U.S. Fish and Wildlife Service (USFWS).

Additional information is sourced whenever possible from agency and non-governmental organization databases. These include the NRCS Web Soil Survey, CALTREES, California Natural Diversity Database, National Wetland Inventory GIS, NOAA Regional Climate Center, CalFlora, California Native Plant Society, Calscape, iNaturalist, eBird, and Streamstats.

3.3 Agency Consultation

No agency personnel were consulted for this report.

3.4 Sensitive Biological Communities

Prior to performing the site visit, the Natural Resources Conservation Service Web Soil Survey (WSS) was reviewed to determine if any unique soil types that could support sensitive plant communities and/or aquatic features were present within the BAA. Satellite imagery from the National Agriculture Imagery Project (NAIP), USGS topographic maps, and the National Wetlands Inventory were used to scope for the potential presence of sensitive communities.

Field data collected during the site visit was compared to existing literature and published data in order to classify and identify sensitive biological communities per federal, state, and local jurisdictions. Plant communities are classified using both the California Wildlife Habitat Relationship System published by CDFW and the Natural Communities list published by both CDFW and CNPS. These communities are described below in Section 4.0.

3.4.1 Sensitive and Protected Species

The scoping procedure to generate the plants and animals list noted in this report is as follows: First, the California Natural Diversity Database (CNDDDB) was queried (December 2019) for any species detections within the nine 7.5' USGS quadrangles around the project area. Next, a general habitat assessment was made for the BAA from observations made on property and the surrounding areas. Lastly, given the habitat types present within the BAA, a species list was developed for animals using the Special Animals List (August 2019). The plant list uses information from the Special Vascular Plants Bryophytes and Lichens List (October 2019) and Endangered Threatened and Rare Plants (October 2019). The above lists were obtained from

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Each species status within the BAA is evaluated and summarized. A conclusion is made for each species per the following criteria:

- No Potential. Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).
- Unlikely. Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.

- Moderate Potential. Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.
- High Potential. All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.
- Present. Species is observed on the site or has been recorded (i.e. CNDDDB, other reports) on the site recently.

The plant list is generated much the same way but analyzed differently. It recognizes all 7.5' USGS quads the species has been found in Trinity County and whether potential habitat for the species is present within the BAA. It does not use the above criteria to assess potential presence in further detail because plant species habitat selection. Plant species are included in the list if they meet the following conditions:

1. Documented in one of the 9 quads searched as part of the CNDDDB query
2. Have potential habitat within the BAA

The Interactive Distribution Map v2.02 available through Calflora was utilized as a litmus test to check for potential occurrences within the BAA. This data was matched with the Jepson eflora interactive GIS which utilizes specimen records from the Consortium of California Herbaria (CCH). These two GIS databases coupled with personal experience and knowledge was used to generate the Sensitive Plant Species list. Web urls for these resources are included below:

<http://www.calflora.org/entry/dgrid.html?crn=931> (the final three digits represent the species search)

&

<http://ucjeps.berkeley.edu/eflora/> (CCH specimen record GIS data can be found in the bottom right hand corner of each web page for individual species)

3.5 Discussion

This section contains discussion on potential impacts that may occur when natural conditions, pre-existing project conditions, and proposed activities culminate. It also lists potential methods to reduce risks, mitigate, and/or remediate these potential impacts. Potential impacts listed are based off documented impacts in similar conditions or activities as well as the author's professional experience in rural land management and best management practices. Whenever possible these potential impact assessments and their recommended mitigations are based on the best available science in similar settings.

3.5.1 Northern Spotted Owl Assessment

The Northern Spotted Owl Assessment within this report is based on management recommendations presented within published literature. Owl status determinations, data assessment, and habitat mapping are based on: "*Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls*" (USFWS 2012). Disturbance impacts and recommended disturbance buffers were made based on: "*Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.*" (USFWS 2006).

4.0 Existing Conditions

4.1 Historic Landuse

The BAA is located within Hettenshaw Valley. Settlers began entering this region as early as 1854 setting up seasonal camps mostly for the harvesting of deer meat and hide. By the 1860s homesteaders arrived and by 1870 ranchers were present with large cattle herds in the valley (Keter 1990, 1994). This early settlement and land use has had significant implications on terrestrial and aquatic habitat conditions in the

valley. Intensive livestock grazing alongside the introduction of exotic graminoids and forbs resulted in the dominance of nonnative species and loss of native herbaceous species (Ketter 1989, HilleRisLambers et al 2010). During this time hunting pressure and competition from grazing significantly reduced deer herds and likely affected small herbivores. Additionally, the loss of anthropogenic fire and later suppression of natural fire have resulted in the loss of oak woodland due to encroachment by conifer species, especially Douglas-fir (*pseudotsuga menziesii*) (Keter 1990, 1993).

4.2 Terrestrial Habitat

The climate can be characterized by high-intensity rainfall over winter and warm arid summers. Annual mean rainfall is approximately 66.9 inches (streamstats.usgs.gov). Elevations within the BAA range from 2,920' to 3,240' above mean sea level. Slopes in the BAA vary from gradual terraces along the valley floor to moderate slopes along the lower slopes. The entire BAA drains into unnamed tributaries of the Van Duzen River. The BAA contains four different soil types. They are delineated and mapped within the attached NRCS Web Soil Survey Report (Appendix 4). The BAA contains five different terrestrial habitat types. Only three of these terrestrial habitat types occur within property boundaries.

Annual grassland (AGS) habitat is the most prominent habitat type within property boundaries and the BAA. This habitat is dominated by nonnative annual grass species and forbs with small areas containing woody shrubs and/or young emergent trees. AGS habitat within property boundaries predominantly consists of historic pasturelands. Tree species found within AGS habitat include California black oak (*quercus kelloggii*), Douglas-fir (*pseudotsuga menziesii*), Oregon white oak (*quercus garryana*), and Ponderosa pine (*pinus ponderosa*). The most dominant plant species observed within the property boundaries are silver hairgrass (*aria caryophylla*), yellow star-thistle (*centaurea solstitialis*), English plantain (*plantago lanceolata*), soft brome (*bromus hordeaceus*), and Yorkshire fog (*holcus lanatus*). Additional species observed within AGS habitat include coyote brush (*baccharis pillularis*), spreading rush (*juncus patens*), pennyroyal (*mentha pulegium*), Hyssop loosestrife (*lythrum hyssopifolium*), foxtail barley (*hordeum murinum*), stork's-bill (*erodium botrys*), and Kentucky bluegrass (*poa pratensis*). AGS habitat is most often utilized as foraging for the majority of wildlife and often requires special habitat features to provide shelter or reproductive habitat (Kie 1988). However, the pastoral history and prominence of nonnative grasses has reduced range quality for prey species by altering seed type, predation risk, and availability of refugia.

Montane Riparian (MRI) habitat occurs within the BAA as narrow (40' to 300' width) strips of willows (*salix spp.*) present along aquatic habitats that display at least intermittent hydrology. This habitat type consists of dense thickets of willows, including Arroyo (*salix lasiolepis*) and pacific willow (*salix lasiandra*). The majority of the habitat present is dominated by shrub phase willows with a small proportion along the western border of the BAA displaying a dispersed overstory of bigleaf maple (*acer macrophyllum*), Oregon white oak, California black oak, and Oregon ash (*fraxinus latifolia*). Understory vegetation in MRI habitat varies with willow density and proximity to watercourse channels. Areas of MRI habitat extend onto riparian terraces outside of watercourse channels creating riparian corridors. Along these terraces, willows become very thick and preclude understory herbaceous plants and a hard boundary exists with AGS habitat. Where willow spacing increases, possibly due to surface flows, bank instability, or other factors, aquatic forbs and graminoids occur. These species include Yorkshire fog, spreading rush, lamp rush (*juncus effusus*), great horsetail (*equisetum telmateia*), dense sedge (*carex densa*), green-sheathed sedge (*carex feta*), and water starwort (*callitriche spp.*). Riparian habitats provide an exceptionally high value for a wide range of wildlife species (Thomas 1979; Grenfell 1990). MRI habitat occurs along the two intermittent watercourses that flow through the property.

Montane Hardwood (MHW) habitat is present in the BAA in the form of oak woodlands. Historically, this habitat type was more dominant within the BAA. MHW habitat has likely been reduced by fire exclusion which has resulted in conifer encroachment of montane hardwood habitat (Keter 1989; Cocking et al 2015; Schriver et al 2018). The overstory of MHW habitat consists of a hardwood dominant overstory most often dominated by California black oak (*quercus kelloggii*) and/or Oregon white oak

(*quercus garryana*). The acorn crop provided by these tree species provides substantial nutritional value to both wildlife and humans, supporting large historical deer populations (Keter 1990). Canyon live oak (*quercus chrysolepis*), pacific madrone (*arbutus menziesii*), big leaf maple (*acer macrophyllum*), ponderosa pine (*pinus ponderosa*), California bay laurel (*umbellularia californica*), and Douglas-fir (*pseudotsuga menziesii*) are also present rarely as codominants and more often as intermediates within the canopy. The understory vegetation varies in composition which is a result of soil substrates and water storage capacity. Soil surfaces that have high rock content and low soil storage capacity display arid chaparral communities dominated by common manzanita (*arctostaphylos manzanita ssp. manzanita*) and bare mineral soils. Soils with clay or loam contents capable of storing subsurface water often support more vigorous herbaceous species, relatively. These communities often contain buck brush (*ceanothus cuneatus*), deer brush (*ceanothus integerrimus*), silver hairgrass, California brome (*bromus carinatus*), spreading rush (*juncus patens*), slender cinquefoil (*potentilla gracilis*), and yellow star-thistle (*centaurea solstitialis*). Studies have found that when faced with encroachment by nonnative species, native forbs persist longer within hardwood understories versus open canopy grassland habitat (Keter 1989). MHW habitat occurs as a small stand of Oregon white oak atop the topographic nob in the northwest corner of the property.

Montane Hardwood-Conifer (MHC) habitat occurs along the edges of the BAA. As slopes increase along the periphery of the valley, conifer and hardwood forests intergrade. This habitat varies in species composition with no one species being dominant. MHC habitat has increased in northern California as a result of conifer encroachment on oak woodlands due to fire exclusion (Keter 1989; Cocking et al 2015; Schriver et al 2018). California black oak, Oregon white oak, Douglas-fir, and ponderosa pine all occur as codominant species in MHC habitat within the BAA. Tanoak and pacific madrone are often found as intermediates within the canopy. Understory vegetation within MHC habitat is often open with variable degrees of graminoid and forb species, species composition can widely vary given soil conditions and overstory species. These species were observed within the understory vegetation of MHC habitat: common manzanita, oatgrass (*avena spp.*), wild barley (*hordeum spp.*), poison oak (*toxicodendron diversilobum*), common yarrow (*achillea millefolium*), blue wildrye (*elymus glaucus*), blue-eyed grass, California brome (*sisyrinchium bellum*), and yellow star-thistle. There is no MHC habitat present within property boundaries.

Douglas-fir (DFR) habitat is present along the middle and higher slopes of the valley. This habitat is dominated by Douglas-fir but may contain tanoak and Ponderosa pine as codominants in some portions. Pacific madrone and bigleaf maple are often found as intermediates. The majority of DFR habitat is relatively young (< 60 years), resulting in variable understory vegetation compositions. Douglas-fir and tan-oak areas with mesic soils are often dominated by evergreen huckleberry (*vaccinium ovatum*). Where soils are more xeric or the canopy is more open the plant community includes Douglas iris (*iris douglasiana*), deer brush, hollyleaf redberry (*rhamnus ilicifolia*), narrowleaf sword fern (*polystichum imbricans*), chain fern (*woodwardia fimbriata*), and dwarf rose (*rosa gymnocarpa*). There is no DFR habitat present within property boundaries.

California Natural Community alliances present within property boundaries consists of:

- Arroyo willow thicket (*salix lasiolepis*)
- Arroyo willow thicket – pacific willow (*salix lasiolepis* – *salix lasiandra*)
- Common velvet grass – sweet vernal grass meadows (*holcus lanatus* – *anthoxanthum odoratum*)
- Oregon white oak woodland – California black oak / poison oak (*quercus garryana* – *quercus kelloggii* / *toxicodendron diversilobum*)
- Soft brome grassland – Mediterranean Stork's-bill (*bromus hordeaceus* – *erodium botrys*)
- Soft brome grassland – barley – Bur medic (*bromus hordeaceus* – *hordeum sp.* – *medicago polymorpha*)

4.2 Sensitive Biological Communities

4.2.1 Aquatic Habitats

The BAA overlaps with the West Fork Van Duzen River – Van Duzen River HUC12 watershed (180101050701). Aquatic habitat in the BAA consists of riverine habitat with one man-made lacustrine feature present. Riverine habitat within the BAA displays two different hydrologic regimes, intermittent and ephemeral.

The BAA contains a reach of the headwaters of the Van Duzen River. Approximately 0.25 miles of the river flows through property boundaries. This reach of the river is a direct extension of the main stem. It is located within the top 1% of the greater Van Duzen River drainage, in the most eastern headwaters. This portion of the river experiences intermittent hydrology due to the small drainage upslope relative to the greater watershed. The abrupt gradient change provided by the Hettenshaw Valley allows the river to become sinuous and establish a riparian corridor. This reach of the Van Duzen is likely classified as a C3 or C4 channel per Rosgen (1994). These classifications are defined by low gradient channels dominated by riffle/glide habitat with infrequent pools and cobble/gravel substrates. This watercourse supports a majority of MRI habitat found in the BAA. Although stream channel morphology does provide potential habitat for fisheries, due to the intermittent hydrology, this reach of the Van Duzen is not likely fish bearing. Even seasonal use by fisheries is unlikely due to blockages to fish passage downstream on the main stem of the Van Duzen River (CDFW 2013, CNDDDB).

Additional to the extension of the main stem of the Van Duzen, the BAA contains multiple unnamed intermittent and ephemeral tributaries to the Van Duzen. Unnamed intermittent tributaries present in the BAA most often display low gradient, complex braiding, sinuous channels dominated by riffle/glide habitat with sandy or silt/clay substrates. Intermittent watercourses provide potential aquatic habitat for northern red-legged frog (*rana aurora*), yellow-legged foothill frog (*rana boylei*), rough-skinned newt (*taricha granulosa*), and western toad (*anaxyrus boreas*). Ephemeral watercourses often lack well defined channels or riparian vegetation given their episodic hydrology and they provide no aquatic habitat value. These ephemeral tributaries provide ecological value by transporting cold water and sediment to higher order streams.

4.2.2 Wetlands

This project is located within the U.S. Army Corps of Engineers Land Resource Region A (LRR:A) within the Western Mountains, Valleys, and Coast Region. LRR:A or the Northwest Forests and Coast sub region often experiences frequent and heavy rainfall events that create ample opportunities for wetland vegetation to propagate. Although these sites may show a diverse range of wetland vegetation they often lack proper hydrology and/or hydric soils to meet the definition of a wetland (U.S. Army Corps of Engineers 2010).

Annual grassland habitat within property boundaries and the BAA display scattered communities of spreading rush and pennyroyal. This plant community is dominated by hydrophytic vegetation and meets one of the three parameters for wetland delineation. A wetland delineation occurred on the same date of the site visit for this assessment. Three sample points were assessed in these potentially hydrophytic plant communities. No wetlands were delineated as part of this assessment. The delineation has been attached with this report. The proposed project will not result in the loss of wetlands or ground disturbance within the state setback for wetlands, 100' per Order WQ No. 2019-0001.

4.2.3 Sensitive Natural Communities

California Department of Fish and Wildlife and the California Native Plant Society identify these natural communities within the BAA as sensitive.

- Arroyo willow thicket (*salix lasiolepis*)
- Arroyo willow thicket – pacific willow (*salix lasiolepis* – *salix lasiandra*)
- Oregon white oak woodland – California black oak / poison oak (*quercus garryana* – *quercus kelloggii* / *toxicodendron diversilobum*)

The proposed permitting of the project will not result in any loss of these communities.

4.2.4 Local Policies, Ordinances, and Regulations

Trinity County does not currently have any regionally specific biological resources identified for special protections. The proposed project is not located within any town, city or other municipality that may exert additional local ordinances.

5.0 Sensitive and Protected Species

5.1 Bird Species of Special Concern

- Bald Eagle (*haliaeetus leucocephalus leucocephalus*)

Status: Federally protected under Bald and Golden Eagle Act, De-listed from ESA in 2007, CESA Endangered, G5, S3, BLM Sensitive Species, CDF Sensitive Species, USFS Sensitive Species, CDFW Fully Protected, USFWS Birds of Conservation Concern

Key Habitat: Bald eagles are rare to uncommon residents and locally rare breeders in Humboldt County (Harris 2005). Bald Eagles require large bodies of water, or free flowing rivers with abundant fish, and adjacent snags or other perches. Nesting/roosting habitat consists of tall trees with either broken tops or stout branches denude of vegetation. Bald Eagles nest most frequently in stands with less than 40% canopy cover (Polite and Pratt 1990a).

Status within BAA: The CNDDDB does not document any bald eagle observations within the BAA. There is no fish bearing aquatic habitat documented within the BAA. Although DFR and MHC habitat may provide potential nesting structure for this species; there is no potential for bald eagles to be found within the BAA because of the absence of foraging habitat.

- Golden Eagle (*aquila chrysaetos canadensis*)

Status: Federally protected under the Bald and Golden Eagle Act, G5, S3, CDFW Fully Protected, BLM Sensitive Species, CDF Sensitive Species, International Union for Conservation of Nature (IUCN) Least Concern, USFWS Birds of Conservation Concern

Key Habitat: Golden Eagles are a rare to uncommon resident and a locally rare breeder in interior Humboldt County (Harris 2005). When present, they are often located near open grasslands for hunting and within dense forest for nesting (Hunter et al. 2005). Rolling terrain with good thermal lift, and nest sites that are secluded from disturbances are favored by golden eagle. Recent habitat analysis done by Humboldt Redwood Company found their golden eagle nests occur in Douglas-fir trees with 59-98 inch DBH within 1.8 miles of foraging habitat (Chinnicci et al 2012).

Status within BAA: The CNDDDB does not document any golden eagle observations within the BAA. MHW habitat does provide potential foraging habitat for this species in the BAA. AGS habitat typically does provide excellent quality foraging habitat for this species. However, the historic grazing of Hettenshaw valley significantly reduces habitat quality for eagle prey species. Although DFR and MHC habitat has been harvested in the past, there is potential for residual large diameter trees to be present and provide nesting habitat. The poor quality of foraging and nesting habitat within the BAA makes the potential for golden eagles to be found within the BAA unlikely.

- Little Willow Flycatcher (*empidonax trailii brewsteri*)

Status: CESA Endangered, G5, S1S2, USFWS Birds of Conservation Concern, USFS Sensitive Species

Key Habitat: Willow flycatcher can be fairly common spring and fall migrants on the northwestern coast. Willow flycatcher prefers dense willow or similar riparian shrub along persistent water (Gaines 1990). Recent bird surveys have found increased evidence that flycatchers have been utilizing young (5-15 years) clearcuts with dense regeneration and a strong hardwood

component (Hunter et al 2005). Potentially prefer sights with less brown-headed cowbird (*molothrus ater*) presence. Bombay et al (2003) found that percent riparian shrub cover within meadow habitats showed the strongest relation to willow flycatcher nest selection.

Status within BAA: The CNDDDB does not identify any willow flycatcher observations within the BAA. There are no documented breeding records for this species within Trinity County, although potential habitat is present. The BAA contains potential nesting habitat in the form of dense riparian vegetation, dominated by willows. Early seral DFR and MHC habitat may potentially provide marginal habitat as well. Although potential habitat is available in the BAA the historic record in Trinity County makes the potential for willow flycatcher to be found within the BAA moderate.

- **Northern Goshawk** (*accipiter gentilis*)

Status: G5, S3, CDFW Species of Special Concern (CSSC) Priority 3, BOF, CDF, BLM, and USFS Sensitive Species

Key Habitat: Usually nests on north slopes, near water, in densest parts of stands, but close to openings (Polite and Pratt 1990b). Northern Goshawk are strongly associated with mature or old-growth forest stands because they often display the preferred characteristics. These include canopy closure, frequently large diameter conifer trees, and relatively open understories (Keane 2008).

Status within BAA: The CNDDDB shows no documented observations of goshawk within the BAA. Goshawks have a sparse breeding record in Trinity County with approximately 11 sites on record (CNDDDB). Timbered habitats present within the BAA do not provide the forest structure preferred by this species. Northern goshawks are unlikely to be found within the BAA.

- **Northern Spotted Owl** (*strix occidentalis caurina*)

Status: ESA and CESA Threatened, G3G4, S1, CDF Sensitive Species, IUCN Endangered, North American Birds of Conservation Initiative Red Watch List

Key Habitat: Trinity County is known to support breeding northern spotted owls (NSO). NSO reside in dense, old-growth, multi-layered mixed conifer, redwood, and Douglas-fir habitats, from sea level up to approximately 2300m (0 – 7,600'). They usually nest in tree or snag cavities, or in broken tops of large trees (Polite 1990). In northwestern California, northern spotted owls also occur in second growth redwood-tanoak stands that retain suitable trees for nests and support high densities of their preferred prey, dusky-footed woodrats (Hunter et al. 2005).

Status within BAA: The NSO database does not contain any documented owl data within the BAA, including negative survey results. DFR and MHC habitats provide potential foraging and nesting/roosting habitat within the BAA. NSO have a high potential of being found within the BAA.

5.2 Mammal Species of Special Concern

- **American Badger** (*taxidea taxus*)

Status: G5, S3, CDFW Species of Special Concern, IUCN: Least Concern

Key Habitat: Badgers are generalist species often found in drier open stages of most shrub, forest, and herbaceous habitats with sandy soils (Ahlborn 1990). They have historically been found throughout the state except for the northern north coast (Grinnell et al 1937 in Ahlborn 1990). Apps et al (2002) found positive habitat correlations with specific soil parent materials, sandy-loam soil textures, canopy openness, agricultural habitats, and linear disturbances (roads). Badger habitat selection negatively correlated with canopy cover, wet vegetation, and terrain ruggedness (Apps et al. 2002).

Status within BAA: The CNDDDB does not document any observations of American badger within the BAA. The BAA displays both positive and negative correlates of the Apps et al (2002) study. Hettenshaw Valley provides agricultural habitats, sandy -loam soils, canopy openness, and linear disturbances. The peripheries of the BAA are dominated by habitat ruggedness, canopy cover, and wet vegetation. The CNDDDB American Badger Predicted Habitat layer [ds2611] identifies both high and medium quality habitats within the BAA. The potential for American badger presence within the BAA is high.

- **Long-eared Myotis (*myotis evotis*)**

Status: G5, S3, BLM Sensitive Species, Western Bat Working Group: Medium Priority, BLM Sensitive Species, IUCN: Least Concern

Key Habitat: Long-eared myotis are relatively widespread across California. They are known to roost individually or in small groups of less than 10 individuals (Harris 1990a, Kunz and Lumsden 2003). Kunz and Lumsden (2003) described them as tree-roosting bats as well as previous written descriptions in literature (Rancourt et al 2005). Rancourt et al (2005) found in their study that rock crevices were chosen as maternity roosts more often than stump or snag structures. This species also has a low roost fidelity meaning they often move roost locations with an acute area, <400m (Kunz and Lumsden 2003). It is hypothesized this species would select rock crevices over snag/stump structures because of their potential benefits to reproductive fitness (Rancourt et al 2005). Kalcounis-Rüppel et al (2005) found that tree dwelling bats relative to random trees select trees that are larger diameter, taller, closer to open surface water, and are located in more open canopies.

Status within BAA: There are no documented observations of this species within the BAA. Hettenshaw Valley does not contain any prominent rock outcroppings or formations. MHC, MHW, and DFR habitat may provide potential tree roosts for small groups or individuals in the form of snag structures. There is a high potential for long-eared myotis to be found roosting as individuals or in small groups within the BAA. There is no potential for maternal colonies to be found within the BAA.

- **North American Porcupine (*erethizon dorsatum*)**

Status: G5, S3, IUCN: Least Concern

Key Habitat: Most common in montane conifer, Douglas-fir, alpine dwarf-shrub, and wet meadow habitats. Porcupines are less common in hardwood, hardwood-conifer, montane and valley-foothill riparian, aspen, pinyon-juniper, low sage, sagebrush, and bitterbrush. Dens in caves, crevices in rocks, cliffs, hollow logs, snags, burrows of other animals; will use dense foliage in trees if other sites are unavailable. In spring and summer, feeds on aquatic and terrestrial herbs, shrubs, fruits, leaves, and buds. Winter diet consists of twigs, bark, and cambium of trees, particularly conifers, and evergreen leaves (Johnson and Harris 1990).

Status within BAA: There are no documented observations of porcupines within the BAA. The BAA is dominated by habitats this species is less common in as described above and in Johnson and Harris (1990). There is an unlikely potential for porcupine presence within the BAA.

- **Pacific Fisher – West Coast DPS/Northern California ESU (*pekania pennanti*)**

Status: G5T2T3Q, S2S3, CDFW Species of Special Concern Priority 2, BLM Sensitive Species, USFS Sensitive Species

Key Habitat: Fisher occurrence is regularly associated with low- to mid-elevation coniferous and mixed conifer/hardwood forests with mature or late-successional characteristics. Regardless of age class, abundant physical structure is the driving characteristic for habitat selection by Fishers (USFWS 2016). Other studies have found Fishers prefer a strong hardwood component possibly

related to prey densities (Lofroth et al 2011). Fishers have also been observed using second growth and regenerative conifer stands in areas where significant residual structure was left from historic timber management (Mathew et al 2008). Fishers are highly territorial defending 10 square mile territories from one another; as a result, they are inherently rare (Ingles 1965).

Status within BAA: The CNDDDB does not document any observations of fisher in the BAA. MHC, MHW, and DFR provides potential habitat for this species although these habitats generally lack mature characteristics, reducing their quality for fisher. The BAA contains both hardwood dominant timber and coniferous timber with residual hardwood structure. There is a high potential for this species to be found within the BAA.

- **Pallid Bat** (*antrozous pallidus*)

Status: G5, S3, CDFW Species of Special Concern, Western Bat Working Group: High Priority, BLM and USFS Sensitive Species, IUCN: Least Concern

Key Habitat: Pallid bats are found in semi-arid and arid climates across western North America. They have been found in deserts, shrub-steppe, grasslands, canyon lands, ponderosa woodlands, mixed conifer forest, oak woodland, and riparian forest (Hayes and Wiles 2013). Pierson and Rainey (2007) conclude that in northern California this species has a strong association with oak woodlands/savannah where it forages and roosts. It is also often found under bridge structures in northern California (Pierson and Rainey 2007). This species roosts in moderate size groups ranging from 20 – 200 individuals and often with other bat species (Vaughan and O'Shea 1976). Gervais (2016) found that oak woodland habitat conservation and preservation of large snag structures (especially hardwoods) were critical management goals for his species in Oregon.

Status within BAA: The CNDDDB does not contain any documented observations of this species in the BAA. The BAA does provide potential habitat in the form of oak dominated MHW habitat. Although few snags are present, likely due to fuels management by small landowners. MHW habitat is reducing in amount and quality due to conifer encroachment. There is a moderate potential for pallid bats to be found roosting within the BAA.

- **Silver-haired Bat** (*lasionycteris noctivagans*)

Status: G5, S3S4, Western Bat Working Group: Medium Priority

Key Habitat: Silver-haired bats roosts in hollow trees, snags, buildings, rock crevices, caves, and under bark. This species forages primarily over mesic habitats and waterbodies. Maternal aggregations are most often found in adequately sized tree cavities, usually the result of woodpecker activity. Silver-haired bats roosted exclusively in trees during the summer in North Dakota. Individual bats were often found roosting under loose pieces of bark or within natural cracks in the tree bole (Mattson et al. 1996). During the migratory seasons (spring and fall) this species may be found anywhere within the state (Harris 1990b).

Status within BAA: There are no silver-haired bats documented within the BAA according to the CNDDDB. DFR, MHC, and MHW habitats provide potential habitat for this species in the form of crevice structures found primarily in oak species and rarely in conifer species throughout the BAA. AGS, MRI, and MHW habitat provides potential foraging habitat for this species. Silver-haired bats have a high potential to be present within the BAA.

- **Sonoma Tree Vole** (*arborimus pomo*)

Status: G3, S3, CDFW Species of Special Concern, IUCN Near Threatened

Key Habitat: These small arboreal mammals are mainly associated with mature conifer forests. They construct nests of conifer needles often located in trees but seldom found at the base (Brylski and Harris 1990). Chinnici et al. (2011) found that nests were more prominent in mature stands with higher densities of Douglas-fir.

Status within BAA: The CNDDDB contains no documented observations of Sonoma tree vole in the BAA. Although Douglas-fir does occur within the BAA in varying degrees of density and dominance; it is most prominent in small amounts along the edges of the BAA as MHC and DFR habitats. Conifer trees within the BAA are generally a younger age cohort with small diameters (< 24" DBH) compared what is selected by this species. The potential to find Sonoma tree vole within the BAA is unlikely.

5.3 Reptiles and Amphibians of Special Concern

- Coastal Tailed Frog (*ascaphus truei*)

Status: G4, S3S4, CDFW Species of Special Concern Priority 2 and IUCN Least Concern

Key Habitat: Coastal tailed frog is regarded to be an uncommon inhabitant of Trinity County but has been shown to be quite common in the correct habitat characteristics. Coastal tailed frogs occur in permanent streams and are highly dependent on water temperature (Morey 1990). Welsh and Hodgson (2011) found that canopy cover is the best predictor of this species' presence. Pacific tailed frogs were never observed within streams with less than 83% canopy cover (Welsh and Hodgson 2011). Aside from cold water temperature tailed frogs select habitat with coarse substrate (cobbles and boulders) and steep gradients (Thomson et al. 2016).

Status within BAA: The CNDDDB shows no documented occurrences of coastal tailed frog within the BAA. Intermittent watercourses within the BAA are generally ill suited for this species with low gradients, variable canopy cover, and predominantly fine sediments. Intermittent watercourses within DFR habitat may potentially contain habitat characteristics suited for this species, but overall within the BAA, watercourses are not suitable. The potential for coastal tailed frog to be found within the BAA is unlikely.

- Foothill Yellow-legged Frog (*rana boylei*)

Status: Candidate for CESA Threatened, G3, S3, CDFW Species of Special Concern Priority 1, USFS Sensitive Species, BLM Sensitive Species, IUCN Near Threatened

Key Habitat: Foothill yellow-legged frog's habitat selection as many frogs, depends on their life stage. This species is primarily found in and around streams with shallow, flowing water with some cobble-sized substrate (Hayes and Jennings 1988). Egg masses require low flowing stream locations with some form of anchor and protection such as behind or under a rock (Thomson et al. 2016). Not much is known about foothill yellow-legged frog terrestrial habitat selection. Bourque (2008) found adult foothill yellow-legged frog an average distance from water of 3 m but also found select individuals up to 40 m from any surface water. This studied evaluated an inland population in Tehama County and coastal populations in more mesic timberlands may disperse farther distances more regularly. The best indicator for adult foothill yellow-legged frog presence is canopy openness (Welsh and Hodgson 2011).

Status within BAA: The CNDDDB does not contain any documented observations of foothill yellow-legged frog within the BAA. The reach of the Van Duzen River and larger intermittent watercourses present within the BAA provide potential high quality habitat for this species. Hydrologic period, which varies amongst years, would be the deciding factor in potential breeding habitat availability for this species. These watercourses likely do provide potential dispersal habitat for foothill yellow-legged frogs. Foothill yellow-legged frogs have a high potential to occur within the BAA.

- Northwestern Pond Turtle (*emys marmorata*)

Status: G3G4, S3, CDFW Species of Special Concern Priority 1, BLM Sensitive Species, USFS Sensitive Species, IUCN Vulnerable

Key Habitat: Northwestern pond turtles are aquatic habitat generalist and can be found in a variety of waterbodies including rivers, streams, lakes, ponds, and marshes. Northwestern pond turtle have even been observed using ephemeral water features such as vernal pools or settling ponds. These turtles require upland habitat with adequate soil conditions for excavating nests that also lack disturbance. Studies have shown females prefer nesting sites within 100 m of a waterbody. Northwestern pond turtle prefer quiet and undisturbed water features with adequate basking substrate such as emergent woody debris or relatively unshaded shorelines (Thomson et al. 2016). They can persist in unfavorable conditions for some period of time (Spinks et al. 2003).

Status within BAA: There are no documented observations of this species within the BAA. Watercourses present within the BAA provide moderate quality habitat, again hinging on hydrologic period. In most years, surface water does not likely persist long enough to provide habitat for this species. There is one pond present within the BAA, no turtles were observed. Soils present along the Hettenshaw Valley are well suited for this species burrows. Western pond turtle has a moderate potential of being found within the BAA.

- **Southern Torrent Salamander** (*rhyacotriton variegatus*)

Status: G3G4, S2S3, CDFW Species of Special Concern Priority 1, USFS Sensitive Species, IUCN Least Concern

Key Habitat: Southern torrent salamander prefers habitat characteristics that correlate with late-seral forests. Coastal coniferous forests that may not be mature enough may be productive enough to create these conditions which include clear, cold waters with loose, coarse substrates that lack overall sediments loads (Welsh and Lind 1996). Interstitial spacing between gravels and cobbles is very important for low flow periods within intermittent low-order streams occupied by southern torrent salamander. This may be why southern torrent salamanders also prefer high gradient streams capable of flushing out sediment loads and maintaining coarse substrates. Torrent salamander presence is also highly associated with canopy cover due to its strong correlation with temperature control and hydrologic period (Thomson et al 2016).

Status within BAA: The CNDDDB shows no documented occurrences of southern torrent salamander within the BAA. Intermittent watercourses within the BAA are generally ill suited for this species with low gradients, variable canopy cover, and predominantly fine sediments. Intermittent watercourses within DFR habitat may potentially contain habitat characteristics suited for this species, but overall within the BAA, watercourses are not suitable. The potential for southern torrent salamander to be found within the BAA is unlikely.

5.4 Invertebrates of Special Concern

- **Hooded Lancetooth** (*ancotrema voyanum*)

Status: G1G2, S1S2

Key Habitat: This species is known primarily from northern Trinity County. This species seems to prefer saturated soils in the vicinity of intermittent and perennial watercourses. These habitat characteristics often correlate with woody debris, leaf litter, and closed canopy. Hooded lancetooth's ecological relationships are largely unknown (Applegarth 1999).

Status within BAA: There are no documented observations of this species within the BAA. The BAA does contain intermittent watercourses. The majority of this habitat is unsuitable due to the lack of the few known habitat correlates. Given the known distribution of this species, hooded Lancetooth are unlikely to be found within the BAA.

- **Obscure Bumble Bee** (*bombus caliginosus*)

Status: S1S2, IUCN: Vulnerable

Key Habitat: Obscure bumble bees are known to occur within coastal areas ranging from Santa Barbara, California up to Washington state. They are known to forage on these genera: *baccharis*, *cirsium*, *lupinus*, *lotus*, *grindelia*, and *phacelia* (CNDDDB).

Status within BAA: There are no documented observations of this species within the BAA. The BAA does occur within this species known range. The BAA lacks a diversity of flowering forbs, reducing habitat quality provided by AGS. There is a moderate potential for obscure bumble bee to be found within the BAA.

- **Tehama Chaparral** (*trilobopsis tehamana*)

Status: S1

Key Habitat: This species is known from specimens collected in Butte, Tehama, and Siskiyou counties. One observation is known within Trinity County in the Shannon Buttes, CA 7.5' USGS quad. USFS (1999) states this species is usually associated with rocky talus but has also been found under leaf litter or woody debris within 100 meters of limestone outcrops.

Status within BAA: There are no documented observations of this species within the BAA. No limestone outcroppings are known to occur within the BAA. This species is unlikely to be found within the BAA.

- **Wawona Riffle Beetle** (*atractelmis wawona*)

Status: S1S2

Key Habitat: Wawona riffle beetle prefers cool, clear mountain streams with rapids and aquatic mosses (CNDDDB). This species was poorly understood until in 1988 morphological similarities with another genus of Nearctic riffle beetle led to the discovery of its preferred microhabitat, submerged aquatic mosses (Shepard and Barr 1991). This species is only known in Humboldt County from specimens collected in the Van Duzen River near Dinsmore, California (CNDDDB).

Status within the BAA: The CNDDDB does not contain any documented observations of this species within the BAA. Perennial surface water is unlikely to occur within the BAA. Any surface water that persists is non-flowing residual surface water held in impermeable areas of the stream channel. Aquatic submerged mosses are unlikely to occur within these features. There is an unlikely potential for Wawona riffle beetle to be found within the BAA.

- **Western Bumble Bee** (*bombus occidentalis*)

Status: Candidate for CESA Endangered, S1, USFS: Sensitive, XERCES: Imperiled

Key Habitat: This species was once known to be widespread throughout the western United States from central California up to British Columbia (Evans et al 2008). This species was one of the most common bumble bees on the west coast prior to the mid 1990's (Rao and Stephen 2007). This species relies on year-round flower availability for pollen production. Fragmented or isolated patches of habitat are not sufficient enough to support bumble bee populations (Hatfield and LeBuhn 2007).

Status within BAA: There are no documented observations of western bumble bee in the BAA. AGS habitat and herbaceous flowering plants present in the BAA provide potential habitat for this species. This species is experiencing wide ranging population declines. There is a moderate potential for this species to be found within the BAA.

5.5 Plant Species of Special Concern

<i>Anisocarpus scabridus</i>		Scabrid alpine tarplant	
Fed List: None	State List: None	CNPS List: 1B.3	State Rank: S3
USGS 7.5' Quad (CNDDDB): Billy's Peak, Black Lassic, Brushy Mtn., Buck Rock, Hull Mountain, Leech Lake Mtn., Mendocino Pass, North Yolla Bolly, Sanhedrin Mtn., Tangle Blue Lake			
Documented in BAA: No	Potential Habitat in BAA: No	Potential Habitat in Project Area: No	
Habitat: Upper montane coniferous forest. Open stony ridges, metamorphic scree slopes of mountain peaks and cliffs in or near red fir forest (CNDDB). Open ridges or slopes on metamorphics (Jepson eflora). Red fir forest (Calflora).			
<i>Arctostaphylos manzanita ssp. elegans</i>		Konocti Manzanita	
Fed List: None	State List: None	CNPS List: 1B.3	State Rank: S3
USGS 7.5' Quad (CNDDDB): Dinsmore			
Documented in BAA: No	Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No	
Habitat: Chaparral, cismontane woodland, lower montane coniferous forest, volcanic soils (CNDDB). Woodland, chaparral, conifer forest, generally volcanic soils. 220 – 1850 m (Jepson eflora). Lodgepole forest, red fir forest, yellow pine forest (Calflora).			
<i>Brasenia schreberi</i>		Watershield	
Fed List: None	State List: None	CNPS List: 2B.3	State Rank: S3
USGS 7.5' Quad (CNDDDB): Zenia			
Documented in BAA: No	Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No	
Habitat: Freshwater marshes and swamps. Aquatic known from water bodies both natural and artificial (CNDDB). Ponds and slow streams. < 2200 m (Jepson eflora). Wetland-riparian (Calflora).			
<i>Calycadenia micrantha</i>		Small-flowered calycadenia	
Fed List: None	State List: None	CNPS Rank: 1B.2	State Rank: S2
USGS 7.5' Quad (CNDDDB): Blake Mountain, Lake Mountain, Long Ridge, Sportshaven, Swim Ridge			
Documented in BAA: No	Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No	
Habitat: Chaparral, Meadow & seep, Ultramafic, Valley & foothill grassland. Rocky talus or scree, sparsely vegetated areas (CNDDB). Dry, open rocky ridges, hillsides, talus; openings in scrub, woodland. 500 – 1500 m (Jepson eflora).			
<i>Carex praticola</i>		Northern Meadow Sedge	
Fed List: None	State List: None	CNPS Rank: 2B.2	State Rank: S2
USGS 7.5' Quad (CNDDDB): Arcata South, Eureka, Bark Shanty Gulch, Black Lassic, French Camp Ridge, Grouse Mountain, Holter Ridge, Orick			
Documented in BAA: No	Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No	
Habitat: Meadow & seep, Wetland (CNDDB). Moist to wet meadows, riparian edges, open forest (Jepson eflora). Coastal prairie, North Coastal Coniferous Forest, meadows (Calflora).			
<i>Coptis laciniata</i>		Oregon goldthread	
Fed List: None	State List: None	CNPS Rank: 4.2	State Rank: S3?
USGS 7.5' Quad (CNDDDB): Bald Hills, Blake Mountain, Blue Mtn. Creek, Blue Lake, Board Camp Mtn., Briceland, Dinsmore, Fish Lake, French Camp Ridge, Holter Ridge, Hoopa, Iaqua Buttes, Johnsons, Larabee Valley, Lord-ellis Summit, Mad River Buttes, Owl Creek, Showers Mtn., Weitchpec, Willow Creek			
Documented in BAA: No	Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No	

Habitat: North coast coniferous forest, meadows and seeps. (CNDDDB). Wet sites, streambanks, conifer forest (Jepson eflora). Redwood forest, Douglas-fir forest, wetland-riparian (Calflora).

Cuscuta jepsonii

Jepson's dodder

Fed List: None

State List: None

CNPS Rank: 1B.2

State Rank: S1

USGS 7.5' Quad (CNDDDB): Black Rock Mtn., Dubakella Mtn., Forest Glen, North Yolla Bolly

Documented in BAA: No

Potential Habitat in BAA: Yes

Potential Habitat in Project Area: No

Habitat: Lower montane coniferous forest, upper montane coniferous forest, broadleaved upland forest. Primary host species are *ceanothus diversifolius* and *c. prostratus* (CNDDDB). On *ceanothus diversifolius* and *ceanothus prostratus*. 1200 – 2300 m (Jepson eflora).

Epilobium oreganum

Oregon fireweed

Fed List: None

State List: None

CNPS Rank: 1B.2

State Rank: S2

USGS 7.5' Quad (CNDDDB): Caribou Lake, Chicken Hawk Hill, Covington Mall, Forest Glen, Hoosimbim Mtn., Hyampom Mtn., Mount Eddy, Naufus Creek, Pony Buck Peak, Rush Creek Lakes, Siligo Peak, Sims Mountain, Smoky Creek, Tangle Blue Lake, Trinity Center, Trinity Dam, Whiskey Bill Peak, Wildwood, Ycatapom Peak

Documented in BAA: No

Potential Habitat in BAA: Yes

Potential Habitat in Project Area: No

Habitat: Bog & fen, lower montane coniferous forest, meadow & seep, upper montane coniferous forest. In and near springs and bogs (CNDDDB). Bogs and small streams. 550 – 1800 m (Jepson eflora). Yellow pine forest, Red fir forest, lodgepole forest, subalpine forest, freshwater wetlands, wetland-riparian. Serpentine affinity: 3.8; broad endemic/strong indicator (Calflora).

Erigeron maniopotamicus

Mad river fleabane daisy

Fed List: None

State List: None

CNPS Rank: 1B.2

State Rank: S2?

USGS 7.5' Quad (CNDDDB): Lake Mountain, Zenia

Documented in BAA: No

Potential Habitat in BAA: Yes

Potential Habitat in Project Area: No

Habitat: Lower montane coniferous forest, meadow & seep. Open slopes, disturbed areas; tan-colored, rocky soils (CNDDDB). Dry, barren meadows and openings in mixed-conifer woodland. 1300 – 1500 m (Jepson eflora).

Erythronium revolutum

Coast fawn lily

Fed List: None

State List: None

CNPS Rank: 2B.2

State Rank: S3

USGS 7.5' Quad (CNDDDB): Black Lassic, Dubakella Mtn., Hennessy Peak, Salyer

Documented in BAA: No

Potential Habitat in BAA: Yes

Potential Habitat in Project Area: No

Habitat: Bogs and fens, broadleaved upland forest, north coast coniferous forest. Mesic sites, streambanks (CNDDDB). Streambanks, wet places in woodlands. < 1350 m (Jepson eflora). Redwood forest, mixed evergreen forest, wetland-riparian (Calflora).

Frasera umpquaensis

Umpqua green-gentian

Fed List: None

State List: None

CNPS List: 2B.2

State Rank: S1

USGS 7.5' Quad (CNDDDB): Forest Glen, Smoky Creek

Documented in BAA: No

Potential Habitat in BAA: Yes

Potential Habitat in Project Area: No

Habitat: Lower montane coniferous forest, north coast coniferous forest, meadows and seeps, chaparral. Mountain meadows, openings in forest (CNDDDB). Mountain meadows. 1700 – 1900 m (Jepson eflora).

Harmonia doris-nilesiae

Niles' harmonia

Fed List: None

State List: None

CNPS List: 1B.1

State Rank: S2S3

USGS 7.5' Quad (CNDDDB): Dubakella Mtn., Halfway Ridge, Hayfork, Hoosimbim Mtn., Hyampom, Naufus Creek, Pony Buck

Peak, Smoky Creek			
Documented in BAA: No	Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No	
Habitat: Lower montane coniferous forest, chaparral, cismontane woodland. Serpentine barrens (CNDDDB). Serpentine slopes. 800 – 1600 m (Jepson eflora). Yellow pine forest, Serpentine affinity: 5.4; broad endemic (Calflora).			
Hosackia yollabollensis		Yolla Bolly Mtns. bird's-foot trefoil	
Fed List: None	State List: None	CNPS List: 1B.2	State Rank: S2
USGS 7.5" Quad (CNDDDB): Black Lassic, Blake Mountain, Forest Glen, Hyampom, North Yolla Bolly, Sportshaven			
Documented in BAA: No	Potential Habitat in BAA: No	Potential Habitat in Project Area: No	
Habitat: Meadow & seep, upper montane coniferous forest (CNDDDB). Open, dry slopes, fir forest. 1700 – 2100 m (Jepson eflora). Red fir forest (Calflora).			
Howellia aquatilis		Water howellia	
Fed List: Threatened	State List: None	CNPS List: 2B.2	State Rank: S2
USGS 7.5" Quad (CNDDDB): Alderpoint, Fort Seward			
Documented in BAA: Yes	Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No	
Habitat: Aquatic, freshwater marsh, marsh & swamp, wetland (CNDDDB). Seasonal ponds (Jepson eflora). Freshwater wetlands (Calflora).			
Iliamna latibracteata		California Globe Mallow	
Fed List: None	State List: None	CNPS List: 1B.2	State Rank: S2
USGS 7.5' Quad (CNDDDB): Blake Mountain, Denny, Forest Glen, Salyer, Sportshaven			
Documented in BAA: No	Potential Habitat Present: Yes	Potential Habitat in Project Area: No	
Habitat: Chaparral, lower montane coniferous forest, north coast coniferous forest, riparian scrub streambanks. Seepage areas in silty clay loam (CNDDDB). Conifer forest, streamsides. 500 – 2000 m (Jepson eflora). Redwood forests (Calflora).			
Lathyrus biflorus		Two-flowered pea	
Fed List: None	State List: None	CNPS List: 1B.1	State Rank: S1
USGS 7.5' Quad (CNDDDB): Dinsmore			
Documented in BAA: No	Potential Habitat in BAA: No	Potential Habitat in Project Area: No	
Habitat: Lower montane coniferous forest, endemic to serpentine (CNDDDB). Serpentine (Jepson eflora). Yellow pine forest, Serpentine Affinity: 6.1; strict endemic (Calflora).			
Lupinus constancei		The Lassies lupine	
Fed List: None	State List: Endangered	CNPS List: 1B.1	State Rank: S1
USGS 7.5' Quad (CNDDDB): Black Lassic			
Documented in BAA: No	Potential Habitat in BAA: No	Potential Habitat in Project Area: No	
Habitat: Lower montane coniferous forest, serpentine barrens (CNDDDB). Serpentine barrens (Jepson eflora). Yellow pine forest, Serpentine Affinity: 6.1; strict endemic (Calflora).			
Lupinus elmeri		South Fork Mountain lupine	
Fed List: None	State List: None	CNPS List: 1B.2	State Rank: S2
USGS 7.5' Quad (CNDDDB): Blake Mountain, Forest Glen, Hyampom, Sportshaven			
Documented in BAA: No	Potential Habitat Present: No	Potential Habitat in Project Area: No	

Habitat: Lower montane coniferous forest. (CNDDDB). Open areas in conifer forest. 1370 – 2000 m (Jepson eflora).			
<i>Piperia candida</i>		White-flowered rein orchid	
Fed List: None	State List: None	CNPS Rank: 1B.2	State Rank: S3
USGS 7.5' Quad (CNDDDB): Forest Glen, Hyampom, Naufus Creek, Pony Buck Peak, Salyer, Smoky Creek, Thurston Peaks			
Documented in BAA: No		Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No
Habitat: North coast coniferous forest, lower montane coniferous forest, broadleaved upland forest. Sometimes on serpentine, forest duff, mossy banks, rocky outcrops, and muskeg. (CNDDDB). Open to shady spots, conifer and mixed-evergreen forest. < 1500 m (Jepson eflora). Yellow Pine Forest, north coast coniferous forest (Calflora).			
<i>Sabulina decumbens</i>		The Lassics Sandwort	
Fed List: None	State List: None	CNPS List: 1B.2	State Rank: S1
USGS 7.5' Quad (CNDDDB): Black Lassic			
Documented in BAA: No		Potential Habitat in BAA: No	Potential Habitat in Project Area: No
Habitat: Lower montane coniferous forest, upper montane coniferous forest. Endemic to serpentine. Only known from upper north-facing slopes under Jeffrey pines (CNDDDB). Serpentine soils in Jeffrey-pine forest (Jepson eflora).			
<i>Sedum laxum</i> spp. <i>flavidum</i>		Pale yellow stonecrop	
Fed List: None	State List: None	CNPS List: 4.3	State Rank: S3
USGS 7.5' Quad (CNDDDB): Black Lassic, Dubakella Mountain, Fish Lake, Forest Glen, Hyampom, Naufus Creek, Pony Buck Peak, Smoky Creek, Swim Ridge, Wildwood			
Documented in BAA: No		Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No
Habitat: Broadleaved upland forest, Chaparral, Cismontane woodland, Lower montane coniferous forest, Ultramafic, Upper montane coniferous forest (CNDDDB). Serpentine or basalt outcrops. 800 – 2000 m (Jepson eflora). Chaparral, Foothill Woodland, Yellow Pine Forest, Mixed Evergreen Forest (Calflora).			
<i>Tracyina rostrata</i>		Beaked Tracyina	
Fed List: None	State List: None	CNPS List: 1B.2	State Rank: S2
USGS 7.5' Quad (CNDDDB): Alderpoint, Fort Seward, Jewett Rock			
Documented in BAA: No		Potential Habitat in BAA: Yes	Potential Habitat in Project Area: No
Habitat: Broadleaved upland forest, North coast coniferous forest, Ultramafic (CNDDDB) Shale, serpentine, open sites, forest (Jepson eflora). North Coastal Coniferous Forests (Calflora).			

6.0 Discussion

6.1 Sensitive Natural Communities and Plant Species of Special Concern

The project poses no risk to sensitive natural communities because none occur within the project area. The project area occurs in AGS habitat that has been historically grazed. The project area is dominated by yellow-star thistle (*centaurea solstitialis*) widely dispersed with some other nonnative graminoids and forbs present. The project area contains no potential habitat for any plant species of special concern. The project as proposed does not pose a risk of impacting any sensitive natural communities or plant species of special concern.

6.2 Water Quality and Aquatic Habitats

This project poses a low threat to water quality and aquatic habitats. This is a result of the natural setting of the property including the low gradient, lack of road surfaces, lack of watercourse crossings, and relative small proposed size. Potential water quality threats associated with this project will be actively managed through enrollment and participation in the state waste discharge program (Order WQ 2019-0001 DWQ). Enrollment in this program will assure the site is actively managed to mitigate potential

water quality impacts through implementation of the Site Management Plan. The project as proposed presents an unlikely probability of impacting either Waters of the United States or Waters of the State.

6.3 Bird Species of Special Concern

Proposed development of the project area will not remove any potential nesting habitat for bird species of special concern. AGS habitat within property boundaries has been historically degraded and does not provide any vegetation communities that provide nesting habitat. The project area also contains no potential to host nesting migratory birds that could be protected under the Migratory Bird Treaty Act (MBTA). The project has no potential of impacting bird species of special concern or migratory birds.

6.4 Northern Spotted Owl Assessment

Northern spotted owl (NSO) habitat is only present along the western and eastern edges of the BAA. No NSO habitat is present within property boundaries. The maximum disturbance buffer for NSO is 0.25 miles for active nests (USFWS 2011). There is no NSO habitat present within 0.25 miles of the project area. This project has no potential of impacting NSO.

6.5 Mammal Species of Special Concern

Although the BAA does contain potential habitat for multiple mammal species of special concern, with exception of American badger (*taxidea taxus*), these key habitat characteristics are located outside of property boundaries. The project does not pose a risk of removing habitat for these species. Low quality potential badger habitat is present in the project area. This habitat is present as historic pasturelands dominated by nonnative herbaceous species. This vegetation community provides low quality habitat for burrowing rodents, badger's main prey source. No burrows were observed within property boundaries. Given the low quality habitat within property boundaries, potential impacts are unlikely to occur to this species.

6.6 Reptile/Amphibian Species of Special Concern

Implementation of best practicable treatment controls (BPTC) as outlined in the Site Management Plan (SMP) will reduce all risks of indirect impacts to amphibian species of special concern. Additional conformance with CDFW 1600 code will prevent potential impacts to these species. The project areas do not occur within terrestrial habitat for any reptiles or amphibians of special concern. Ample habitat for many amphibians and reptiles is present along intermittent watercourses present in the BAA. Water quality and aquatic habitat within these watercourses will be protected through existing regulations. This project is unlikely to impact any reptiles or amphibian species of special concern.

6.7 Invertebrate Species of Special Concern

Multiple terrestrial habitats within the BAA may provide potential habitat for western bumble bee (*bombus occidentalis*) and obscure bumble bee (*bombus caliginosus*). The project area contains very low quality habitat for this species. Higher quality habitat is located off property in MHW habitat. Potential impacts to this species consist of the use of pesticides. It is recommended the project operator only utilize pesticides approved for use on cannabis by the Trinity County Agricultural Commissioner's Office, Trinity County Department of Environmental Health, and the California Department of Pesticide Regulations. Additionally, the application of these substances should be done with care so to not spray if pollinators are present and to prevent drift to plant communities outside of the greenhouses. Ground disturbance within the project area will not result in a significant loss of bee habitat. The proposed project is unlikely to impact invertebrate species of special concern.

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Appendixes

Appendix 1 - General Location Map

USGS Topographic Map

Property Boundary



Project Area



Biological Assessment Area (BAA)

NORTH

0 2,000
feet

Located in the SW 1/4 of Section 20, T2S, R7E, HB&M



Appendix 2 – Aerial Photographs



Picture 1: Aerial photograph of project area facing north. An approximate boundary of the project area has been drawn for reference. Photo date: 04/01/2020

Appendix 3 - DOQ Site Map

2018 NAIP DOQ

Property Boundary



Project Area



County Road



Private Road



Van Duzen River



Intermittent Watercourse



Ephemeral Watercourse



Ephemeral Swale



Off-stream Pond

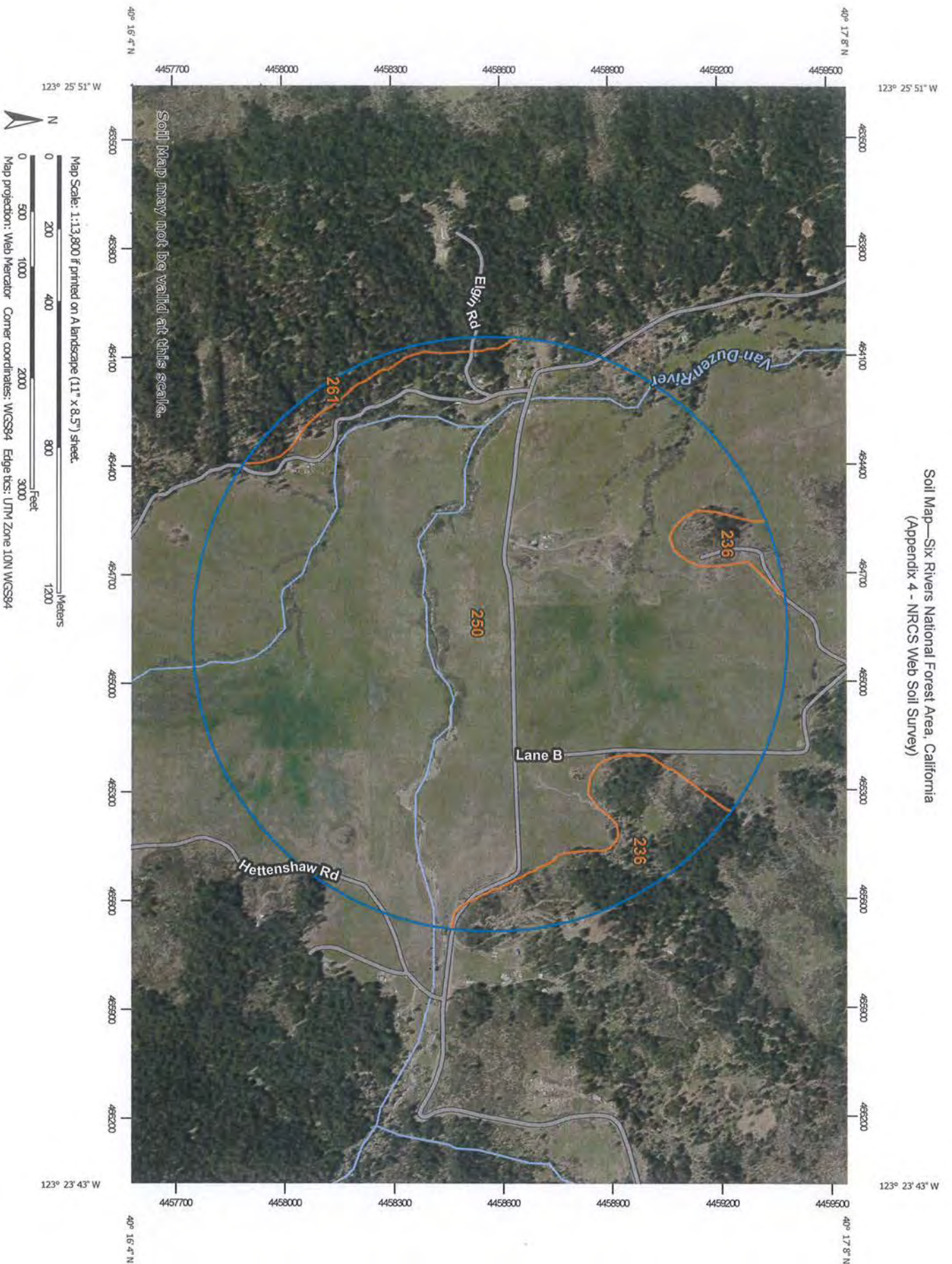
NORTH

0 300










































feet

Located in the SW 1/4 of Section 20, T2S, R7E, HB&M

Soil Map—Six Rivers National Forest Area, California
(Appendix 4 - NRCS Web Soil Survey)



MAP LEGEND

	Area of Interest (AOI)		Spill Area
	Area of Interest (AOI)		Story Spot
	Soils		Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
	Special Point Features		Water Features
	Blowout		Streams and Canals
	Borrow Pit		Transportation
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow		Background
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Six Rivers National Forest Area, California
Survey Area Data: Version 13, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 30, 2014—Nov 6, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
236	Doty-Hecker families association, deep, 25 to 70 percent slopes	47.6	9.0%
250	Oxalis-Hecker-Doty families association, deep, 25 to 70 percent slopes	470.6	89.2%
261	Holland-Goldridge families association, deep, 5 to 35 percent slopes	9.2	1.7%
Totals for Area of Interest		527.4	100.0%



Appendix 5 - General Habitat Map

2018 NAIP DOQ

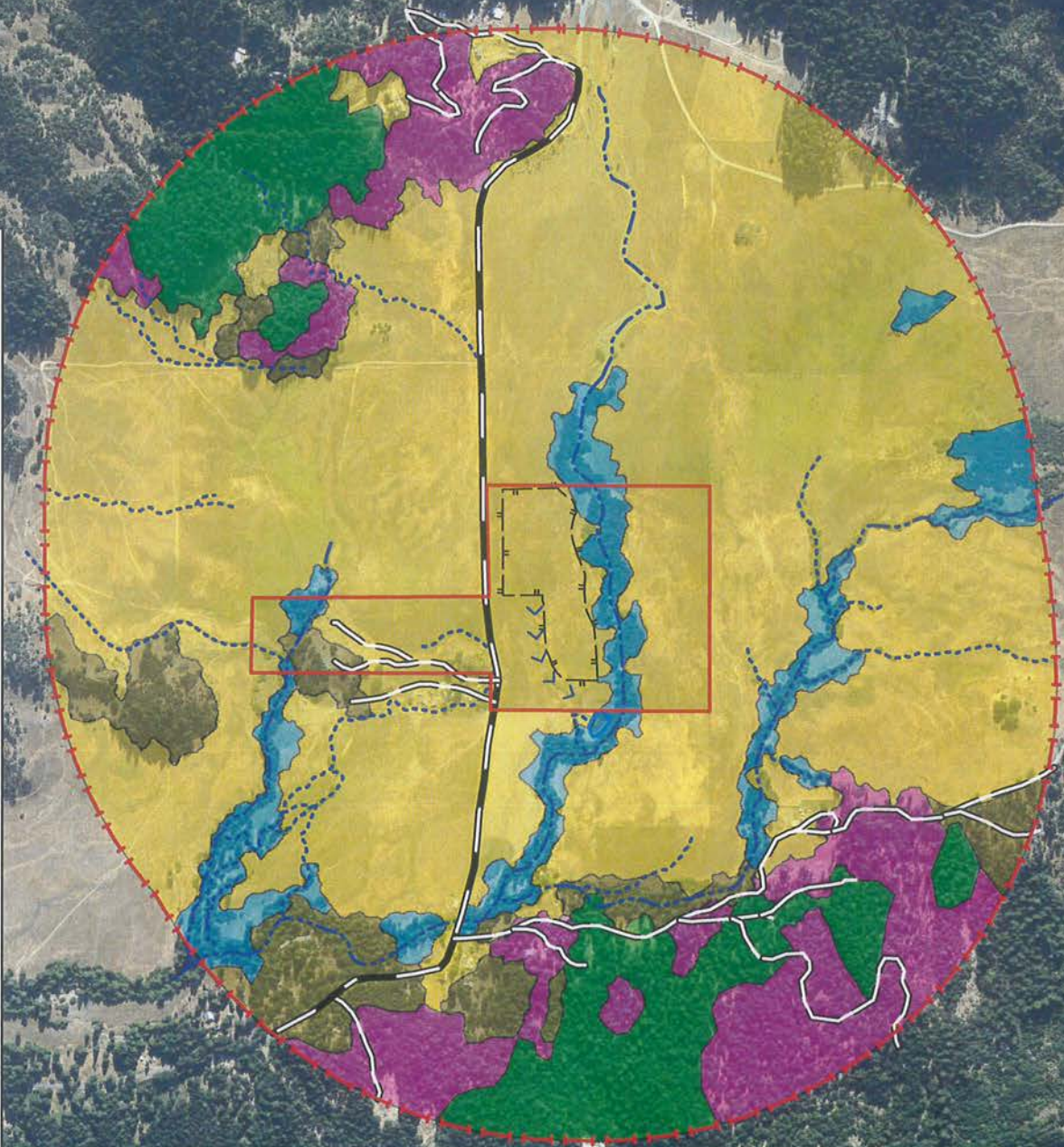
- Property Boundary
- Project Area
- County Road
- Private Road

- Van Duzen River
- Intermittent
- Watercourse
- Ephemeral
- Watercourse
- Ephemeral Swale
- Off-stream Pond

- Annual Grassland (AGS)
- Douglas-fir (DFR)
- Montane Hardwood (MHW)
- Montane Hardwood-Conifer (MHC)
- Montane Riparian (MRI)



Located in the SW 1/4 of Section 20, T2S, R7E, HB&M



Appendix 6 - StreamStats Report

Region ID: CA

Workspace ID: CA20200708175957381000

Clicked Point (Latitude, Longitude): 40.27634, -123.41777

Time: 2020-07-08 11:00:14 -0700



Watershed characteristics for unnamed intermittent watercourse that flows through BAA.

Basin Characteristics			
Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	2.7	square miles
PRECIP	Mean Annual Precipitation	66.9	inches
BASINPERIM	Perimeter of the drainage basin as defined in SIR 2004-5262	9.17	miles
BSLDEM30M	Mean basin slope computed from 30 m DEM	27.4	percent

Parameter Code	Parameter Description	Value	Unit
CENTROIDX	Basin centroid horizontal (x) location in state plane coordinates	-2277283	meters
CENTROIDY	Basin centroid vertical (y) location in state plane units	2248316.9	meters
EL6000	Percent of area above 6000 ft	0	percent
ELEV	Mean Basin Elevation	3680	feet
ELEVMAX	Maximum basin elevation	4726	feet
FOREST	Percentage of area covered by forest	44.3	percent
JANMAXTMP	Mean Maximum January Temperature	47.6	degrees F
JANMINTMP	Mean Minimum January Temperature	30.43	degrees F
LAKEAREA	Percentage of Lakes and Ponds	0	percent
LC11DEV	Percentage of developed (urban) land from NLCD 2011 classes 21-24	3.1	percent
LC11IMP	Average percentage of impervious area determined from NLCD 2011 impervious dataset	0.1	percent
LFPLENGTH	Length of longest flow path	3	miles
MINBELEV	Minimum basin elevation	3111	feet
OUTLETELEV	Elevation of the stream outlet in thousands of feet above NAVD88.	3113	feet
RELIEF	Maximum - minimum elevation	1615	feet
RELRELF	Basin relief divided by basin perimeter	176	feet per mi

Peak-Flow Statistics Parameters[2012 5113 Region 1 North Coast]

Parameter Code	Parameter Name	Value	Units	Min Limit	Max Limit
DRNAREA	Drainage Area	2.7	square miles	0.04	3200
PRECIP	Mean Annual Precipitation	66.9	inches	20	125

Peak-Flow Statistics Flow Report[2012 5113 Region 1 North Coast]

PII: Prediction Interval-Lower, Plu: Prediction Interval-Upper, SEp: Standard Error of Prediction, SE: Standard Error (other -- see report)

Statistic	Value	Unit	Pll	Plu	SEp
2 Year Peak Flood	278	ft ³ /s	114	681	58.6
5 Year Peak Flood	502	ft ³ /s	240	1050	47.4
10 Year Peak Flood	661	ft ³ /s	327	1340	44.2
25 Year Peak Flood	868	ft ³ /s	444	1700	42.7
50 Year Peak Flood	1020	ft ³ /s	522	2010	42.7
100 Year Peak Flood	1190	ft ³ /s	591	2380	44.3
200 Year Peak Flood	1340	ft ³ /s	665	2700	44.4
500 Year Peak Flood	1540	ft ³ /s	748	3180	46

Peak-Flow Statistics Citations

Gotvald, A.J., Barth, N.A., Veilleux, A.G., and Parrett, Charles, 2012, Methods for determining magnitude and frequency of floods in California, based on data through water year 2006: U.S. Geological Survey Scientific Investigations Report 2012-5113, 38 p., 1 pl. (<http://pubs.usgs.gov/sir/2012/5113/>)

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

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USGS Product Names Disclaimer: Any use of trade, firm, or product names is for descriptive purposes only and does not imply endorsement by the U.S. Government.

Application Version: 4.3.11

Appendix 7 - NSO Map

2018 NAIP DOQ

Property Boundary



Project Area



NSO Disturbance
Buffer (0.25 mi)



County Road



Private Road



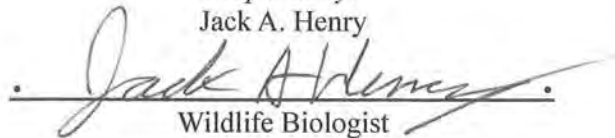
Located in the SW 1/4 of Section 20, T2S, R7E, HB&M



Aquatic Resource Delineation

APN 020-510-20-00

Prepared for:
Smoking Green Valley, LLC

Prepared by:
Jack A. Henry

Wildlife Biologist
jhenry@timberlandresource.com
June 04, 2020



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March 5, 2024 Page 693 of 909

1.0 Introduction

This document discloses and discusses the results of an aquatic resource delineation conducted on APN 020-510-20-00 in Trinity County, California. The purpose of this delineation was to delineate the boundaries of potential wetland features so that proposed developments may adequately avoid and protect them.

Location

The study area is located in the Hettenshaw Valley approximately 4.7 aerial miles west of Ruth, California 95552. The study area occurs in the SW ¼ of Section 20, T2S, R7E, Humboldt County in the Ruth Lake, CA 7.5' USGS Quad. The project parcel occurs within the Western Mountains, Valleys, and Coast Region.

2.0 Definitions

Waters of the United States

Under Section 404 of the Clean Water Act the U.S. Army Corps of Engineers regulate “Waters of the United States” as defined in the Code of Federal Regulations as waters susceptible to use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as “other waters” and are often characterized by an ordinary high water mark, and herein referred to as non-wetland waters. Non-wetland waters, for example, generally include lakes, rivers, and streams.

Section 404 of the CWA protects wetlands federally. In 1989 George H.W. Bush implemented the national “No-net Loss of Wetlands” policy which either avoids the filling of wetlands or mitigates the destruction and/or degradation of wetlands. U.S. Army Corps of Engineers defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

Waters of the State

Although very similar, the term “Waters of the State” is defined by the Porter-Cologne Water Quality Control Act (401) as “any surface water or groundwater, including saline waters, within the boundaries of the state.” The State Water Resources Control Board (SWRCB) protects all waters in its regulatory scope and has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. SWRCB jurisdiction includes wetlands and waters that may not be regulated by the Corps under Section 404.

Until recently, Waters of the State did not include specific language regarding wetlands and any potential deviation from federal regulations. Resolution No. 2019-0015 solidified SWRCB state protections for wetlands along with a state definition. The SWRCB defines wetlands as “An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area’s vegetation is dominated by hydrophytes or the area lacks vegetation.” Per Section II.3.c. of Procedures for Discharge of Dredged or Fill Material to Waters of the State; the jurisdiction of artificial wetlands does not include incidental wetlands that have resulted from human activity subject to ongoing maintenance (e.g. inboard ditches, landing surfaces, road surfaces). Assuming these features are not an alteration of pre-existing waters of the state, they do not receive protection under Resolution No. 2019-0015.

3.0 Methods

Sample points within the study area were delineated using standard methods defined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0* (U.S. Army Corps of Engineers 2010) and the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987).

Field work and data collection was conducted on April 01, 2020. Three sample points were assessed for the three wetland parameters: wetland hydrology, hydrophytic vegetation, and hydric soils. The delineation assessed potential wetland characteristics in a flat grassland where proposed development will occur. All sample points were focused along a subtle concaved area that displayed evidence of conveying ephemeral storm run-off.

4.0 Results and Discussion

Topography

The property containing the study area is located in the relative center of Hettenshaw Valley, approximately 3,130' above sea level. Slopes at the sampling points were relatively flat, 1-2%. Surface water at this site drains in multiple directions given the flat topography but ultimately flows into unnamed tributaries of the Van Duzen River.

Vegetation

The study area occurs within the Hettenshaw Valley. This area is dominated by annual grasses, predominantly nonnative, due to historic grazing practices. Yellow star thistle (*centaurea solstitialis*), Yorkshire fog (*holcus lanatus*), silver hairgrass (*aira caryophylla*), blue wildrye (*elymus glaucus*), and English plantain (*plantago lanceolata*) were the most prominent species observed on-site. Tree species present on property include California black oak (*quercus kelloggii*), Oregon white oak (*quercus garryana*), and willows (*salix spp.*).

Soils

The project parcel contains one soil type. (U.S. Department of Agriculture, Natural Resources Conservation, 2016):

- 250 – Oaxlis-Hecker0Doty families association, deep, 25 to 70 percent slopes. This soil type's parent material consists of residuum weathered from shale or metasedimentary rock. Typical soil profiles are dominated by loam but also contain clay, silt, and varying degrees of gravel.

Hydrology

Surface hydrology on property is sourced from both direct and indirect rainfall. Intermittent and ephemeral watercourses are present within property boundaries. These features do not interact with the project area. There is potential evidence of a water table at the site; it is unknown how long into the growing season this persists given recent rainfall. Soils on site lack redox features potentially concluding the water table does not persist in most years. The rain year of 2019-20 has been relatively dry compared to past records (See AgACIS Precipitation Accumulation Graph). However, 0.94 inches of rain fell at the site in the three days prior to the site visit (AgACIS).

Wetland Parameters

Sample point (SP) #1 - #3 assessed potential wetland parameters across a riparian terrace. SPs were focused along a linear feature that appears to drain storm run-off from the larger flat area on property. This gradual concaved feature had the greatest likelihood of displaying wetland parameters on-site. Although SPs met some wetland parameters, no SP met all three wetland parameters.

All three SPs met hydrophytic vegetation. The nonnative pennyroyal (*mentha puleguim*, OBL) was found to be dominant at SPs #1 and #2. SP #3 was located lower on the drainage feature and displayed greater species variation. Willow (FACW), Yorkshire fog (FAC), and silver hairgrass (FACU) are the dominant species at this site. All sites contained dominant nonnative vegetation.

No sample points met any indicator for hydric soils. Soils at all three sample points displayed dark grey colors (7.5YR4/1 and 10YR4/1). SP #1 was the only point that displayed any redox features. Iron concentrations (7.5YR5/8) were found to be less than 1% of the soil matrix, falling under the 2% threshold for indicator Depleted Matrix (F3). All SPs contained some amount of gravel with it making up a strong component of the soils at SP #1 and #2. Textured vary but all were some variation of a loam soil.

Wetland hydrology was identified at SPS #1 and #2. Primary indicators Surface Water (A1), High Water Table (A2), and Saturation (A3) were all observed at SPs #1 and #2. These indicators are suspected of being related to recent rainfall. Both SPs also displayed Algal Crusts (B4) on-site. SP #3 did not display any hydrologic indicators except for the secondary indicator Geomorphic Position (D2).

List of Appendices

- 1) General Location Map
- 2) Aquatic Resource Delineation Map
- 3) AgACIS Rainfall Accumulation Graph
- 4) NRCS Web Soil Survey Map
- 5) National Wetland Inventory Map
- 6) Wetland Delineation Data Sheets (Western Mountain, Valleys, and Coast Region)

References

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- San Francisco Estuary Institute and Aquatic Science Center. 2012. Technical Memorandum No. 4: Wetland Identification and Delineation, Version 14. 4911 Central Avenue, Richmond CA 94804.
- State Water Resource Control Board. 2019. Staff Report, Including Substitute Environmental Documentation, State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Sacramento, CA.
- State Water Resource Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Sacramento, CA.
- U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), eds. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- U.S. Army Corps of Engineers. 2016. Western Mountains, Valleys, and Coast Region 2016 Regional Plant List. http://wetland_plants.usace.army.mil/
- U.S. Department of Agriculture, Natural Resources Conservation Service. 2016. Web Soil Survey <http://websoilsurvey.sc.egov.usda>

General Location Map

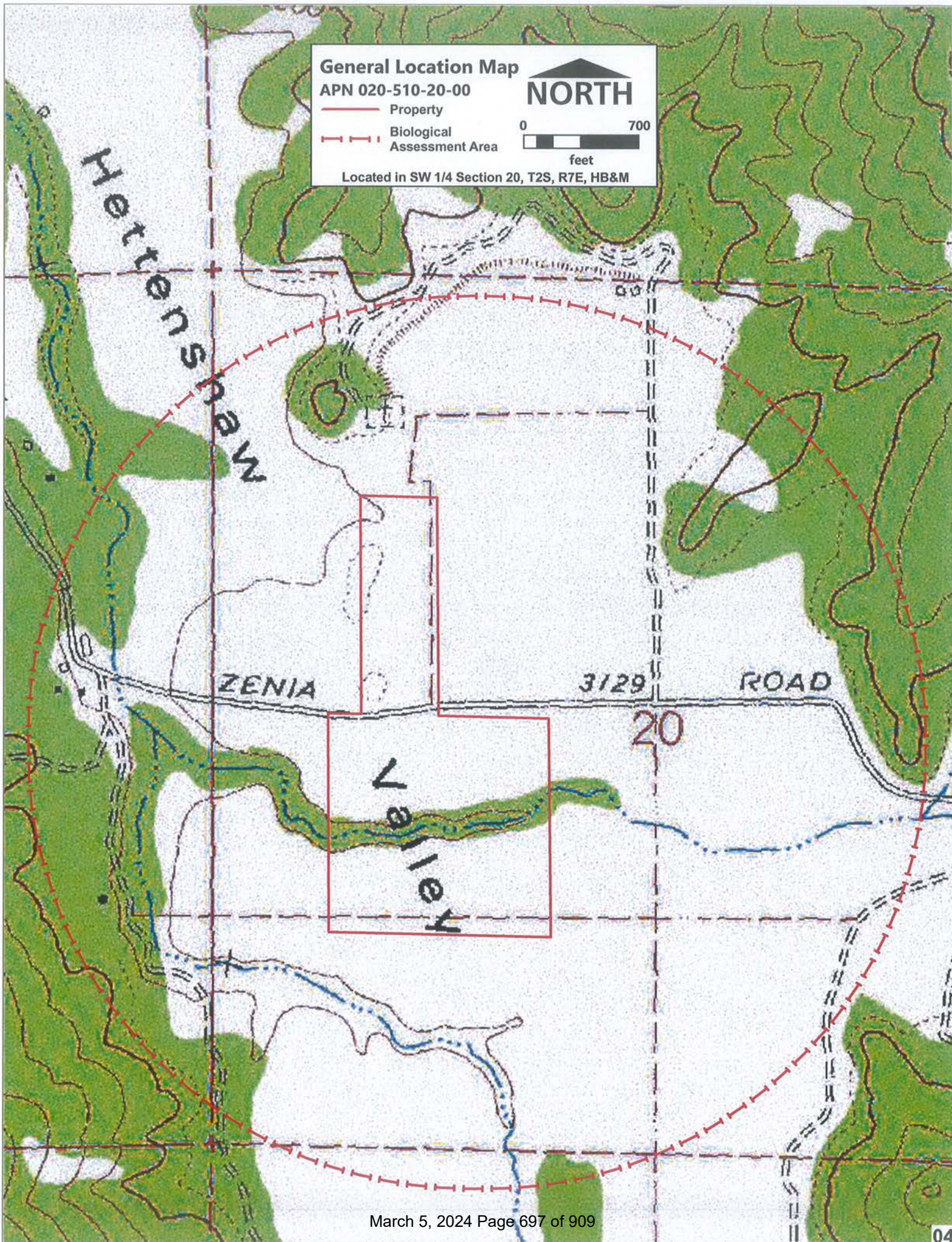
APN 020-510-20-00

NORTH

- Property
- Biological Assessment Area

0 700
feet

Located in SW 1/4 Section 20, T2S, R7E, HB&M



DOQ Site Map

APN 020-510-20-00

Property Boundary

Biological
Assessment Area

> > > >



Drainage Feature

Ephemeral Watercourse

Large Intermittent Watercourse

Small Intermittent Watercourse

Sample Point (SP)

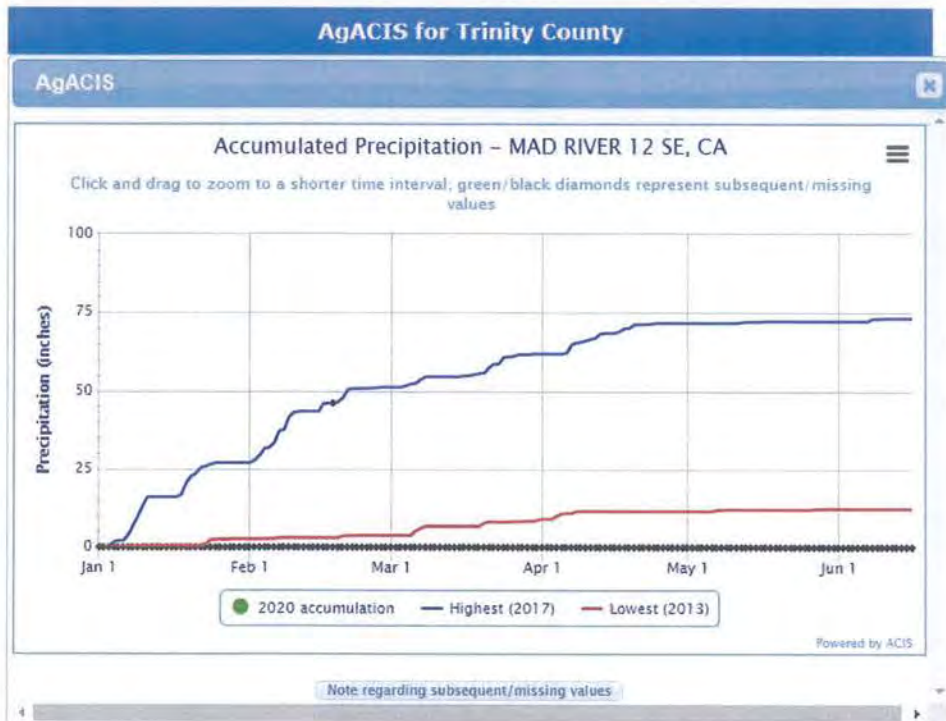
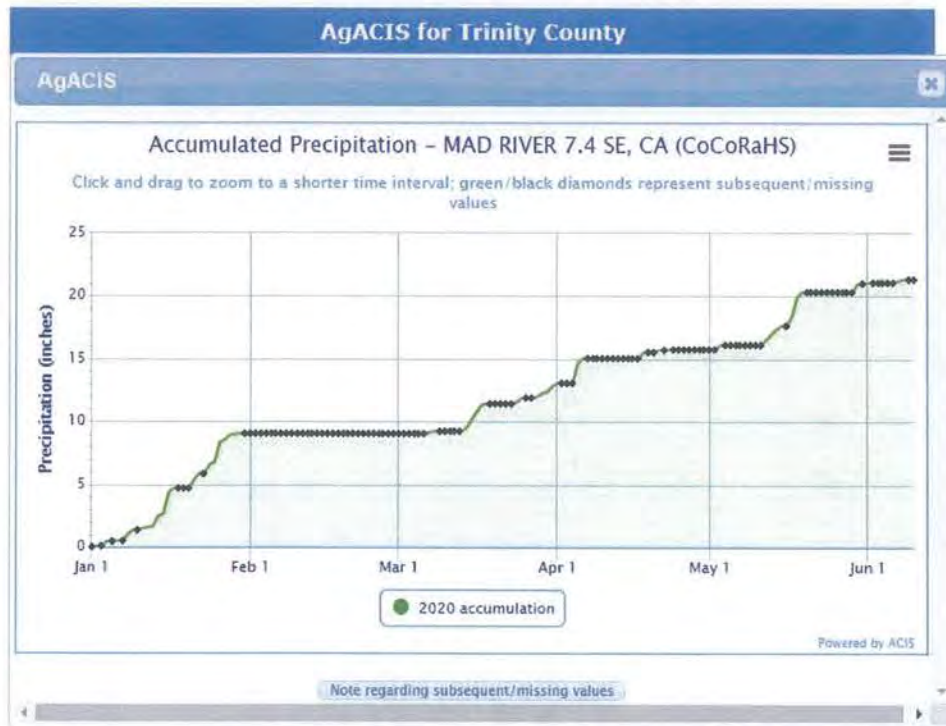
NORTH



Located in SW 1/4 Section 20, T2S, R7E, HB&M

SP2 SP1
SP3

Appendix 3 – Rainfall Data



Accumulated Rainfall graphs for Trinity County.

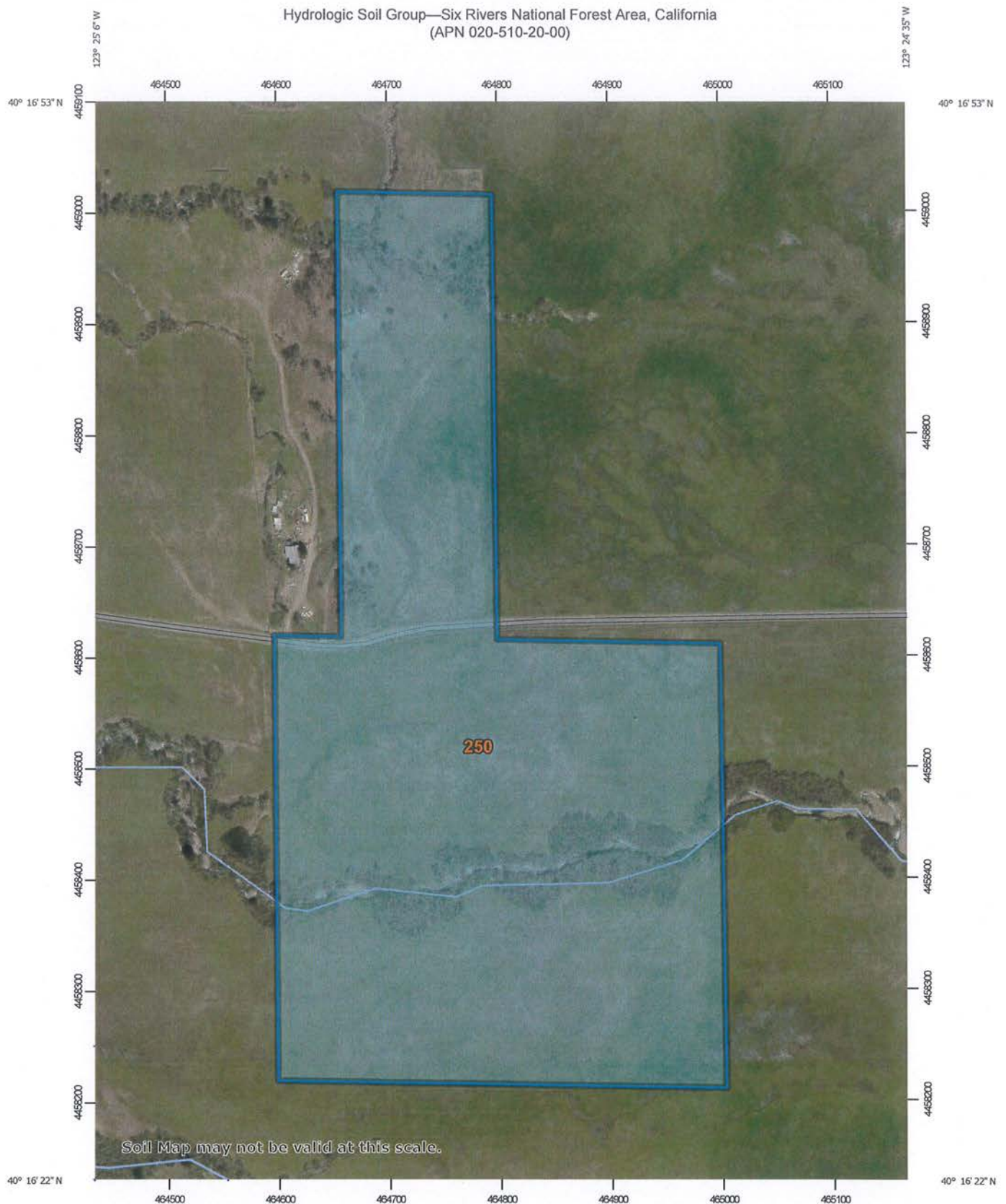
First graph shows 2020 rainfall for nearest gauge to project parcel.

Second graph shows normal annual rainfall ranges for Ruth Lake, Trinity County.

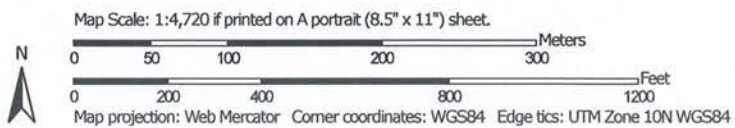
Sourced: Applied Climate Information Center (ACIS) – NOAA Regional Climate Center. <http://agacis.rcc-acis.org/>

Date Sourced: 06/10/2020

Hydrologic Soil Group—Six Rivers National Forest Area, California
(APN 020-510-20-00)



Soil Map may not be valid at this scale.



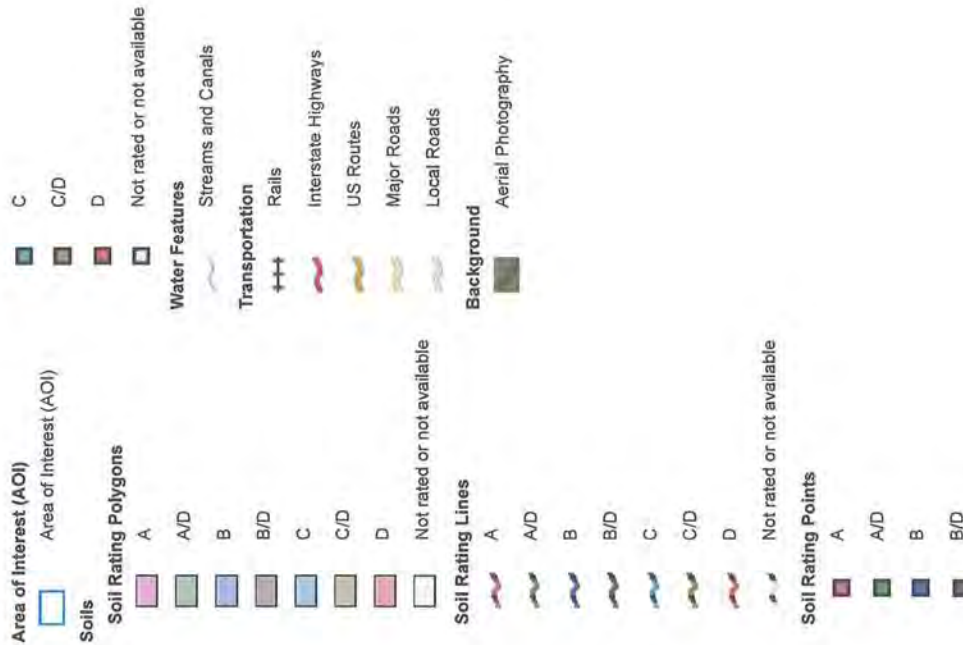
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey
March 5, 2024 Page 700 of 909

6/10/2020
Page 1 of 4

007

MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Six Rivers National Forest Area, California
Survey Area Data: Version 13, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 30, 2014—Nov 6, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
250	Oxalis-Hecker-Doty families association, deep, 25 to 70 percent slopes	C	54.0	100.0%
Totals for Area of Interest			54.0	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition



Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Appendix 5 – National Wetland Inventory



APN 022-510-20-00



June 10, 2020

Wetlands

Estuarine and Marine Deepwater	Freshwater Emergent Wetland	Lake
Estuarine and Marine Wetland	Freshwater Forested/Shrub Wetland	Other
	Freshwater Pond	Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Data Sourced: National Wetland Inventory Wetlands Mapper. <https://www.fws.gov/wetlands/data/mapper.html>

**Appendix 6 – Wetland Delineation Data Sheets
(Western Mountains, Valleys, and Coast Region)**

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Smoking Green Valley City/County: TRI Sampling Date: 04/01/20
 Applicant/Owner: Severin Stoyanov State: CA Sampling Point: 1
 Investigator(s): Jack Henry Section, Township, Range: SW 1/4 20, T2S, R7E, H1B&M
 Landform (hillslope, terrace, etc.): valley bottom Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): A Lat: 40.27659 Long: -123.41499 Datum: NAD83
 Soil Map Unit Name: 250 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No X (If no, explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u> </u> No <u>X</u>
Hydric Soil Present?	Yes <u> </u> No <u>X</u>	
Wetland Hydrology Present?	Yes <u>X</u> No <u> </u>	
Remarks: <u>Rainfall in 2019-20 year is below average. See Ag ACIS graph.</u>		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u> </u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u> </u> (A) Total Number of Dominant Species Across All Strata: <u> </u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u> </u> (A/B)
1. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
2. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
3. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
4. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
5. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
<u> </u> = Total Cover				Hydrophytic Vegetation Indicators: <u>X</u> 1 - Rapid Test for Hydrophytic Vegetation <u> </u> 2 - Dominance Test is >50% <u> </u> 3 - Prevalence Index is ≤3.0 ¹ <u> </u> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u> </u> 5 - Wetland Non-Vascular Plants ¹ <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Sapling/Shrub Stratum (Plot size: <u> </u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
2. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
3. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
4. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
5. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
<u> </u> = Total Cover				
Herb Stratum (Plot size: <u>r = 1m²</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Adiantum patens</u>	<u>70</u>	<u>D</u>	<u>OBL</u>	
2. <u>Holcus lanatus</u>	<u>5</u>	<u> </u>	<u>FAC</u>	
3. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
4. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
5. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
6. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
7. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
8. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
9. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
10. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
11. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
<u>75</u> = Total Cover				
Woody Vine Stratum (Plot size: <u> </u>)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present? Yes <u>X</u> No <u> </u>
1. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
2. <u> </u>	<u> </u>	<u> </u>	<u> </u>	
<u> </u> = Total Cover				
% Bare Ground in Herb Stratum <u>30%</u>				
Remarks: <u> </u>				

Sampling Point: _____

HYDROLOGY

014

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Smoking Green Valley City/County: TRI Sampling Date: 04/01/20
 Applicant/Owner: Severin Stoyanov State: CA Sampling Point: SP2
 Investigator(s): J. Henry Section, Township, Range: SW 1/4 20, T2S, R7E, H34M
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): A Lat: 40.27657 Long: -123.41525 Datum: NAD83
 Soil Map Unit Name: 250 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Remarks: <u>Rainfall is below average for 2019-20 year</u>		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)														
1. _____																		
2. _____																		
3. _____																		
4. _____																		
_____ = Total Cover				Prevalence Index worksheet: <table border="0"> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> <tr> <td>OBL species _____</td> <td>x 1 = _____</td> </tr> <tr> <td>FACW species _____</td> <td>x 2 = _____</td> </tr> <tr> <td>FAC species _____</td> <td>x 3 = _____</td> </tr> <tr> <td>FACU species _____</td> <td>x 4 = _____</td> </tr> <tr> <td>UPL species _____</td> <td>x 5 = _____</td> </tr> <tr> <td>Column Totals: _____</td> <td>(A) _____ (B) _____</td> </tr> </table> Prevalence Index = B/A = _____	Total % Cover of:	Multiply by:	OBL species _____	x 1 = _____	FACW species _____	x 2 = _____	FAC species _____	x 3 = _____	FACU species _____	x 4 = _____	UPL species _____	x 5 = _____	Column Totals: _____	(A) _____ (B) _____
Total % Cover of:	Multiply by:																	
OBL species _____	x 1 = _____																	
FACW species _____	x 2 = _____																	
FAC species _____	x 3 = _____																	
FACU species _____	x 4 = _____																	
UPL species _____	x 5 = _____																	
Column Totals: _____	(A) _____ (B) _____																	
_____ = Total Cover																		
Sapling/Shrub Stratum (Plot size: _____) 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ _____ = Total Cover																		
Herb Stratum (Plot size: <u>1 m²</u>) 1. <u>Mentha pulegium</u> <u>10</u> <u>D</u> <u>OBL</u> 2. <u>Lythrum hyssopifolium</u> <u>5</u> <u>D</u> <u>OBL</u> 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____ 11. _____ _____ = Total Cover																		
Woody-Vine Stratum (Plot size: _____) 1. _____ 2. _____ _____ = Total Cover																		
% Bare Ground in Herb Stratum <u>40%</u> _____ = Total Cover																		
Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>																		
Remarks:																		

Sampling Point: SP2

HYDROLOGY

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)	
<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)	
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)	
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)	
<input checked="" type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)	
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)			
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)			
Field Observations: Surface Water Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (Inches): <u>4"</u> Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (Inches): <u>Surface</u> Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (Inches): <u>0" ↓</u>		Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks:			

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Smoking Green Valley City/County: TRI Sampling Date: 04/01/20
 Applicant/Owner: Severin Stoyanov State: CA Sampling Point: SP3
 Investigator(s): J. Henry Section, Township, Range: SW 1/4 20, T2S, R7E, H34M
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): A Lat: 40.27641 Long: -123.41579 Datum: NAD83
 Soil Map Unit Name: 250 NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Remarks: <u>Rainfall is below average for 2019-20 rain year. See Ag ACS graph in report.</u>		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>66%</u> (A/B)
1. _____				
2. _____				
3. _____				
4. _____				
= Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>r=15'</u>)				
1. <u>Salix spp.</u>	<u>15</u>	<u>DOM</u>	<u>FACW</u>	
2. _____				
3. _____				
= Total Cover				
Herb Stratum (Plot size: <u>r=5'</u>)				Hydrophytic Vegetation Indicators: <u>No</u> 1 - Rapid Test for Hydrophytic Vegetation <u>No</u> 2 - Dominance Test is >50% <u>No</u> 3 - Prevalence Index is ≤3.0' 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) 5 - Wetland Non-Vascular Plants ¹ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Holcus lanatus</u>	<u>30</u>	<u>D</u>	<u>FAC</u>	
2. <u>aira-caryophylla</u>	<u>40</u>	<u>D</u>	<u>FACU</u>	
3. <u>hordeum marinum</u>	<u>20</u>	<u>-</u>	<u>FAC</u>	
4. <u>poa pratensis</u>	<u>20</u>	<u>-</u>	<u>FAC</u>	
5. <u>juncus effusus</u>	<u>10</u>	<u>-</u>	<u>FACW</u>	
6. <u>centaurea solstitialis</u>	<u>5</u>	<u>-</u>	<u>UPL</u>	
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
62.5/25 = Total Cover				
Woody Vine Stratum (Plot size: _____)				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1. _____				
2. _____				
= Total Cover				
% Bare Ground in Herb Stratum <u>20%</u>				
Remarks:				

Sampling Point: SP3

HYDROLOGY

Western Mountains, Valleys, and Coast – Version 2.0

Attachment C

California Historical Resources Information System Search & Cultural Resources Investigation

Attachment D

DTSC EnviroStor Map

Cleanup Sites

- ## Tools

[SHARE THIS MAP](#)

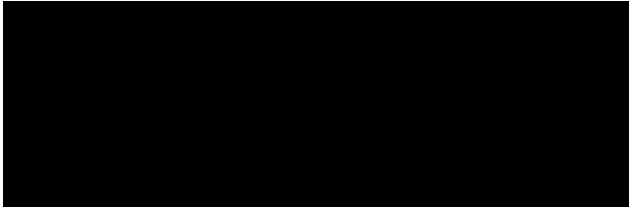
Attachment E

SWRCB Cannabis General Order Notice of Applicability

North Coast Regional Water Quality Control Board

July 28, 2020

WDID:1_53CC425894



Subject: Notice of Applicability - Waste Discharge Requirements Water Quality
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

200728_1L_1_53CC425894_Smoking_Green_Valley_LLC_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, SMOKING GREEN VALLEY LLC, TRINITY COUNTY APN(s) 020-510-20-00

Smoking Green Valley LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on July 07, 2020, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_53CC425894**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note

that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;

- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by October 04, 2020, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Adam McKannay, California Department of Fish and Wildlife,
adam.mckannay@wildlife.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Kristy Anderson, Trinity County Environmental Health,
kanderson@trinitycounty.org

Attachment F

Floodplains Map

Attachment G

Cannabis Waste Composting Management Plan



Cannabis Waste Composting Management Plan

Smoking Green Valley, LLC is committed to a composting approach that prevents the diversion of THC-containing materials from the site, protects the health and welfare of the community, mitigates the risk of water or air pollution, prevents the spread of disease, and conserves natural resources. The composting operation will strictly adhere to the detailed Smoking Green Valley, LLC Odor Control Plan and ensure that all stages of the composting protocol will not impact air quality.

Smoking Green Valley, LLC will maintain accurate and comprehensive records that account for and reconcile all waste activity related to the composting of cannabis and cannabis products. All composting of cannabis waste on the licensed premises will be done in compliance with state requirements.

Cannabis Waste: Refers to any part of the cannabis plant that is unusable or not processable, as well as expired or contaminated plant material, diseased or infested cannabis plants, and harvested cannabis that does not meet the testing standards of the regulating authority and cannot be remediated. This term also applies to solid derivative products containing cannabis that are to be discarded for any reason.

Smoking Green Valley, LLC will take active measures to prevent diversion, misuse, loss or contamination of its cannabis waste by implementing the following procedures:

Minimize Excess Production: Smoking Green Valley, LLC will not produce or maintain quantities of cannabis in excess of what is needed for normal, efficient operation and to anticipate client needs.

Monitored and Quarantined Storage: Prior to composting, cannabis waste will be securely stored in a locked compartment and kept quarantined from all usable cannabis to prevent contamination.

Odor Control: As explained in the Smoking Green Valley, LLC Odor Control Plan, the composting protocol system will be enclosed and equipped with all the needed technology to render air leaving the composting enclosed bin odor free.

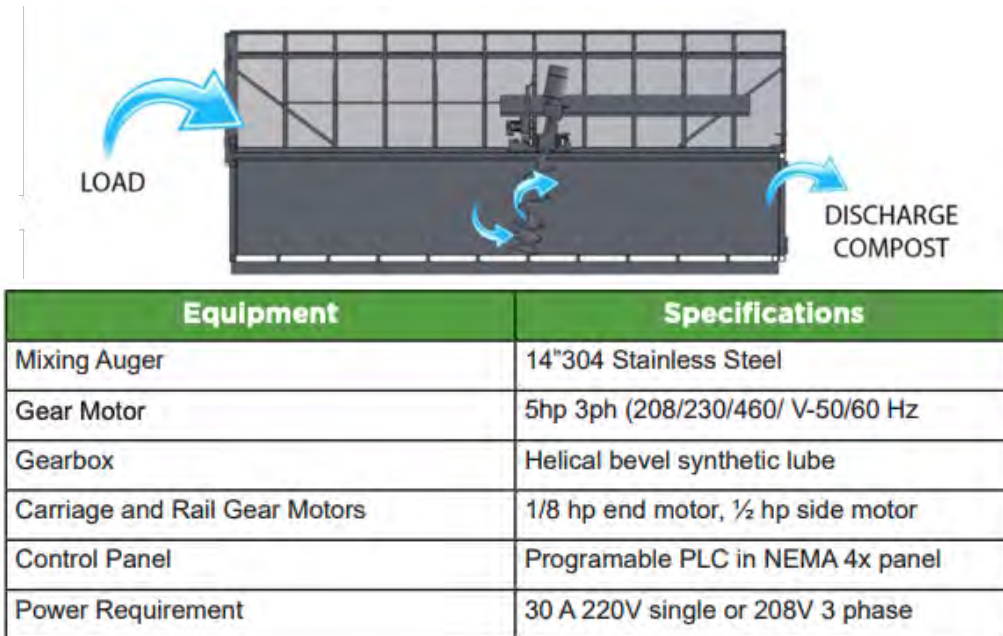
Compost Management: Composting can be a somewhat tricky process to successfully

render organic material into a state which can be beneficial to reuse. Therefore, at Smoking Green Valley LLC we will be using a composting area for organic cannabis waste.

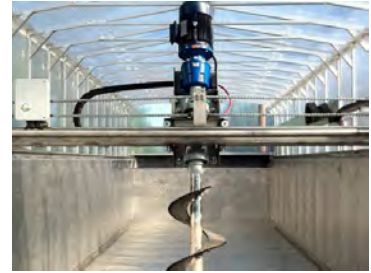
Inventory Control: All cannabis waste placed into the composting system will be recorded in the Inventory Control System (ICS), including the date and time of compost initiation and the employee or manager responsible.

Composting of Solid Cannabis Waste

Smoking Green Valley, LLC or a third-party composting service may use a composting system similar to what is shown below. This type of system enables cannabis solid waste to be loaded on one end of the vessel and finished product (usable healthy composted plant material) discharged from the opposite end. The traveling auger slowly migrates compost toward the discharge end of the vessel. This type of composting system can easily be integrated into any new or existing vessel or structure and custom sized to meet specific volume requirements. The size of the composting system will be 20'x20'.



- All cannabis that is not usable for composting will be disposed of within ten calendar days of expiration or removal from the regular inventory.
- Mixing will be overseen by a trained authorized employee in a limited access area.
- Cannabis waste to be composted will be securely stored in a limited access area prior to and after mixing.
- Immediately prior to mixing, all cannabis waste will be weighed on a calibrated certified scale that is integrated with the ICS.
- Cannabis waste will be ground up and incorporated with allowed combustible solid waste or other organic materials to a resulting mixture that is at least 50% non-cannabis waste by volume.



- 1.) Proposed Three 30' x 100' Greenhouses - Mature & Cannabis Waste Tilling Area
- 2.) Proposed 30' x 100' Greenhouse - Immature & Cannabis Waste Tilling Area
- 3.) Proposed 20' x 20' Cannabis Waste Area - Storage for On-Site Tilling
- 4.) Proposed 32' x 80' Building - Harvest Storage (10'x30'), Processing (80'x30'), Admin Hold Area (10'x30'), Ag. Chemical/Pesticide Storage (12' x 12')

Parcel Boundary
Premises Boundary

APN:
020-510-20-00

Remaining Portion of Parcel is
Unused

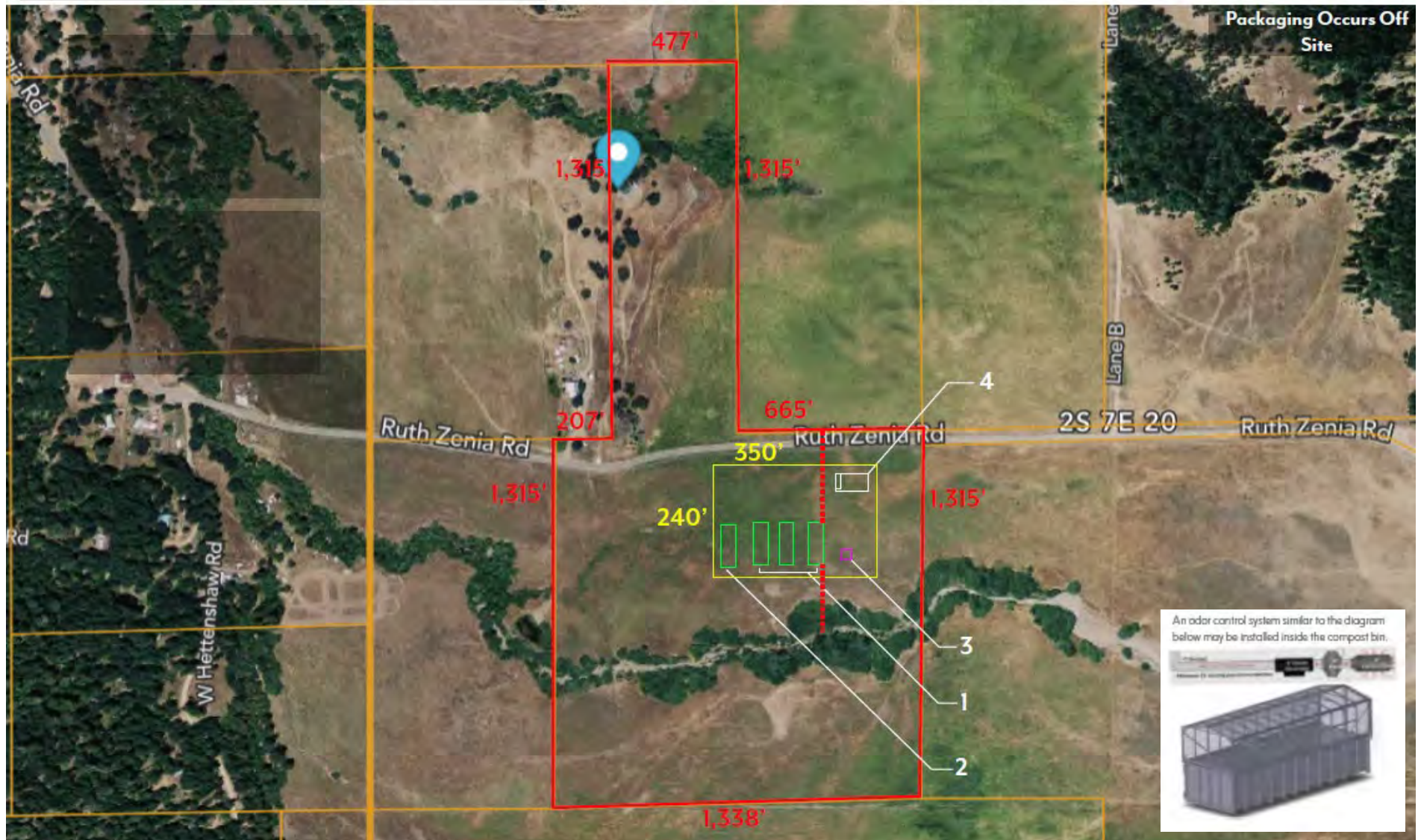
Mature Canopy Area: Immature Canopy Area:

30' x 100' = 3,000'(3)

30' x 100'

= 9,000 sq. ft.

= 3,000 sq. ft.



Attachment H

Site Management Plan

Site Management Plan

(Tier 1, Low Risk)

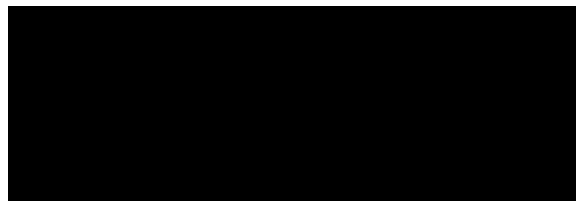
Trinity County, CA

APN: 020-510-20-00

WDID: 1_53CC425894



Prepared April 2022
Flowra Environmental
Services Team,



Order of Contents:

- **Purpose**
- **Statement of Limiting Conditions**
- **Tier Designation**
- **Scope**
- **Methodology**
- **Property Description**
- **General Locator Map**
- **Guidelines for Compliant Cultivation**
 - Land Development and Maintenance, Erosion Control, and Drainage Features
 - Cleanup, Restoration, and Mitigation & Stream Crossing Installation and Maintenance
 - Soil Disposal and Spoils Management & Cultivation Related Waste
 - Riparian and Wetland Protection and Management
 - Water Storage and Use
 - Fertilizers, Pesticides, and Petroleum Products
 - Refuse and Domestic Waste
 - Annual Winterization Measures
- **Site Maps**
 - Orthographic Imagery
 - Topographic Imagery
- **Mitigation Report**
- **Applicable BPTC's**
- **Monitoring and Reporting**
- **Attachments**
 - Pictures
 - Fertilizers, Pesticides, Herbicides, and Rodenticide Information
 - Petroleum Product Information
 - Cannabis Cultivation Policy: Attachment A, Section 1: General Requirements and Prohibitions
 - Cannabis Cultivation Policy: Attachment A, Section 2: Requirements Related to Water Diversion and Waste Discharge for Cannabis Cultivation
 - Order WQ 2019-001-DWQ: Attachment D: Technical Report Guidance, Example Nitrogen Reporting Form

Purpose:

This Site Management Plan has been developed for a proposed Commercial Cannabis operation in Trinity County, California on behalf of Severin Stoyanov and the property identified as APN 020-510-20-00. This document is in response to the State Water Resources Control Board Cannabis Cultivation Policy (Cannabis Policy), in agreement with Order WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order). The Cannabis Policy provides a statewide tiered approach for permitting discharges of waste related to cannabis cultivation and associated activities, establishes a personal use exemption standard, and provides conditional exemption criteria for activities with a low threat to water quality.

Pursuant to California Water Code Section 13260 (a) (State Water Resources Control Board 2017):

“...any person, citizen, or domiciliary discharging waste or proposing to discharge within any region, other than to a community sewer system, that could affect the quality of water of the State, file a waste discharge report (WDR) to obtain coverage under WDRs or a waiver of WDRs. Waste, person, and domiciliary are defined in Water Code Section 13050.”

Pursuant to Water Code Section 13269, the State Water Board or the Regional Board can conditionally waive WDR requirements given the following conditions:

- The waiver is consistent with the Regional Basin Plan
- The waiver is in the public interest
- A public hearing is held
- The waiver is recognized as conditional, terminable at any time
- The discharge and Discharger will comply with the conditions contained in Order WQ 2019-0001-DWQ (General Order)

Statement of Limiting Conditions:

1. Flowra does not assume any liability for the use or misuse of the information contained in this document.
2. The information contained within this document is based upon conditions apparent to the Flowra Environmental Services Team at the time of the property assessment. Changes to conditions on the property due to land use activities or environmental factors occurring after the assessment have not been included in this document.
3. All visual data included in this document are for illustrative purposes only. The scales of included maps are approximate and are not to be used for locating or establishing boundary lines.
4. Property conditions detailed within this document may differ from those made by other entities, due to activities occurring before or after the Flowra Environmental Services Team assessed the property. Property-specific details are not guaranteed against such differences.
5. Flowra did not conduct or subcontract a legal survey of the property for the purposes of this document.
6. Flowra will not, under any circumstances, discuss, reproduce, or disclose any information contained within this document without the consent of the client for which it was prepared.

Flowra

Environmental Services Team

Tier Designation:

The quantity of disturbed area located on the property will be the determining factor in assigning tier designation. Tier 1 outdoor cannabis Cultivators disturb an area equal to or greater than 2,000 ft², and less than 1 acre (43,560 ft²). Tier 2 outdoor cannabis Cultivators disturb an area equal to or greater than one acre. Risk designation for Tier 1 and Tier 2 cannabis Cultivators under the Cannabis Policy is based on the slope of the disturbed areas, and the distance from jurisdictional surface water bodies.

Disturbed areas may include, but are not limited to road construction areas, buildings, areas of water storage, excavation sites, grading sites, areas where the site has been cleared, cultivation areas, and storage areas (soil, and soil amendments).

Access roads that are designed, constructed, and maintained, or are reconstructed consistent with the Handbook for Forest, Ranch, and Rural Roads (Road Handbook), and that implement the interim and long-term erosion prevention and soil stabilization measures contained in Attachment A, are not considered disturbed areas for the purpose of tier determination under the Cannabis Cultivation General Order.

Low Risk	Moderate Risk	High Risk
<ul style="list-style-type: none">• No portion of the disturbed area is located on a slope greater than 30%, and• All of the disturbed area complies with the setback requirements.	<ul style="list-style-type: none">• Any portion of the disturbed area is located on a slope greater than 30%, and• All of the disturbed area complies with the setback requirements.	<ul style="list-style-type: none">• Any portion of the disturbed area is located within the setback requirements.

Scope:

The purpose of the Site Management Plan is to describe how the Cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the General Order. Cannabis Cultivators operating within the North Coast Regional Water Board's jurisdiction are required to address legacy waste discharge issues, including those that are not related to cannabis cultivation. While Site Management Plans may contain an implementation schedule, all work must be completed by the onset of the Winter Period (from November 15 to April 1, except as noted under special County Rules in California Code of Regulations, title 14, sections 925.1, 926.18, 927.1, and 965.5.) each year. The cannabis Cultivator shall confirm that all personnel operating at the site are familiar with the contents of the General Order and all technical reports prepared for the property to ensure compliant operation. Additionally, pursuant to the "Standard Provisions for All Dischargers," a copy of the General Order, and technical reports required by the General Order, shall be kept on site at all times, and in a manner which makes it immediately presentable upon request. Electronic copies of these documents are considered acceptable for these purposes. Technical report requirements based on site-specific conditions are listed in the table below.

Tier	Risk	Technical Reports¹
Conditionally Exempt ²	N/A	Site Closure Report ³
Tier 1	All	Site Management Plan
Tier 1	Moderate	Site Erosion and Sediment Control Plan ⁴
Tier 1	High	Disturbed Area Stabilization Plan ⁵
Tier 1	All	Site Closure Report ³
Tier 2	All	Site Management Plan
Tier 2	Moderate	Site Erosion and Sediment Control Plan ⁴
Tier 2	High	Disturbed Area Stabilization Plan ⁵
Tier 2	All	Nitrogen Management Plan ⁶
Tier 2	All	Site Closure Report ³

¹ See the Provisions section of the General Order for the report content requirements.

² Some conditionally exempt facilities (including personal use exemption) may have to enroll as a Tier 1 or Tier 2 site if it no longer meets the exemption criteria. If so, the (formerly) conditionally exempt facilities shall submit the technical reports and monitoring reports associated with their tier status.

³ A Site Closure Report is required prior to ending cannabis cultivation at a site. Also see the Notice of Termination (Attachment C).

⁴ A Site Erosion and Sediment Control Plan is required when any portion of the disturbed area is located on a slope greater than 30%.

⁵ A Disturbed Area Stabilization Plan is required when any portion of the disturbed area, including areas disturbed upon initial site development, are located within the Disturbed Area Setbacks presented in Attachment A. Access roads and water crossings designed, constructed, and maintained consistent with the Road Handbook and Attachment A, are not considered disturbed areas.

⁶ A Nitrogen Management Plan is required when the cultivation area, or aggregate of cultivation areas, exceeds one acre.

Methodology:

The methods used to develop this Site Management Plan included both field and office components. The office component consisted of the following: reviewing aerial photography associated with the project area, existing USGS quadrangle map review, Trinity County Water Resources review to determine an environmental setting with a focus on water resources, analysis of data acquired by Flowra personnel such as G.I.S. mapping of field data, and review of on-site photographs. The field component consisted of identifying, assessing, and gathering information on the roads, cultivation-related buildings, disturbed areas, cultivation areas, legacy features, Waters of the State, water storage and transportation infrastructure, watercourse crossings, drainage features, and all other relevant features located on the property (as feasible), to ensure compliance with discharged and related controllable water quality factors. The site was assessed pursuant to the "Requirements Related to Water Diversion and Waste Discharge for Cannabis Cultivation," and site-specific applicability of BPTC's. A general categorical reference table for applicable BPTC's is provided in the table on the following page.

BPTC Category	Sub-Category	BPTC Measure
Land Development and Maintenance, Erosion Control, and Drainage Features	A. Limitations on Earth Moving B. Construction Equipment Use and Limitations C. Erosion Control D. Access Road/Land Development and Drainage E. Drainage Culverts	A. 1-5 B. 6-7 C. 8-14 D. 15-29 E. 30-31
Cleanup, Restoration, and Mitigation	-----	32- 37
Stream Crossing Installation and Maintenance	A. Limitations on Work in Watercourses and Permanently Poned Areas B. Temporary Watercourse Diversion and Dewatering: All Live Watercourses C. Watercourse Crossings	A. 38-41 B. 42-47 C. 48-56
Soil Disposal and Spoils Management	-----	57-62
Riparian and Wetland Protection and Management	-----	63-64
Water Storage and Use	A. Water Supply, Diversion, and Storage B. Water Conservation and Use C. Irrigation Runoff	A. 65-94 B. 95-98 C. 99-102
Fertilizers, Pesticides, and Petroleum Products	A. Fertilizers, Pesticides, and Petroleum Products B. Fertilizers and Soils C. Pesticides and Herbicides D. Petroleum Products and Other Chemicals	A. 103-110 B. 111-113 C. 114-115 D. 116-118
Cultivation-Related Waste	-----	119-122
Refuse and Domestic Waste	-----	123-125
Winterization	-----	126-134

Property Description:

The project site is located at 10381 Ruth Zenia Road, approximately 4.9 miles west of Ruth, on a 51.08-acre parcel (See Figure 1). The parcel is zoned as Unclassified (UNC) and designated as Agricultural (A) under the Trinity County General Plan. Land uses in the vicinity of the subject parcel consists of dispersed private residential land holdings, agriculture, cattle ranches, and the Six Rivers National Forest. Elevation across the property ranges from 3,121 feet above mean sea level (AMSL) in the near the center to 3,190 feet AMSL in the northernmost region. Topography of the parcel is flat to gently sloping with grades of 0-10%. A Class II tributary to the Van Duzen River flows west across the parcel, continuing for another 0.25 miles before draining into the river. There are also two wetlands on the property. One wetland of about 4.7 acres lies north of the cultivation and concentrates to form a Class III channel its southwest corner. A smaller wetland lies southeast of the cultivation and is approximately 0.17 acres (see Figure 2).

No cannabis cultivation is occurring onsite. The proposed cultivation area will consist of four 30'x100' greenhouses: one for immature plants and three for mature plants which amounts to a total cultivation area of 12,000 square feet (ft²) (see Figure 3). Supporting structures related to the cultivation will include the following:

- a 20'x20' cannabis waste area
- a 32'x80' building for harvest storage (10'x30'), processing (80'x30'), administrative hold (10'x30'), and agricultural chemical/pesticide storage (12'x12')
- one 2,500-gallon and (11) 5,000-gallon water storage tanks
- a proposed 100'x100' rain catchment pond (agriculture)
- a seep well for agricultural and domestic uses (Registration # H509566)

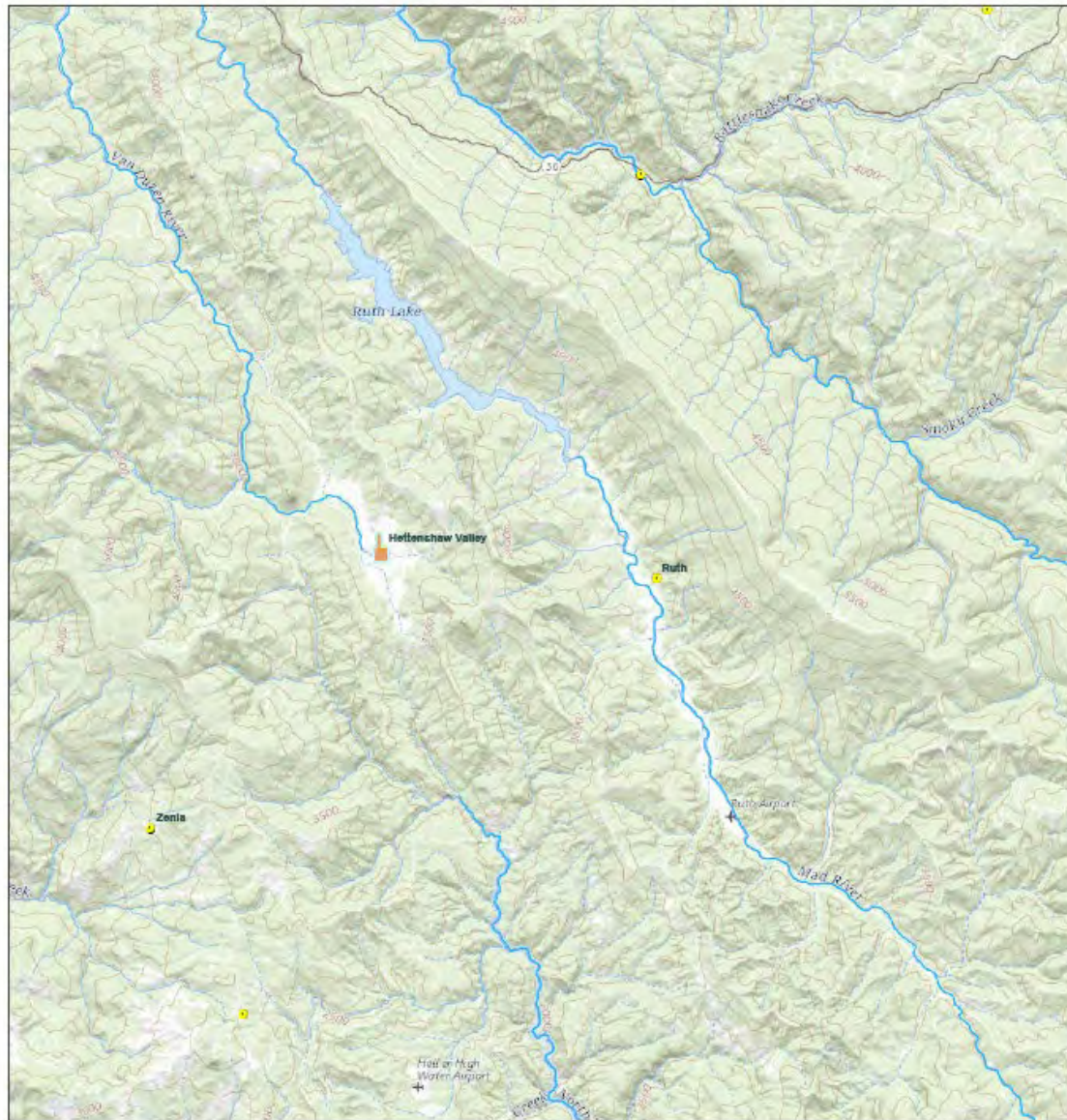
Cultivation-related structures and proposed rain catchment pond are concentrated on the eastern side of the parcel south of Ruth Zenia Road and amount to a total disturbed area of approximately 24,960 ft² (see table below).

Cultivation Area	Disturbed Area (ft²)	Cultivation Area¹ (ft²)	Hillslope (%)
A	12,000	3,000 (I)	5
B	10,000	9,000 (M)	5
C	2,960		
D			
Total:	24,960	12,000	N/A

¹ Cultivation area is described as definable space containing cannabis cultivation at the time of the assessment and does not reflect the permitted cannabis canopy area.

I= Immature canopy. M= Mature canopy.

Figure 1: Locator Map



July 21, 2020

1:144,448
0 1.25 2.5 5 mi
0 2 4 8 km

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset;

Land Development and Maintenance, Erosion Control, and Drainage Features:

The county-maintained Ruth Zenia Road passes through the center of the parcel from east to west and private access roads provide access to the remainder of the property. Roads assessed by the Flowra Environmental Services Team were in good condition with no rock surfacing and were determined to have low soil erodibility. Estimated vehicle traffic is anticipated to be once per day. This information will be used in conjunction with the Roads Handbook to determine road surface/drainage ditch break frequency (see table below).

Soil Erodibility	Road Gradient (%) and drainage structure spacing (feet)				
	0-3	4-6	7-9	10-12	>12
High to Moderate	250	160	130	115	100
Low	400	300	250	200	160

Recommended maximum rolling dip and ditch relief culvert spacing, in feet, based on road gradient and soil erodibility.

Currently, stormwater is partially drained from road surfaces via outslowing. While access roads are generally in good condition, they lack adequate amounts of surfacing materials and minor potholes were observed. Additional surfacing materials such as crushed rock/gravel, chip-seal, or lignin shall be applied to all permanent use roads to prevent excessive wear and erosion associated with vehicle use during the winter months. Potholes shall be filled in to ensure proper drainage.

No legacy waste discharge issues were observed onsite.

The proposed cultivation area will consist of three 30'x100' greenhouses for mature plants and one 30'x100' greenhouse for immature plants. Structures will be installed on a relatively flat open pasture. No significant signs of erosion were observed.

Any ground-disturbing activities shall occur outside the winter period, between April 1st and November 15th. Interim erosion and sediment control measure shall be installed within seven days of completion of any ground-disturbing activities.

All erosion prevention and control devices and associated maintenance shall be inspected and repaired (as feasible) prior to and in conjunction with winter monitoring efforts, as described under the "Monitoring and Reporting" section of this document. The purpose of this is to ensure that proper placement, installation, and functionality remain intact prior to and throughout the winter period.

Cleanup, Restoration, and Mitigation & Stream Crossing Installation and Maintenance:

Site development and installation of proposed structures may result in exposed soils. To prevent erosion and sediment discharge from the cultivation area or any other disturbed areas, exposed soils shall be revegetated at a seasonally appropriate time by applying a native, non-invasive grass seed mix. Seeds shall be covered with a weed-free straw mulch to aid in seed establishment and water infiltration. Exposed soils on flatter areas may be surfaced with gravel as an alternative to seeding.

The use of locally native plants shall be used pursuant to BPTC 9 and to prevent the spread of invasive species. A list of prohibited species can be found in the California Invasive Pest Plant Council's database at www.cal-ipc.org/plants/inventory.

Four culverts were observed onsite: two parallel 48" corrugated metal pipe (CMP) culverts under the residence driveway and one 24" CMP ditch relief culvert for county-maintained Ruth Zenia Road, all of which were in good condition at the time of the site assessment. The fourth culvert, a 60" CMP situated near the driveway of the neighboring parcel to the west (but appears to be onsite), was partially crushed and in need of repair. Culverts shall be inspected after major storm events and cleared of any sediment and debris to prevent clogging. The Cultivator submitted a Notification of Lake or Streambed Alteration (LSA/1600) to the California Department of Fish and Wildlife on January 10, 2020. A draft LSA Agreement was received on December 17, 2021, for the seep well diversion on an unnamed tributary to the Van Duzen River. All terms of the LSAA shall be followed.

Soil Disposal and Spoils Management & Cultivation Related Waste:

No improperly stored spoils or soil were observed during the property assessment. Soils and spoils created through future land development and/or maintenance activities shall be stored properly, in accordance with BPTC's 57-62. Such materials shall be stored outside of riparian setbacks (except as needed for immediate use), and in a manner that prevents their discharge into stormwater or Waters of the State. Soil storage methods include seeding and mulching piles to bind in place or covering piles with tarps and berming the perimeter. Straw wattles can be used as a berm to contain materials and prevent sediment discharge in stormwater flow. Alternatively, soils may be transported offsite to an appropriate waste transfer facility.

No cultivation-related wastes were found onsite no cultivation is occurring. Cultivation-related wastes such as tarps, soil bags, and empty nutrient containers are required to be stored in a location and manner that prevents their transport into surface waters or leaching into groundwater. The Cultivator shall continue to collect all wastes and store them in a secure location outside of riparian setbacks until properly disposed of offsite.

The Cultivator shall be aware that the use of monofilament netting is banned property-wide for all current and future activities due to the possibility of wildlife entrapment. Any existing monofilament netting shall be collected and properly disposed of at an appropriate waste transfer facility. Alternatively, non-synthetic materials such as jute or coir (coconut) fiber with a loose-weave mesh shall be used.

Organic cultivation-related wastes will be stored within the 20'x20' cannabis waste area until tilled back into soils (see Figure 3). While the incineration of organic waste is an acceptable form of disposal with the necessary permits, burning of cannabis materials is strictly prohibited in Trinity County. Composting is encouraged, though the Cultivator may alternatively choose to transport organic wastes offsite to appropriate waste transfer facility.

Synthetic cultivation-related wastes will be stored in trash bins until hauled biweekly to the Van Duzen Transfer Station. Such wastes shall be collected and stored securely to prevent access to scavenging wildlife and transportation into waterways.

Riparian and Wetland Protection and Management:

The access road leading to the water tanks and seep well in the northeastern corner of the parcel is within the riparian setback of a wetland. This road shall be surfaced with an appropriate material such as gravel to prevent sedimentation in the wetland. No other disturbed areas were observed within riparian setbacks. The Cultivator shall continue to collect all trash, cannabis, petroleum products, and agricultural chemicals to prevent them from entering riparian setbacks. Any exposed soils resulting from the removal of these items shall be seeded and straw mulched until the grass takes root, binding the soil in place and preventing erosion and subsequent delivery into Waters of the State.

Water Storage and Use:

Domestic and agricultural water demand on the property is currently met by a seep well; a rain catchment pond for agricultural use is proposed (see Figure 2). At present, there are no meters installed to track the use of water for cannabis irrigation. A metering device to monitor water usage shall be installed and implemented as soon as possible to record all water used for the irrigation of cannabis. Monthly water usage shall be recorded and stored on-site for a minimum of five years. Such records shall be readily available for presentation upon request from any relevant government personnel.

Water for the cultivation is currently stored in one 2,500-gallon and (11) 5,000-gallon water storage tanks for a total water storage capacity of 57,500 gallons (see Figure 2). The proposed rain catchment pond will have an estimate storage capacity of 1,000,000 gallons. All water storage tanks were found to have lids in place to prevent the access and possible entrapment of scavenging wildlife in the immediate area. Tank lids shall be kept closed when not in immediate use, and any tanks without lids shall be retrofitted to be completely sealed off from the surrounding environment. Overflow prevention measures shall be installed on diversion infrastructure or water storage tanks to prevent the overflowing of the tanks and waste of diverted waters. Once cultivation begins, drip irrigation will be implemented to conserve water use. Other water conservation measures such as, morning or evening watering, mulching, or cover cropping of cultivated topsoil shall also be implemented.

At this time, the Cultivator has 57,500 total gallons of water storage installed and an estimated 1,000,000 gallons proposed. This volume of storage is considered sufficient to adhere to the annual forbearance period (April 1st to October 31st). Based on these estimates, the Cultivator is not required to fill additional storage beyond the rain catchment pond to meet the Forbearance Period for the coming season. Less storage may be sufficient if recorded water usage data determine that actual water usage is less than the estimate. Monthly and annual water usage shall be estimated and entered into the table on the table below.

Monthly Water Use (gallons)											
Jan	Feb	Mar	Apr (25%)	May (60%)	Jun (80%)	Jul (100%)	Aug (100%)	Sep (70%)	Oct (20%)	Nov	Dec

Peak Agricultural Usage (GPD):

Annual Agricultural Water Use (gallons):

Cannabis cultivators should be advised that the use of water storage bladders is not encouraged for future use. If bladders are used, the Cultivator shall ensure that the bladder is designed and properly installed and is sited to minimize the potential for hydrologic connectivity in the event of a catastrophic failure. Additionally, water storage bladders are required to have a secondary containment system with sufficient capacity to capture 110% of the bladder's maximum possible contents in the event of a bladder failure, as well as be able to accommodate precipitation and stormwater input from 24 hours of a 25-year storm event if uncovered and able to receive precipitation.

Water meters and water supply infrastructure shall be designed and installed in a manner that allows for the water used for the irrigation of cannabis to be tracked and recorded separately from that used for domestic or fire suppression needs. Additionally, if additional surface water diversions are installed in the future, infrastructure shall be designed/installed in a manner so that each source of diverted waters may be recorded separately. It is the Cultivator's responsibility to design and install water diversion, transportation, storage, and dispersal infrastructure in such a way that meets the above demands for tracking and reporting requirements.

Fertilizers, Pesticides, and Petroleum Products:

Agricultural chemical products will be stored in a 12'x12' area within the 32'x80' building (see Figure 3). Compliant storage of these materials consists of keeping agricultural chemicals separate from petroleum products and storing them within secondary containment basins to prevent them from entering surface waters or leaching into groundwater. Appropriate secondary containment includes totes with well-fitting lids or a shed with an impermeable flooring.

Fertilizers and soil amendments shall be applied per the manufacturer's guidelines. It is the Cultivator's responsibility to ensure that the use of pesticide products on the property is considered appropriate based on the product labeling and instructions.

The Cultivator is responsible for obtaining adequate quantities of absorbent materials, and storing them in all places where fertilizers, pesticides, and petroleum products are stored, mixed, or applied. Should a spill of the above products occur, the Cultivator shall ensure that absorbent materials are applied immediately and given enough time to absorb as much of the spilled product as possible. They shall then both be removed, and properly disposed of at an appropriate facility. A sealed trash can with cat litter is considered acceptable storage of absorbent materials to be used in a spill scenario.

Refuse and Domestic Waste:

Both agricultural and domestic waste will be generated onsite as there will be two permanent residents and one visitor per week. No seasonal employees are anticipated at this time. The number of residents, monthly visitors, and employees shall be used to determine appropriate waste holding infrastructure and disposal frequency.

Domestic waste generated onsite will be stored in bins until hauled biweekly to the Van Duzen Transfer Station. Such wastes are required be stored in an enclosed structure that prevents access to scavenging wildlife and transportation of wastes into Waters of the State via wind or overland flows.

Human waste generated onsite will be treated via a permitted septic system. It is the Cultivator's responsibility to ensure that the containment and treatment of human waste is completed in a manner that is in accordance with all applicable laws and ordinances.

Annual Winterization Measures:

Annual winterization measures include all steps necessary to secure the property and all loose materials prior to the onset of the winter period. These steps include general cleanup to prevent the delivery of rubbish, sediment, and synthetic materials into Waters of the State, and precautionary steps required to ensure proper functionality of all necessary drainage features throughout the winter period.

- Any and all exposed soils present throughout the property, including those created by winterization activities, shall be seeded and straw mulched to stabilize the soil in place, and prevent sediment delivery into Waters of the State.
- All culvert inlets and outlets, trash racks, and similar devices shall be cleared of all debris and sediment which may cause plugging and subsequent overtopping.
- All culvert outlets shall be inspected to ensure that erosion is not undermining the culvert.
- All wheel ruts, rills, gullies, or other imperfections which prevent proper road surface drainage are to be repaired prior to the onset of the winter period to mitigate damage caused by the channelization of water on the road surface.
- All sediment control and capture features shall be maintained as required to ensure continued functionality throughout the winter period.
- All fertilizers, pesticides, and petroleum products are required to be stored in secured areas outside of all riparian setbacks, with adequate top-cover and secondary containment.
- Chemical toilets are required to be removed from the property until the onset of the following cultivation season, or, serviced and left unused during the winter periods.
- All water storage tanks and bladders shall be completely sealed from the environment to prevent the access and entrapment of wildlife.
- All trash shall be collected and properly stored or disposed of at a waste transfer facility.
- All synthetic materials capable of being transported by wind or rain shall be properly stored to ensure transport into Waters of the State is prohibited.
- In areas where temperatures drop below freezing, water supply infrastructure shall be emptied as necessary to prevent the bursting of infrastructure from the expansion of freezing water or insulated to prevent the water from freezing.
- Seasonal access roads shall be temporarily blocked or otherwise closed to all motorized vehicles until the end of the winter period.
- Apply linear sediment controls (e.g., silt fences, straw wattles, etc.) along the toe, face, and grade breaks of exposed slopes.
- Cover and berm all loose stockpiled construction materials (e.g., soil, spoils, aggregate, etc.) that are not scheduled for use within a 48-hour window to prevent the discharge of sediment.

Slope (%)	Sheet Flow Length Not to Exceed (ft)
0-25	20
25-50	15
>50	10

^a Maximum distance between linear sediment control devices related to slope.

Monitoring and Reporting Program:

Pursuant to California Water Code section 13267 a Monitoring and Reporting Program shall be implemented, and monitoring reports will be annually submitted herein by March 1, following the year of monitoring. A letter shall accompany each submission of annual reports noting any violations found during the reporting interval and planned corrective actions or actions taken. Additionally, a penalty of perjury statement will accompany the reports. For Tier I Low Risk operations the annual report will also include:

- Winterization Measures
 - Report procedures, outstanding measures, and a schedule for completion
- Tier Status Confirmation
 - Report any changes to Tier Status
- Third Party Identification
 - Report any changes in Third Party Representation
- Nitrogen Application
 - See appendix E

In addition, retainment of all records and reports is required for a minimum of three years following the report or application date. Pursuant to BPTC's 14, 35, and 98, additional monitoring and reporting records shall be kept on site, and readily available for presentation to inspectors, as shown on the table below.

BPTC Category	BPTC Subcategory & Number	Monitoring & Reporting Requirements
Land Development and Maintenance, Erosion Control, and Drainage Features	Erosion Control, 14	Monitor erosion control measures during and after the following storm events: <ul style="list-style-type: none">• 0.5"/day• 1"/week
Cleanup, Restoration, and Mitigation	35	Develop a revegetation plan that is monitored for 5 years for: <ul style="list-style-type: none">• Exposed/disturbed riparian vegetation areas• Damaged oak trees• Temporary work areas
Water Storage and Use	Water Conservation and Use, 98	Maintain daily records of water use of all water used for cannabis cultivation

Figure 2: Property Map

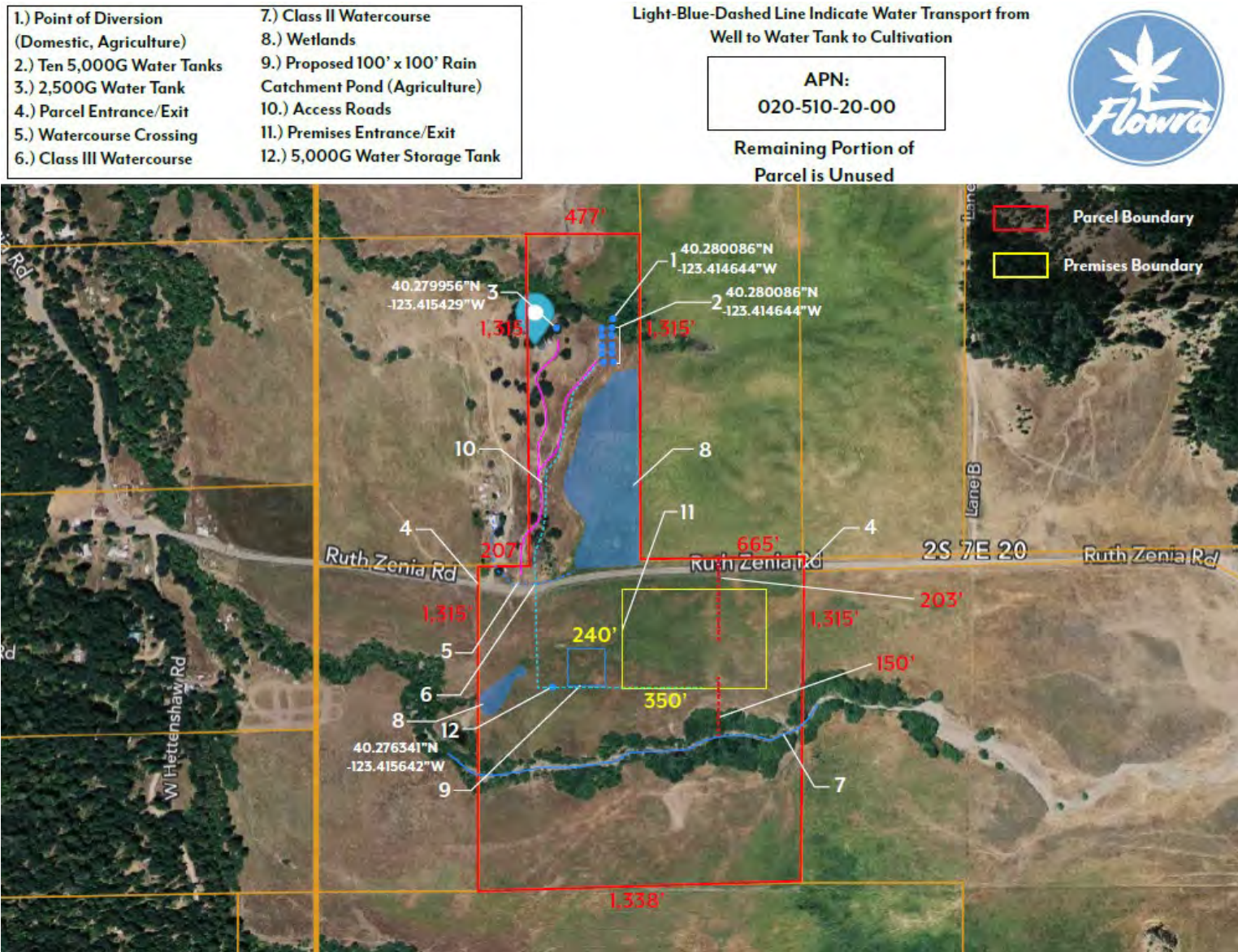
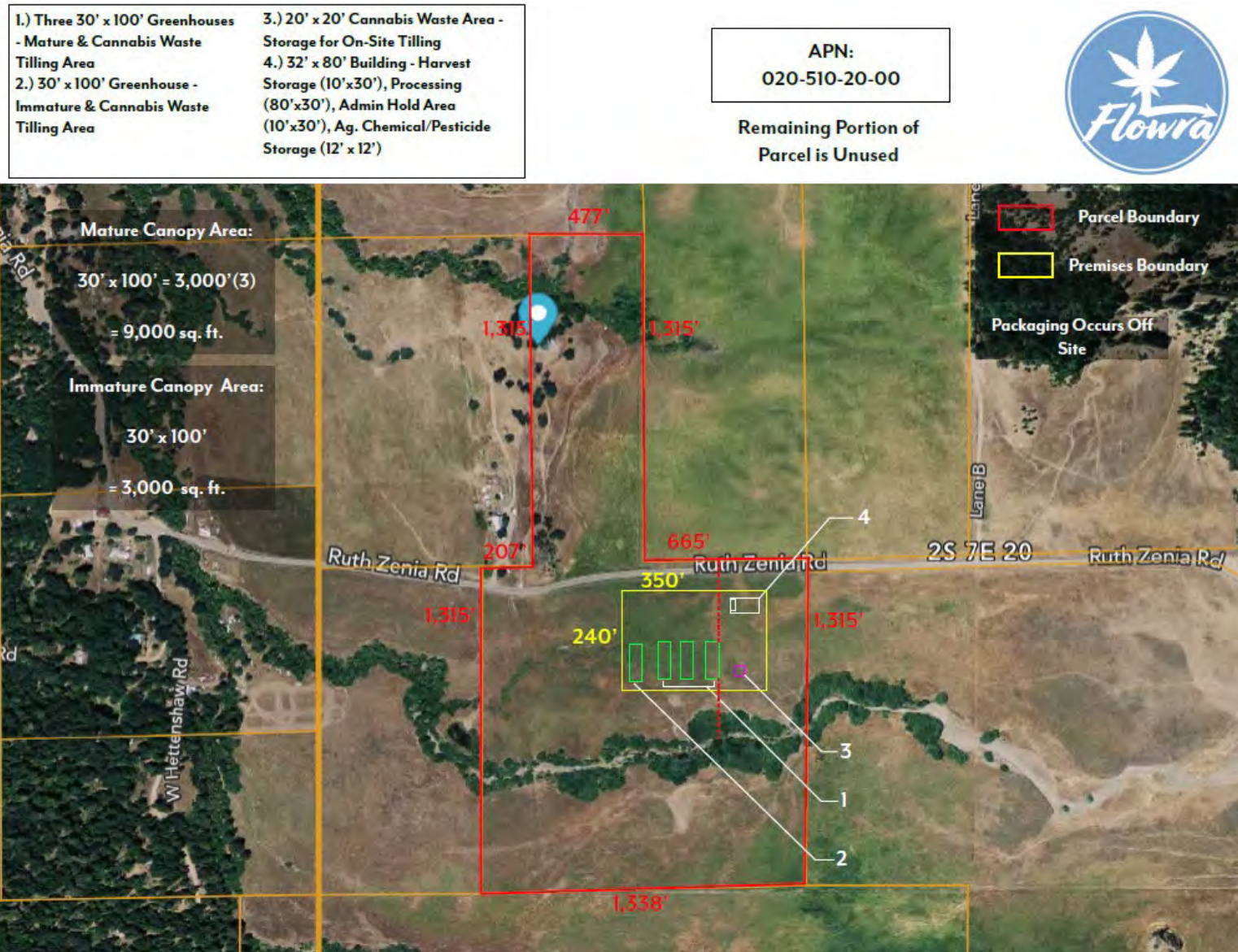


Figure 3: Premises Map



Mitigation Report



APN: 020-510-20-00

Reference Point	Coord. [NAD 83]	Mitigation	LSA	Treatment Priority	Date of Completion
Site 01		X	-	High	
<p>Current Condition: Access roads are generally in good condition but lack adequate surfacing materials to prevent excess erosion and sediment discharge into waterways. Potholes were also observed.</p> <p>The access road leading to the seep well and water tanks in the northeastern corner is within the riparian setback of a wetland.</p>				<p>Treatment: All permanent use roads shall be surfaced with a material such as gravel to stabilize road surfaces and prevent erosion from use during the winter months. Materials such as pavement, lignin, or chip seal are appropriate alternatives.</p> <p>Potholes shall be filled to ensure proper drainage.</p> <p>Particular attention shall be paid to surfacing the access road within the riparian setback of the wetland to prevent sedimentation of the wetland.</p>	
Reference Point	Coord. [NAD 83]	Mitigation	LSA	Treatment Priority	Date of Completion
Site 02		X	-	Moderate	
<p>Current Condition: Exposed soils may result from proposed site development.</p>				<p>Treatment: All exposed soils shall be revegetated with a native, non-invasive grass/herb seed mix to stabilize soils and prevent erosion and sediment discharge. Seeds shall be covered with a weed-free mulch at a rate of two tons per acre to aid in seed establishment and water infiltration.</p> <p>Any land-disturbing activities shall occur outside the winter period, between April 1st and November 15th to prevent excess erosion. Disturbed areas shall be stabilized by revegetation as described above within seven days of completion of land-disturbing activities.</p>	
Reference Point	Coord. [NAD 83]	Mitigation	LSA	Treatment Priority	Date of Completion
Site 03			-	Moderate	
<p>Current Condition: Several culverts were observed onsite.</p>				<p>Treatment: Culverts shall be regularly inspected and maintained.</p> <p>At minimum, the Cultivator shall inspect culverts after major storm events and clear them of any sediment or debris.</p>	
Reference Point	Coord. [NAD 83]	Mitigation	LSA	Treatment Priority	Date of Completion

Site 04		X	-	High (by Nov. 15th)	
Current Condition: N/A				Treatment: Implement annual winterization measures. All annual winterization measures are to be completed by November 15 th of each year to stabilize the property prior to the wet winter season. Please see page 15 for a full list of winterization measures.	

Photos:



Photo #1: Access road conditions



Photo #2: Proposed cultivation area



Photo #3: Water storage tanks



Photo #4: Water storage tanks



Photo #5: Two 48" CMP culverts under the access road and to adjacent Ruth Zenia Road

Cultivation Policy, Section 1: General Requirements and Prohibitions:

1. Prior to commencing any cannabis cultivation activities, including cannabis cultivation land development or alteration, the cannabis cultivator shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements, as applicable, including but not limited to the following:
 - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the cannabis cultivator shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction. If the CWA permit cannot be obtained, the cannabis cultivator shall contact the appropriate Regional Water Board or State Water Board prior to commencing any cultivation activities. The Regional Water Board or State Water Board will determine if the cannabis cultivation activity and discharge is covered by the Requirements in the Policy and Cannabis General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis Cultivation General Order).
 - The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
 - All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
 - All applicable requirements of the California Department of Fish and Wildlife (CDFW).
 - All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.
 - California Environmental Quality Act and the National Environmental Policy Act.
2. If applicable, cannabis cultivators shall obtain coverage under all of the following:
 - a. The State Water Board's Construction Storm Water Program and any successors, amendments, or revisions thereto when applicable.
 - b. Activities performed in areas subject to California Code of Regulations title 14, Chapter 4. Forest Practices (Forest Practice Rules) shall be implemented consistent with the permitting, licensing, and performance standards of the Forest Practice Rules, and the Requirements of this Policy, whichever is more stringent.
3. The cannabis cultivator shall apply for a Lake and Streambed Alteration Agreement (LSA Agreement) or consult with CDFW to determine if an LSA Agreement is needed prior to commencing any activity that may substantially:
 - divert or obstruct the natural flow of any river, stream, or lake;
 - change or use any material from the bed, channel, or bank of any river, stream, or lake; or

- deposit debris, waste, or other materials that could pass into any river stream or lake.

"Any river, stream or lake," as defined by CDFW, includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

4. Cannabis cultivators shall not take any action which results in the taking of Special-Status Plants (state listed and California Native Plant Society 1B.1 and 1B.2), Fully Protected species (Fish and Game Code sections 3511, 4700, 5050, and 5515), or a threatened, endangered, or candidate species under either the California Endangered Species Act (ESA) (Fish & Game Code §§ 2050 et seq.) or the federal ESA (16 U.S.C. § 1531 et seq.). If a "take," as defined by the California ESA (Fish and Game Code section 86) or the federal ESA (16 U.S.C. § 1532(21)), may result from any act authorized under this Policy, the cannabis cultivator must obtain authorization from CDFW, National Marine Fisheries Service, and United States Fish and Wildlife Service, as applicable, to incidentally take such species prior to land disturbance or operation associated with the cannabis cultivation activities. The cannabis cultivator is responsible for meeting all requirements under the California ESA and the federal ESA.
5. A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivation facility that does not include requirements consistent with the following if the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality:
 - The maximum slope limit of 50 percent in disturbed areas.
 - The minimum riparian setbacks described herein.
 - The prohibition against land disturbance activities during the winter period.
6. To avoid water quality degradation from erosion and sedimentation, land disturbance activities shall not occur during the winter period unless authorized by a Regional Water Board Executive Officer. Cannabis cultivators shall ensure land disturbing activities are completed and site stabilization measures are in place prior to the onset of the winter period. All land disturbing activities during the winter period shall be supervised by a Qualified Professional.¹
 To avoid water quality degradation from erosion and sedimentation, land disturbance activities shall not occur during the winter period unless authorized by a Regional Water Board Executive Officer. Cannabis cultivators shall ensure land disturbing activities are completed and site stabilization measures are in place prior to the onset of the winter period. All land disturbing activities during the winter period shall be supervised by a Qualified Professional.¹

(¹ Although emergency mitigation measures may not require obtaining coverage under the Construction Storm Water Program, the elevated threat to water quality caused by emergency mitigation or remediation work performed during the winter period requires planning and supervision by an appropriately Qualified Professional to protect water quality, such as an appropriately certified or registered Storm Water Pollution Prevention Plan Developer.)

7. A California Licensed Timber Operator (LTO)² shall be used if any commercial tree species are to be removed from the cannabis cultivation site. All timberland conversions shall be permitted and compliant with the Forest Practice Rules and CAL FIRE permitting requirements.

(² Licensed Timber Operators or "LTOs" are persons who have been licensed under the Forest Practice Act law and are authorized to conduct forest tree cutting and removal operations.)

8. Site improvements and limited repairs may be performed by the cannabis cultivator or contractors as allowed by the Business and Professions Code (Bus. & Prof. Code, section 7044 and/or section 7048). All contracts to perform work that is valued at \$500 or more in combined labor and material costs shall be performed by an appropriately qualified and licensed contractor as required by the California Contractors' State License Board.

9. During land disturbance activities, the cannabis cultivator shall review and evaluate the applicable daily weather forecast and any applicable 24-hour forecast³ at least once per 24-hour period and maintain records of the weather forecast for each day land disturbance activities are conducted. The cannabis cultivator shall cease land disturbance activities and shall implement erosion control Requirements described in this Policy during any 24-hour period in which the applicable daily weather forecast or any 24-hour forecast reports a 50 percent or greater chance of precipitation greater than 0.5 inch per 24 hours. Consistent with Lahontan Regional Water Board Order No R6T-2016-0010, an anticipated precipitation event within the Lake Tahoe Hydrologic Unit (Department of Water Resources Hydrologic Unit No.634.00) is any weather pattern that is forecast to have a 30 percent or greater chance of producing 0.1 inch of precipitation as rainfall in the project area. Cannabis cultivators located in the Lake Tahoe Hydrologic Unit shall cease land disturbance activities and shall implement erosion control Requirements described in this Policy during any 24 hour period in which the applicable daily weather forecast or any 24 hour forecast reports a 30 percent or greater chance of precipitation greater than 0.1 inch per 24 hours. This requirement may be updated based on amendments to the Lahontan Regional Water Board construction stormwater general order.

(³ If available, the cannabis cultivator shall refer to the weather forecast developed by the National Oceanic and Atmospheric Administration (NOAA) for the local National Weather Service Office (<http://www.weather.gov>). If the NOAA forecast is not available, a forecast by a local television news or radio broadcast shall be used.)

10. Prior to commencing any cannabis land development or site expansion activities, the cannabis cultivator shall retain a Qualified Biologist to identify sensitive plant, wildlife species, or communities at the proposed development site. If sensitive plant, wildlife species, or communities are identified, the cannabis cultivator and Qualified Biologist shall consult with CDFW and CAL FIRE to designate a no-disturbance buffer to protect identified sensitive plant, wildlife species, and communities. A copy of the report shall be submitted to the appropriate Regional Water Board.

11. To prevent transfer of invasive species,⁴ all equipment used at the cannabis cultivation site, including excavators, graders, etc., shall be cleaned before arriving and before leaving the site.

(⁴ CDFW defines invasive species as organisms (plants, animals, or microbes) that are not native to an environment, and once introduced, they establish, quickly reproduce and spread, and cause harm to the environment, economy, or human health. Cannabis cultivators may refer to CDFW Internet webpage for guidance on decontamination methods and species of concern. See CDFW's invasive species webpage at: <https://www.wildlife.ca.gov/Conservation/Invasives>.)

12. The cannabis cultivator shall comply with all applicable requirements of the State Water Board and Regional Water Boards' (collectively Water Boards) water quality control plans and policies.

13. The cannabis cultivator shall immediately report any significant hazardous material release or spill that causes a film or sheen on the water's surface, leaves a sludge or emulsion beneath the water's surface, or a release or threatened release of a hazardous material that may potentially discharge to waters of the state, to the California Office of Emergency Services at (800) 852-7550 and the local Unified Program Agency.⁵ The cannabis cultivator shall also immediately notify the appropriate Regional Water Board and CDFW of the release.

(⁵ Visit the Unified Program Agency website at <http://cersapps.calepa.ca.gov/public/directory> for local contact information. If internet service is not available call 911 to report the hazardous material release.)

14. The cannabis cultivator shall comply with all water quality objectives/standards, policies, and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (California Water Code section 13000, et seq.) or CWA section 303 (33 U.S.C. § 1313).
15. During reasonable hours, the cannabis cultivator shall allow the Water Boards, CDFW, CAL FIRE, and any other authorized representatives of the Water Boards, CDFW, or CAL FIRE upon presentation of a badge, employee identification card, or similar credentials, to:

- a. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed of; or in which any records are kept;
 - b. access and copy, any records required to be kept under the terms and conditions of this Policy;
 - c. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by this Policy; and
 - d. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purposes of assuring compliance with this Policy.
16. The State Water Board may modify this Policy to implement new or revised water quality standards, policies, or water quality control plans; total maximum daily loads (TMDLs), TMDL implementation plans, or revisions to the California Water Code or CWA.
17. The State Water Board may modify this Policy and the terms and conditions of water right registrations if monitoring results indicate that cannabis cultivation activities could violate instream flow requirements, water quality objectives, or impair the beneficial uses of a waterbody or its tributaries.
18. Cannabis cultivators shall not commit trespass. Nothing in this Policy or any program implementing this Policy shall be construed to authorize cannabis cultivation: (a) on land not owned by the cannabis cultivator without the express written permission of the landowner; or (b) inconsistent with a conservation easement, open space easement, or greenway easement. This includes, but is not limited to, land owned by the United States or any department thereof, the State of California or any department thereof, any local agency, or any other person who is not the cannabis cultivator. This includes, but is not limited to, any land owned by a California Native American tribe, as defined in section 21073 of the Public Resources Code, whether or not the land meets the definition of tribal lands and includes lands owned for the purposes of preserving or protecting Native American cultural resources of the kinds listed in Public Resources Code section 5097.9 and 5097.993. This includes, but is not limited to, conservation easements held by a qualifying California Native American tribe pursuant to Civil Code section 815.3 and greenway easements held by a qualifying California Native American tribe pursuant to Civil Code section 816.56.
19. Prior to acting on a cannabis cultivator's request to cultivate cannabis on tribal lands⁶ or within 600 feet of tribal lands, the Water Boards will notify the governing body of any affected California Native American tribe or the governing body's authorized representative, as applicable. A 45-day review period will commence upon receipt of the notice by the affected tribe. During the 45-day review period, the affected tribe may, at its discretion, accept, reject, or not act regarding the cannabis cultivation proposal. If the tribe rejects the proposed cultivation, the cannabis cultivator is prohibited from cultivating cannabis on or within 600 feet of the affected tribe's tribal lands. If the affected tribe accepts the cannabis cultivation proposal or does not act during the 45-day review period, the Water Boards may proceed with a decision on the cannabis cultivation request as though the affected tribe accepted the cannabis cultivation proposal. The Water Boards will consider requests to extend the 45-day review period on a case by case basis. The governing bodies of California Native American tribes may, at their discretion, notify the State Water Board's Executive Director in writing that they: a) reject all proposed cannabis cultivation; or b) waive the 45-day review period for all current and future proposed cannabis cultivation on their

tribal lands, on portions of their tribal lands, or within 600 feet of their tribal lands. Upon the Executive Director's receipt of written notice, the Water Boards will, based on the nature of the request, either:

- a. Not approve cannabis cultivation proposals on or within 600 feet of the affected tribe's tribal lands, as applicable; or
- b. Abide by the waiver and, at the Water Boards discretion, act on cannabis cultivation requests on or within 600 feet of tribal lands, as applicable, as though the affected tribe accepted the proposal.

The governing bodies of California Native American tribes may, at their discretion, withdraw a previously issued decision regarding cannabis cultivation on or within 600 feet of their tribal lands. In such instances, the governing body of the affected tribe should notify the State Water Board's Executive Director in writing. The Water Boards will abide by the withdrawal of the affected tribe's decision for any new cannabis cultivation proposals received after the date the State Water Board Executive Director has notified the governing body of the affected tribe that its decision was received. The Water Boards will coordinate with the affected tribe to address existing permitted cannabis cultivation sites on the affected tribe's lands, as necessary.

Nothing in this provision shall be construed to modify or interpret tribal law or tribal jurisdiction in any way.

(⁶ "Tribal lands" means lands recognized as "Indian country" within the meaning of title 18, United States Code, section 1151.)

20. No cannabis cultivation activities shall occur within 600 feet of an identified tribal cultural resource site. The State Water Board may modify this requirement for specific identified tribal cultural resource sites at the request of an affected California Native American tribe(s) after consultation with the affected tribe(s). The cannabis cultivator is solely responsible for identifying any tribal cultural resource sites⁷ within the cannabis cultivation area.

(⁷ "Identified tribal cultural resource site" means a tribal cultural resource that meets the requirements of section 21074, subdivision (a)(1) of the Public Resources Code.)

21. Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall either conduct or request a records search of potential Native American archeological or cultural resources at a California Historical Resources Information System (CHRIS) information center and document the results. Any person who meets qualification requirements for access to the CHRIS may conduct or request the initial CHRIS records search and document the results. The requirement to conduct or request a CHRIS records search may be satisfied by using the results of a previous CHRIS records search completed within the previous 10 years for the specific parcel or parcels where new or expanded cannabis cultivation activities are proposed to occur.

Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall also request a search of the Sacred Lands Inventory that is maintained by the Native American Heritage Commission pursuant to Public Resources Code sections 5097.94, subdivision (a), and 5097.96 (Sacred Lands Inventory). If the Sacred Lands Inventory search reveals the presence or potential presence of Native American places of special or social significance to Native Americans, Native American known graves or cemeteries, or Native American sacred places, the cannabis cultivator shall consult with the tribe or tribes that are culturally affiliated with the area in which these Native American cultural resources exist or potentially exist prior to conducting any land disturbance activities. The information provided by tribes through consultation with the cannabis cultivator shall be maintained as confidential by the cannabis cultivator and its agents. A new Sacred Lands Inventory search is always required prior to ground disturbing activities for new or expanded cannabis cultivation.

The cannabis cultivator shall notify the Appropriate Person within seven days of receiving a CHRIS positive result or Sacred Lands Inventory positive result. The Appropriate Person is the Deputy Director

for Water Rights (Deputy Director) if the cannabis cultivator is operating under the Cannabis Small Irrigation Use Registration (SIUR), the Executive Officer of the applicable Regional Water Board (Executive Officer) if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, the cannabis cultivator shall also notify the Native American Heritage Commission within seven days of receiving the CHRIS positive result and request a list of any California Native American tribes that are potentially culturally affiliated with the positive result. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the CHRIS positive result within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a Professional Archeologist^e to evaluate the CHRIS positive result and recommend appropriate conservation measures. In the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall develop appropriate mitigation and conservation measures in consultation with the affected California Native American tribe, and shall promptly retain a Professional Archeologist to assist in this task in the event of a Sacred Lands Inventory positive result related to human remains or archeological resources. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, or in the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving tribal cultural resources and prehistoric archeological resources with appropriate dignity.

Ground-disturbing activities shall not commence until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

^(e) A professional archeologist is one that is qualified by the Secretary of Interior, Register of Professional Archaeologists, or Society for California Archaeology.)

22. If any buried archeological materials or indicators⁹ are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find. The cannabis cultivator shall notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the Deputy Director if the cannabis cultivator is operating under the Cannabis SIUR, the Regional Water Board Executive Officer if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

In the event that prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also notify the Native American Heritage Commission within 48 hours of any discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a Professional Archeologist⁽⁹⁾ to evaluate the discovery. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Regional Water Board Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event of a discovery of prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources and tribal cultural resources with appropriate dignity.

Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

⁽⁹⁾ Prehistoric archeological indicators include, but are not limited to: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire affected stones, shellfish, or other dietary refuse. Historic period site indicators generally include, but are not limited to: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails.)

⁽¹⁰⁾ A professional archeologist is one that is qualified by the Secretary of Interior, Register of Professional Archaeologists, or Society for California Archaeology.)

23. Upon discovery of any human remains, cannabis cultivators shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:

All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The cannabis cultivator shall immediately notify the county coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met. The cannabis cultivator shall ensure that the human remains are treated with appropriate dignity.

Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.

Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American. The most likely descendent has 48 hours to make recommendations to the landowner or representative for the treatment or disposition, with proper appropriate dignity, of the human remains and any associated grave goods. If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98. If the landowner does not accept the descendant's recommendations, the landowner or the descendants

may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

24. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
25. Cannabis cultivators shall not discharge waste in a manner that creates or threatens to create a condition of pollution or nuisance, as defined by Water Code section 13050.
26. Except as allowed and authorized in this Policy, cannabis cultivators shall not discharge:
 - irrigation runoff, tailwater, sediment, plant waste, or chemicals to surface water or via surface runoff;
 - waste classified as hazardous (California Code of Regulations, title 23, section 2521(a)) or defined as a designated waste (Water Code section 13173); or
 - waste in violation of, or in a manner inconsistent with, the appropriate Water Quality Control Plan(s).
27. Unless authorized by separate waste discharge requirements, the Cannabis Cultivation General Order, or a CWA section 404/401 permit, the following discharges are prohibited:
 - any waste that could affect the quality of the waters of the state; or
 - wastewater from cannabis manufacturing activities defined in Business and Professions Code section 26100, indoor grow operations, or other industrial wastewater to an onsite wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land.
28. Unless authorized by a Regional Water Board site-specific WDR, cannabis cultivators shall not cultivate cannabis or have cannabis cultivation related land disturbance on slopes greater than 50 percent.
29. Cannabis cultivators shall not use a cesspool for domestic or industrial wastewater disposal. Cannabis cultivators shall not install or continue use of an outhouse, pit-privy, pit-toilet, or similar device without approval from the Regional Water Board Executive Officer of the applicable Regional Water Board.
30. In timberland areas, cannabis cultivators shall not remove commercial tree species or other vegetation within 150 feet of fish bearing water bodies or 100 feet of aquatic habitat for non-fish aquatic species (e.g., aquatic insects) prior to obtaining all applicable permits required from CAL FIRE, CDFW (i.e., LSA Agreement), and/or the Regional Water Board Executive Officer.
31. Tier 1 or 2 cannabis cultivators located on slopes greater than 30% and less than 50% must submit a Site Erosion and Sediment Control Plan to the Regional Water Board Executive Officer for any cannabis-related land development or alteration. The Site Erosion and Sediment Control Plan shall be approved by the applicable Regional Water Board Executive Officer prior to the cannabis cultivator initiating or expanding any land disturbance. The Regional Water Board Executive Officer may deny the request to conduct new land disturbance activities for cannabis cultivation if local conditions (e.g.,

soil type, site instability, proximity to a waterbody, etc.) do not allow for adequate erosion and sediment control measures to ensure discharges to waters of the state will not occur.

32. Tier 1 or 2 cannabis cultivators with any portion of the disturbed areas existing within the setbacks shall submit a Disturbed Area Stabilization Plan to the Regional Water Board Executive Officer. The Disturbed Area Stabilization Plan shall be approved by the applicable Regional Water Board Executive Officer prior to the cannabis cultivator initiating any land stabilization activities. This requirement does not apply to disturbed areas resulting from activities authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board.
33. Cannabis cultivators under any Cannabis Cultivation General Order or individual WDRs implementing this Policy shall self-certify that they have complied with or will comply with all applicable Requirements in this Policy no later than the onset of the winter period of the same year as the application date and each year thereafter. If application occurs after the onset of the winter period, cannabis cultivators shall self-certify that all applicable Requirements in this Policy will be implemented by the onset of the winter period of the next calendar year, and each year thereafter. Those cannabis cultivators that cannot implement all applicable Requirements by the onset of the winter period shall, within 90 days of application submittal, submit to the Executive Officer of the applicable Regional Water Board a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule.
34. Cannabis cultivators shall implement interim Requirements immediately following land disturbance, to minimize discharges of waste constituents. Interim Requirements are those that are implemented immediately upon site development. Cannabis cultivators shall complete all winterization Requirements prior to the onset of the winter period to prevent waste discharges that may result in water quality degradation.
35. Cannabis cultivators shall not cause downstream exceedance of applicable water quality objectives identified in the applicable water quality control plan(s).
36. The landowner is ultimately responsible for any water quality degradation that occurs on or emanates from its property and for water diversions that are not in compliance with this Policy. Landowners will be named as responsible parties and will be notified if a Cannabis Cultivation General Order Notice of Applicability or conditional exemption has been issued for cannabis activities on their property. The cannabis cultivator and the landowner will be held responsible for correcting non-compliance.
37. Cannabis cultivators shall comply with the minimum riparian setbacks described below for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, off-stream water storage areas, and chemical toilet placement). The riparian setbacks shall be measured from the waterbody's bank-full stage (high flow water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for springheads shall be measured from the springhead in all directions (circular buffer). Riparian setbacks for wetlands shall be measured from the edge of wetland as delineated by a Qualified Professional with experience implementing the Corps of Engineers Wetlands Delineation Manual (with regional supplements). The Regional Water Board Executive Officer may require additional riparian setbacks or additional requirements, as needed, to meet the performance requirement of protecting surface water from discharges that threaten water quality. If

the cannabis cultivation site cannot be managed to protect water quality, the Executive Officer of the applicable Regional Water Board may revoke authorization for cannabis cultivation activities at the cannabis cultivation site.

Minimum Riparian Setbacks^{11,12}

Common Name	Watercourse Class¹³	Distance
Perennial watercourses, waterbodies (e.g., lakes, ponds), or springs ¹⁴	I	150 ft
Intermittent watercourses or wetlands	II	100 ft
Ephemeral watercourses	III	50 ft
Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone
All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A

(¹¹A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivator with requirements that are inconsistent with the setbacks in this table if the Executive Officer determines that the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality.)

(¹²Cannabis cultivators enrolled in a Regional Water Board order adopting WDRs or a waiver of WDRs for cannabis cultivation activities prior to October 17, 2017, may retain reduced setbacks applicable under that Regional Water Board order unless the Regional Water Board's Executive Officer determines that the reduced setbacks applicable under that order are not protective of water quality.)

(¹³ Except where more restrictive, the stream class designations are equivalent to the Forest Practice Rules Water Course and Lake Protection Zone definitions (California Code of Regulations, title 14, Chapter 4. Forest Practice Rules, Subchapters 4, 5, and 6 Forest District Rules, Article 6 Water Course and Lake Protection).

(¹⁴Spring riparian setbacks default to the applicable watercourse riparian setback 150 feet downstream and/or upstream of the spring's confluence with the watercourse or 150 feet downstream of the point where the spring forms a watercourse with defined bed and banks.)

38. Indoor cannabis cultivation¹⁵ structures are exempt from the riparian setback (Requirement 37) and tribal buffer (Requirement 19) if either of the following conditions are met:

a. The indoor cannabis cultivation structure:

- i. has a building permit or other similar authorization issued by a federally recognized Indian tribe on file with the county, city, local jurisdiction, or federally recognized Indian tribe, as applicable, and started construction prior to October 1, 2018;
- ii. has a valid certificate of occupancy or amended certificate of occupancy for indoor cannabis cultivation; and
- iii. either (A) is connected to and discharges any industrial wastewater to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater, or (B) discharges any industrial wastewater directly to an appropriately designed and connected storage tank located outside of the riparian setback, and the discharge is properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater.

OR

b. The indoor cannabis cultivation structure:

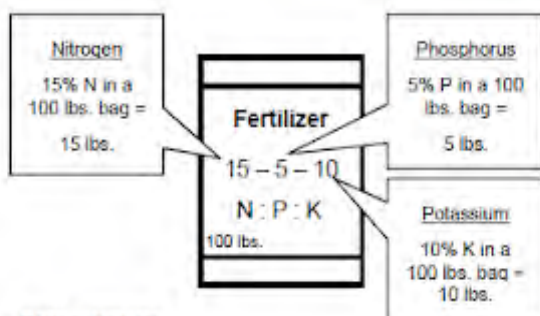
- i. has a building permit or other similar authorization issued by a federally recognized Indian tribe on file with the county, city, local jurisdiction, or federally recognized Indian tribe, as applicable, and construction started on or after October 1, 2018;
- ii. has a valid certificate of occupancy or amended certificate of occupancy for indoor cannabis cultivation; and
- iii. is connected to and discharges any industrial wastewater to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater. If the permitted wastewater treatment collection system and facility that the structure is connected to does not accept cannabis cultivation wastewater, the structure may still qualify for the riparian setback and tribal buffer exemptions if the structure discharges any industrial wastewater directly to an appropriately designed and connected storage tank located outside of the riparian setback, and the discharge is properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater. The riparian setback exemption shall not apply if the Regional Water Board's Executive Officer determines that an exemption from the riparian setbacks is not protective of water quality.

All other applicable Requirements apply to any cannabis cultivation activities, including setbacks for cannabis cultivation activities that occur outside of the permitted indoor cannabis cultivation structure.

(¹⁵ Indoor cannabis cultivation is cannabis cultivation that occurs within a structure with a permanent roof, a permanent relatively impermeable floor (e.g., concrete or asphalt paved), and either 1) discharges all industrial wastewaters generated to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater; or 2) collects all industrial wastewater in an appropriate storage container to be collected and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater.)

Example Nitrogen Reporting Form:

ORDER WQ 2019-0001-DWQ
GENERAL WDRs AND WAIVER OF WDRs FOR DISCHARGES OF WASTE
ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES



Bulk Materials

$$\text{Nitrogen (lbs.)} = \frac{\%N}{100} \times \text{fertilizer weight applied (lbs.)}$$

Dry Fertilizers

$$\text{Nitrogen (lbs.)} = \frac{\%N}{100} \times \text{fertilizer weight applied (lbs.)}$$

Liquid Fertilizers

$$\text{Nitrogen (lbs.)} = \frac{\%N}{100} \times \text{density} \left(\frac{\text{lbs.}}{\text{gal.}} \right) \times \text{gallons of product}$$

$$\text{Nitrogen (lbs.)} = \frac{\%N}{100} \times \text{density} \left(\frac{\text{lbs.}}{\text{oz.}} \right) \times \text{ounces of product}$$

$$\text{Density} = \frac{\text{weight of product (lbs.)}}{\text{volume of product (gal. or oz.)}}$$

Report monthly bulk, dry, liquid fertilizers individually

$$\text{Rate Applied} = \frac{\text{Nitrogen Applied (lbs.)}}{\text{canopy acre}}$$

EXAMPLE NITROGEN REPORTING FORM

The nitrogen reporting form below shows the monthly and annual nitrogen application rates in pounds of nitrogen per canopy acre.

In April two bags of bulk fertilizer weight 100 lbs. each were used at a 0.50 acre cultivation site. The quantity of nitrogen from the bulk soil applied in April is 30 lbs.

$$\frac{15\%}{100} \times 200 \text{ lbs.} = 30 \text{ lbs. of Nitrogen}$$

The amount of nitrogen applied per canopy acre is then calculated as:

$$(30 \text{ lbs. N}) / (0.50 \text{ canopy acre}) = (60 \text{ lbs. N}) / (\text{canopy acre})$$

	Bulk	Dry	Liquid	Rate Applied
Month	Nitrogen reported as $\left(\frac{\text{lbs.}}{\text{canopy acre}} \right)$			
January	0	0	0	0
February	0	0	0	0
March	0	0	0	0
April	60	30	8	88
May	0	0	24	24
June	0	0	24	24
July	0	8	24	32
August	0	10	30	40
September	0	20	40	60
October	0	0	0	0
November	0	0	0	0
December	0	0	0	0
Subtotal	60	58	150	
Total Annual Nitrogen Applied (lbs. per canopy acre) =				268

Fertilizers, Pesticides, Herbicides, and Rodenticide Information:

Product Name	Date Delivered	Method of Use	Storage & Disposal Method

Petroleum Product Information:

Product Name	Date Delivered	Method of Use	Storage & Disposal Method

Attachment I

**California Department of Fish and
Wildlife**

**Lake or Streambed Alteration
Agreement**

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTHERN REGION
601 LOCUST STREET
REDDING, CA 96001



STREAMBED ALTERATION AGREEMENT
EPIMS NOTIFICATION No. 23550-R1
Stoyanov Van Duzen River Diversion

SEVERIN STOYANOV
DIVERSION ON VAN DUZEN RIVER TRIBUTARY
TRINITY COUNTY APN 020-510-020-000

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Severin Stoyanov (Permittee).

RECITALS

WHEREAS, pursuant to FGC (FGC) section 1602, Permittee notified CDFW on September 27, 2021, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located on an unnamed tributary to Van Duzen River in the County of Trinity, State of California. The project is located at Section 20, Township 02S, Range 07E, Ruth Lake U.S. Geological Survey (USGS) quadrangle, Humboldt Base & Meridian, Trinity County APN 020-510-020-000, 10381 Ruth-Zenia Road in Hettenshaw Valley.

PROJECT DESCRIPTION

The Project is limited to the use of a surface water diversion on a tributary to the Van Duzen River for the purposes of commercial cannabis irrigation and domestic use.

An existing diversion of an intermittent tributary to the Van Duzen River will be utilized for the purpose of supplying irrigation water for commercial cannabis cultivation and domestic use. The diversion consists of a 36-inch diameter cylindrical concrete cistern

set 14 feet into the substrate with a static water level of approximately seven feet. The structure is located within the riparian zone of the tributary and diverting water from a shallow uncontained aquifer directly associated with the tributary.

Water will be appropriated as available during the wet season diversion period from November 1 through March 31. Maintenance activities include inspecting the intake and screens, water lines, and storage tanks on a regular basis and making repairs as needed. Diversion will occur at a maximum instantaneous rate of ten gallons per minute (GPM). No tree or vegetation removal is required for maintenance of the diversion structure.

No other projects that may be subject to Fish and Game Code section 1600 et seq. were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions, or other encroachments not described above.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include:

- Aquatic Habitat

The adverse effects the project could have on the fish or wildlife resources identified above include:

Aquatic Habitat

- Change in stream flow including dewatering, flow depth, width and velocity
- Cumulative effect when other diversions on the same watercourse are considered
- Loss, fragmentation, or decline of instream habitat
- Direct loss of resources for aquatic organisms
- Entrapment in isolated pools due to loss of water surface elevation

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of

Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Third Party Use of Drafting Sites. Permittee shall not grant permission to other entities and persons to use water drafting sites or water drafted under this Agreement for purposes other than Permittee Covered Activities.
- 1.4 No Trespass. To the extent that any provisions of this Agreement provide for activities that require the Permittee to traverse another owner's property, such provisions are agreed to with the understanding that the Permittee possesses the legal right to so traverse. In the absence of such right, any such provision is void.
- 1.5 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.1 Inspections. The Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides advanced notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.2 Applicable Permits. The proposed Project may be subject to additional federal, state and local laws, regulations, and permitting requirements. This Agreement in no way represents permitting requirements of any other agency, it is the responsibility of the Permittee to comply with all applicable laws. Applicable laws may include, but are not limited to, the following:
 - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the Project proponent shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.
 - All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.
- 1.3 Cannabis Cultivation Policy. It is the responsibility of Permittee to comply with all State Water Resources Control Board Cannabis Cultivation Policy (Policy) requirements, as necessary. This Agreement, and the Projects permitted herein, shall not be construed as approval, endorsement, or measure of compliance with the Policy. If the State Water Resources Control Board, or associated Regional Water Quality Control Board, should find that any Project described in this Agreement does not meet the requirements of the Policy, the Permittee may be

responsible for modification of a Project described within in this Agreement in order to comply with the Policy. If the nature of the revised Project is substantially modified from work described in the Project description, amendment to this Agreement may be necessary. If the Policy requires the Permittee to undertake additional projects not described in this Agreement that may also be subject to the notification requirements of FGC section 1602, Permittee shall submit separate written notification pursuant to FGC section 1602.

- 1.4 Water Rights. This agreement does not constitute a valid water right. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights are administered by the State Water Resources Control Board as described here:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/.
- 1.5 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (FGC section 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2); any species that is listed or is a candidate for listing under the California Endangered Species Act (FGC section 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5); or any fully protected species (FGC section 3511, 4700, 5050, 5515). The Permittee is required, as prescribed in these laws, to consult with the appropriate agency prior to commencement of the Project.
- 1.6 Take of Nesting Birds. FGC section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto. FGC section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto. FGC Section 3513 makes it unlawful to take or possess any migratory nongame bird or part thereof except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918 (MBTA; 16 U.S.C. § 703 et seq.) before January 1, 2017, and subsequent rules and regulations adopted pursuant to the MBTA that are consistent with the FGC. The issuance of this Agreement does not in any way exempt or excuse compliance with these statutes.
- 1.7 Notification Materials. Permittee's Notification (Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with Notification to describe the activity) is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

- 1.8 Modification to Terms and Conditions. CDFW may modify the terms and conditions of this Agreement if monitoring results indicate that activities could violate instream flow requirements, water quality objectives, or impair the habitat value of a waterbody or its tributaries.

2. Project Planning

- 2.1 Design Plans. Permittee shall submit a copy of final design plans and mapping for the construction and installation of all buildings and infrastructure associated with commercial cannabis cultivation to CDFW no later than 60 days after execution of this Agreement and at least 30 days prior to the start of construction.
- 2.2 Work According to Plans. All work shall be completed according to design plans submitted to CDFW unless otherwise specified in this Agreement. A copy of these plans shall be kept on the Project site at all times during Project construction activities. If the Permittee finds it necessary to update Project plans prior to construction, the updated plans will be submitted to CDFW at least 30 days prior to beginning Project activities to determine if an Amendment to this Agreement is required. Project activities shall not proceed until CDFW has approved the updated plans in writing. At the discretion of CDFW, minor plan modifications may require an amendment to this Agreement. At the discretion of the CDFW, if substantial changes are made to the original plans this Agreement becomes void and the Permittee shall submit a new notification.

3. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

Water Diversion and Storage

- 3.1 Diversion Period. The authorized surface water diversion period for commercial cannabis cultivation purposes is November 1 through March 31. During this diversion period, cannabis cultivators may only divert surface water for cannabis cultivation activities when water is available for diversion under the cannabis cultivator's priority of right and the applicable Numeric Flow Requirement has been met. The State Water Board has developed an online mapping tool to assist cannabis cultivators with determining which compliance gage applies to them and whether they may divert water. The online mapping tool is available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/online_mapping_tool.html.
- 3.2 Maximum Instantaneous Diversion Rate. Water diverted at the point of diversion (POD) shall not exceed an instantaneous diversion rate of 10 GPM.
- 3.3 Diversion Design Criteria. Water diversion devices and structures including mechanical (i.e., devices using suction or pressure to move water from the POD to a place of water storage or use, including such devices on water trucks) and non-

mechanical (e.g., cistern or spring box) devices and structures; approaches to water diversion structures; pipes; screens; and associated materials (e.g., pipes and mats) meet the following design criteria:

1. Designed to allow for inspection and maintenance (e.g., cleaning the intake screen) without disturbing the streambed.
2. The diversion shall not be constructed of materials deleterious to fish or wildlife, including but not limited to: particle board, plastic sheeting, bentonite, pressure treated lumber, creosote, or asphalt.
3. Screened intake(s) consisting of round openings evenly distributed on the screen area not exceeding 5/32-inch diameter; square openings not exceeding 5/32-inch, measured diagonally; or slotted openings not exceeding 0.069 inch in width, securely attached to the water intake line or supporting structure and constructed of corrosion-resistant material such as stainless steel that is not deleterious to aquatic life.
4. Does not prevent, impede, or tend to prevent or impede the passing of amphibians, reptiles, or other non-fish up and downstream.

3.4 Disable Diversion During Forbearance Period. Permittee shall plug, block, cap, disconnect, or remove the diversion intake, bypass flow, or render the diversion intake incapable of diverting water for cannabis cultivation activities during the surface water forbearance period. This measure does not apply to diversion for domestic use.

3.5 Diversion Monitoring. Permittee shall install and maintain a measuring device for the stream diversion located as close to the POD as possible. The measuring device shall be at a minimum equivalent to the requirements for direct diversions greater than 10 acre-feet per year in California Code of Regulations, Title 23, Division 3, Chapter 2.7 and Chapter 2.8.

3.6 Diversion Records. Permittee shall maintain weekly diversion records for water diverted to storage for commercial cannabis cultivation. Permittee shall maintain separate records that document the amount used for commercial cannabis cultivation separated out from water used for other irrigation purposes and other beneficial uses. Permittee shall maintain diversion records at the cultivation site and make the records available by request by authorized representatives from CDFW. Diversion records shall be retained for a minimum of five years.

3.7 Diversion Maintenance. Permittee shall inspect, maintain, and clean screens and bypass structures as necessary to ensure proper operation for the protection non-fish and wildlife.

3.8 Water Storage and Control. Permittee shall cease all water diversion at the point of diversion when water storage facilities (WSF) are filled to capacity through use of a

float valve or equivalent device. Water shall not leak, overflow, or overtop WSF at any time.

- 3.9 Pumps and Power Supply. All petroleum-powered equipment shall be properly maintained and monitored to ensure absence of leaks and that spills do not occur. Petroleum-powered equipment shall not be placed within the stream channel or within 150 feet from the top of bank. Equipment shall be situated over drip pans supplying secondary containment of at least 150 percent holding capacity and shall be sheltered from weather to prevent rainwater overflow from drip pans.
- 3.10 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid “take” or “incidental take” of federal or State listed species.
- 3.11 Rainwater Catchment. Permittee is encouraged to install appropriate rainwater catchment systems to collect from impermeable surfaces (e.g., roof tops, etc.) during the wet season and store storm water in tanks, bladders, or off-stream engineered reservoirs to reduce the need for surface water or groundwater diversions.

Vegetation Avoidance and Minimization

- 3.12 Maintain Riparian Vegetation. Permittee shall maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge.

Wildlife Protection and Avoidance

- 3.13 Compliance with FGC Section 5901. All water diversion facilities shall be designed, constructed, and maintained so they do not prevent, impede, or tend to prevent or impede the passing of fish upstream or downstream, as required by FGC section 5901. This includes, but is not limited to, maintaining or providing a supply of water at an appropriate depth and velocity to facilitate upstream and downstream migration of juvenile and adult salmonids and other aquatic organisms.
- 3.14 Habitat Elements. Permittee shall take measures to minimize disturbance to aquatic and riparian habitat elements such as pools and structures including large wood or vegetation that overhangs the channel.
- 3.15 Leave Wildlife Unharmd. If any wildlife is encountered during the Authorized

Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

- 3.16 Prohibition on Use of Monofilament Netting. Permittee shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control. This prohibition includes photo- or bio-degradable plastic netting.

Water Quality and Instream Work

- 3.17 No In-Water Work. This Agreement does not authorize any work or placement of fill within the wetted portion of the stream or in standing or flowing water.
- 3.18 Work in Dry Weather. Project activities within the riparian zone shall be limited to periods of low rainfall (less than ¼" per 24 hour period), time periods with less than a 40% chance of rain, or dry weather periods. The Applicant shall monitor the National Weather Service (NWS) 72-hr forecast for the project area. If rain is predicted based on the above criteria, within 72 hours during project activity, all activities shall cease until no further rain is forecast.
- 3.19 No Heavy Equipment in Stream. No heavy equipment shall operate in the portion of the stream bed where flowing water is present or anticipated during the term of this Agreement.

Erosion Control and Soil Stabilization

- 3.20 Riparian Setbacks. Cannabis cultivators shall comply with the minimum riparian setbacks as described by the State Water Resources Control Board Cannabis Cultivation Policy for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, water storage areas). The riparian setbacks shall be measured from the waterbody's bankfull stage or from the top edge of the waterbody bank in incised channels, whichever is more conservative.
- 3.21 Road Approaches. Permittee shall maintain stream crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a stream crossing is being constructed or reconstructed.
- 3.22 Stabilized Areas with Disturbed Soil. Loose or compacted soil areas in need of stabilization shall be seeded with a sterile or locally native grass seed mix, unless otherwise agreed upon with CDFW. The grass seed mix shall be pre-approved by CDFW prior to use. Revegetation of such sites shall be completed as soon as possible after project activities in those areas cease. Seeding placed after October

1 shall be covered with broadcasted weed-free straw 2 to 4 inches in depth, jute netting, coconut fiber blanket or similar erosion control blanket.

- 3.23 Silt Laden Runoff. At no time shall silt-laden runoff be allowed to enter the stream or directed to where it may enter the stream. Erosion control and soil stabilization measures shall be used wherever silt-laden water has the potential to leave the work site and enter waters of the state.
- 3.24 Stockpiled Materials. Permittee shall not stockpile or store any building materials and/or construction materials where they may be washed or percolate into a stream, lake, or other waters of the state, or where they may adversely affect stream habitat or aquatic or riparian vegetation.
- 3.25 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.

Hazardous Materials and Spills

- 3.26 Hazardous Substances. Permittee shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (includes food sources) does not enter the riparian setback or waters of the state, pursuant to FGC section 5650. Permittee shall immediately remove any of these materials placed within, or where they may enter, a stream or lake or other waters of the state.
- 3.27 Staging and Storage. Permittee shall not stage or store any equipment, materials, fuels, lubricants, solvents, and hazardous or toxic materials where they may enter a stream or lake, or where they have potential to enter a stream, lake, or other waters of the state (e.g. through storm water runoff or percolation). Equipment shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 3.28 Vehicles and Equipment. Permittee shall only refuel vehicles or equipment outside of riparian setbacks. Permittee shall inspect all equipment using oil, hydraulic fluid, or petroleum products for leaks prior to use and shall monitor equipment for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) and vehicles not in use shall be located outside of riparian setbacks. Spill and containment equipment (e.g., oil spill booms, sorbent pads, etc.) shall be stored onsite at all locations where equipment is used or staged.
- 3.29 Toxic Materials. Permittee shall store any hazardous or toxic materials that could be deleterious to aquatic life in accordance with all applicable federal, state, and local laws and ordinances and prevent these materials from contaminating the soil or entering a stream or lake.

- 3.30 Cleanup and Containment. In the case of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and immediately initiate clean-up activities. The North Coast Regional Water Quality Control Board and Redding CDFW offices shall be notified of clean-up procedures.
- 3.31 Debris and Trash. Permittee shall only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Permittee shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state pursuant to FGC section 5652.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Water Diversion Use Reports. Permittee shall submit to CDFW via email a copy of each report the Permittee is required to submit to the State Water Resources Control Board. The reports shall be submitted to CDFW on the same date Permittee submits the report to the State Board.
- 4.2 Project Completion Report. Permittee shall submit to CDFW a Project Completion Report via email for any activity authorized by this Agreement, including infrastructure maintenance and vegetation removal, within 30 days of completing the activity. The report shall include the following:
1. The beginning and ending dates of the Authorized Activity.
 2. Before and after photographs from established photo points. Photographs shall include staging area, access area, stream facing upstream, downstream, and perpendicular.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Severin Stoyanov
626 Bear Creek Road
Bridgeville, CA 95526
(925) 639-8958
severinstoyanov@yahoo.com

To CDFW:

Department of Fish and Wildlife
Region 1
601 Locust Street
Redding, CA 96001
Attn: Lake and Streambed Alteration Program – Matt Mitchell
EPIMS Notification TRI-23550-R1
(530) 782-2942
matthew.mitchell@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be

required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream). Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW “Request to Amend Lake or Streambed Alteration” form and include with the completed form payment of the corresponding amendment fee identified in CDFW’s current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW “Request to Amend Lake or Streambed Alteration” form and include with the completed form payment of the minor amendment fee identified in CDFW’s current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement’s term. To request an extension, the Permittee shall submit to CDFW a completed CDFW “Request to Extend Lake or Streambed Alteration” form and include with the completed form payment of the extension fee identified in CDFW’s current fee schedule (see Cal. Code Regs., title 14, section 699.5). CDFW shall process the extension request in accordance with FGC section 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the Project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire December 31, 2026, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

Through the electronic signature by the permittee or permittee's representative as evidenced by the attached concurrence from CDFW's Environmental Permit Information Management System (EPIMS), the permittee accepts and agrees to comply with all provisions contained herein.

The EPIMS concurrence page containing electronic signatures must be attached to this agreement to be valid.

Attachment J

Mitigation Measures Summary Table

Implementation of the following applicable mitigation measures will be for the life of the Project, adjusted as practicable for seasonal fluctuations of the cultivation project. Frequency of implementation will be on an ongoing basis, with the exception of Mitigation Measure 3.10-2, Conduct Groundwater Monitoring and Adaptive Management, which will be conducted on a monthly basis.

Aesthetics
<p>Mitigation Measure 3.1-1b: Maintain Cultivation Parcel This mitigation measure applies. This Project will maintain the parcel clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on this parcel for a period greater than two weeks for the life of the license.</p> <p>Mitigation Measure 3.1-1c: Fence Cultivation Site This mitigation measure only applies if the Project applicant desires to fence their cultivation area. If the Project applicant chooses to fence their cultivation site, covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements.</p>
Air Quality
<p>Mitigation Measure 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control This mitigation measure applies as the Project applicant proposes construction that could utilize diesel engine machines. This mitigation measure will be satisfied by the following:</p> <ul style="list-style-type: none"> • All diesel-powered off-road equipment used in construction will meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure will be required in the contract the Project applicant establishes with its construction contractors. <p>Construction activities will implement measures to control dust such as:</p> <ul style="list-style-type: none"> • water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day; • cover all haul trucks transporting soil, sand, or other loose material offsite; • remove all visible mud or dirt track-out onto adjacent roads; • limit all construction vehicle speeds on unpaved roads to 15 miles per hour. <p>Mitigation Measure 3.3-1c: Use Alternative Fuels This mitigation measure applies as construction is proposed for the Project and this construction is associated with a new cannabis license application. The mitigation measures applicable are as follows:</p> <p>Renewable diesel (RD) fuel will be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:</p> <ul style="list-style-type: none"> • meet California's Low Carbon Fuel Standards and be certified by CARB Executive Officer; • be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables; • contain no fatty acids or functionalized fatty acid esters; and

<ul style="list-style-type: none"> • have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.
<p>Mitigation Measure 3.3-2a: Limit the Use of Fossil Fuel-Powered Outdoor Power Equipment at All Commercial Cannabis Cultivation and Noncultivation Sites</p> <p>This mitigation measure applies. The Project applicant will do the following to satisfy this mitigation measure:</p> <ul style="list-style-type: none"> • Limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. This requirement does not apply to generators. <p>Mitigation Measure 3.3-2b: Require Use of Low Emission Diesel Back-Up Generators at All Commercial Cannabis Cultivation and Noncultivation Sites</p> <p>This mitigation measure applies as the Project applicant currently uses back-up diesel generator(s) for their cultivation operations. The applicant will apply the following mitigation measure:</p> <ul style="list-style-type: none"> • All generators shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the Project applicant establishes with its construction contractors. <p>Mitigation Measure 3.3-3: Implement Odor Control Plan for the Growing, Cultivating, Processing, Handling of Cannabis</p> <p>The Project in question has no sensitive receptors in the vicinity of the Project site, as stated in the Project Description. The Project is approximately 6.46 air miles northeast of Zenia, the nearest community with sensitive receptors such as schools and parks. Additionally, the nearest neighboring residences are over 2,000 feet to the west and southwest of the cultivation area. In the event sensitive receptors do move into the Project vicinity, the Odor Control Plan found at Attachment A will be implemented. The Odor Control Plan contains the following elements to satisfy this mitigation measure:</p> <ul style="list-style-type: none"> • Identify and describe odor-emitting activities and the nature and characteristics of the emissions. • Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site. • Demonstrate that the cannabis site's distance to receptors, wind direction, and local topographic conditions would not result in detection of cannabis odors by off-site sensitive receptors that would create a nuisance. • If off-site odor nuisance impacts cannot be avoided without odor controls, identify procedures and controls for reducing/controlling odors on-site, including the following as applicable to the cannabis use and license type (outdoor, mixed-light, and indoor). The operator may propose a numeric odor detection threshold for on-site operations (such as dilution-to-threshold standard that is verified by persons of normal odor sensitivity as defined by European Standard EN 13725) subject to County review and approval.¹ • All fully enclosed and secure structures that contain cannabis plants or products that generate odors will employ mechanical ventilation controls, carbon filtration, or other equivalent or superior method(s) to eliminate the detection of cannabis off the parcel. This will include all drying and processing of cannabis plant material recently harvested. • Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site

¹The use of a dilution-to-threshold (D/T) standard is based on scientific publications on odor pollution control that have identified that odors above 7 D/T will often result in complaints (i.e., objectionable), with 15 D/T often described as a nuisance, and odors above 30 D/T described as a serious nuisance (i.e., nauseating) (McGinley 2000; Huey et al. 1960).

design or other technology and/or use of odor easements to address odor impacts.

- Corrective actions to address County-verified off-site odor complaints will be identified. This may include immediate and complete harvest of the cannabis plants or identification of other methods to be applied as part of the current harvest or the next harvest to minimize off-site odor impacts so that they would not conflict with other applicable standards of the County's Cannabis Program or State license requirements.

Biological Resources

Mitigation Measure 3.4-1a: Conduct Preapproval Biological Reconnaissance Surveys

This mitigation measure applies and is satisfied as a reconnaissance-level survey was conducted by Qualified Biologist Jack Henry with Timberland Resource Consultants (TRC) on the Project site April 10, 2020, to determine whether there is potential for 22 special-status plants, 21 special-status fish and wildlife species, or three sensitive habitats identified in the Biological Assessment prepared for the Project (found at Attachment B) to be present onsite.

The biological reconnaissance survey was conducted by Qualified Biologist Jack Henry. The Biological Assessment report has been provided to the Project applicant and to the County as Attachment B of this CEQA compliance document and provides evidence supporting a conclusion that no sensitive habitats are present or likely to occur within the proposed Project area. Evidence supporting findings of existing or non-existing suitable habitat, and detailing the technical analysis of said findings, are found in the Biological Assessment found at Attachment B. The project description in the Biological Assessment may not match the project description in this document, as the project description in the Assessment was relevant to the time of the survey. The validity of the Biological Assessment should not be challenged by this, as these assessments were conducted parcel-wide, as opposed to only Project area assessments. Therefore, the Biological Assessment found at Attachment B is valid even though the project description contained therein may be out of date.

There is the potential for sixteen special-status plants and six special-status animal species to occur onsite due to the presence of suitable habitat, though none of these species or any evidence of their presence was seen and identified during the reconnaissance survey. The Biological Assessment report found at Attachment B includes a discussion of potential direct and indirect impacts on these resources, as well as a comprehensive list of cannabis cultivation Best Management Practices that when implemented will avoid any potential adverse impacts to special-status species.

Mitigation Measure 3.4-1b: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation

This mitigation measure applies and has been satisfied. See discussion above for Mitigation Measure 3.4-1a; although six special-status plant species have suitable habitat onsite, none of these species were present or likely to occur within the proposed Project area.

Mitigation Measure 3.4-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

This mitigation measure applies to the Project, and will be satisfied by the following:

- The application will include identification of invasive plant species, as applicable, that occur on the site to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The application will identify specific measures to be employed for the removal invasive species and on-site management practices.
- All invasive plant species introduced to the site from commercial cannabis activities and/or from land disturbances caused by commercial cannabis activities shall be removed from the site using measures appropriate to the species to the extent practicable. For example, species that cannot easily reroor, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., pampas grass) should be hauled off- site and disposed of appropriately at a landfill site.
- Applicants shall monitor annually to ensure successful removal and prevention of new infestations of invasive species.

- Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species.
- Only weed-free erosion control materials and mulch shall be used on-site.

Mitigation Measure 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although it is outside of the proposed Project area and no individuals or evidence were observed), and the following will be implemented to satisfy:

- If special-status amphibians are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur based on the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as Project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate.
- Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 24 hours before new development activities. Preconstruction surveys for special-status amphibians shall follow widely used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in *Considerations for Conserving Foothill Yellow-Legged Frog* (CDFW 2018b), and *Visual Encounter Survey Protocol for Rana Boylii in Lotic Environments* (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of “visual encounter” as well as “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required.
- If special-status amphibians are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians will be avoided by modifying Project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit (ITP) application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.

Mitigation Measure 3.4-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although it is outside of the proposed Project area and no individuals or evidence were observed), and the following will be implemented to satisfy:

- If pond turtles are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a), preconstruction surveys, or are determined to be likely to occur, consultation with CDFW will be

initiated to determine whether additional measures, such as Project design modifications, relocation of the site, relocation of individual animals by a qualified biologist with a valid CDFW Scientific Collecting Permit, or installation of exclusionary fencing, will be necessary and appropriate.

- Regardless of detection during the initial biological reconnaissance survey, if suitable aquatic habitat for western pond turtle is present within the proposed development area, a qualified biologist approved by the County and familiar with the life history of western pond turtle will conduct preconstruction surveys of proposed new development activities within 200 feet of any aquatic habitat 24 hours before such development activities.
- If pond turtles are not detected during the preconstruction survey, then further mitigation is not required.
- If pond turtles are detected during the preconstruction survey, then consultation with CDFW will be initiated as described above. Injury or mortality of western pond turtle will be avoided through Project design modification, cultivation site relocation, or relocation of the turtle by a qualified biologist with a valid CDFW Scientific Collecting Permit. If relocation of western pond turtles is determined to be necessary, turtles will be relocated to similar nearby habitat free of predators (e.g., racoon, coyote, raptors, bullfrog, nonnative turtles, other western pond turtles) as determined by the qualified biologist. If western pond turtles are relocated, a report will be submitted electronically to CDFW within 15 days of the relocation. The report will include the location, date, time, and duration of collection and release; the number of individuals relocated; and identification of the qualified biologist.

Mitigation Measure 3.4-2g: Implement Measures to Avoid Take of Special-Status Bumble Bees or Obtain Incidental Take Coverage

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although no individuals or signs were observed), and the following will be implemented to satisfy:

- If special-status bumble bees are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW will be initiated to determine whether mitigation measures, such as protocol-level surveys, Project design modifications, or relocation of the site, will be necessary and appropriate.
- If impacts to special-status bumble bees are determined to be unavoidable, then the applicant will submit an ITP application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual bumble bees, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.

Mitigation Measure 3.4-2h: Conduct Preconstruction American Badger Survey and Establish Protective Buffers

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although no individuals or signs were observed), and the following will be implemented to satisfy:

- Prior to the commencement of construction activities, a qualified wildlife biologist approved by the County will conduct surveys of the suitable grassland or agricultural habitats slated for conversion within the site to identify any American badger burrows/dens. These surveys will be conducted not more than 30 days prior to the start of construction. If occupied burrows are not found, further mitigation will not be required. If occupied burrows are found, impacts to active badger dens will be avoided by establishing exclusion zones around all active badger dens, within which construction related activities will be prohibited until denning activities are complete or the den is abandoned. The qualified biologist will monitor each den once per week to track the status of the den and to determine when it is no longer occupied.

Mitigation Measure 3.4-2i: Preconstruction Bat Survey and Exclusion

This mitigation measure applies. According to the Biological Assessment prepared for the Project and provided at Attachment B, in concurrence with the results of the biological reconnaissance survey conducted by a qualified

biologist on the Project site April 10, 2020, this mitigation measure applies as there is suitable habitat onsite (although no individuals or signs were observed), and the following will be implemented to satisfy:

- Before commencing any development related to cannabis activities, a qualified biologist approved by the County will conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required.
- If pallid bats or Townsend's big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence will be submitted to the Planning Director and CDFW by the qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. Implementation of the mitigation plan will be a condition of Project approval. The mitigation plan will establish a buffer area around the nest during hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies.

Mitigation Measure 3.4-2n: Implement Generator Noise Reduction Measures

This mitigation measure applies, and the following will be implemented to satisfy this condition:

- The cultivation of cannabis will not exceed the noise level standards as set forth in the County General Plan: 55 A-weighted decibels (dBA) from 7:00 a.m. to 7:00 p.m. and 50 dBA from 7:00 p.m. to 7:00 a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between 10:00 p.m. and 7:00 a.m. (Section 315-843[6][b]). The following additional noise performance standards will apply to generator use:
 - Project-generated sound must not exceed ambient nesting conditions by 20-25 dBA.
 - Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA.

Mitigation Measure 3.4-6c: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel

This Mitigation Measure applies as Mitigation Measure 3.1-1b applies. The satisfaction of Mitigation Measure 3.1-1b thus satisfies the requirements of this mitigation measure, and the project is in compliance.

Cultural

The following Mitigation Measures recommended in the Cultural Resources Investigation (not included in the Trinity County EIR) will be implemented on site:

- Avoid the area of the prehistoric sites and install a fence between the resource location and the Project area.
- If buried archaeological resources are discovered during project implementation all work should be halted within 100 feet of the find and county officials, a professional archaeologist and tribal representatives should be contacted immediately to evaluate the find.
- If human remains are discovered during project implementation all work shall be halted and the permitting agency, Trinity County shall be contacted immediately. The County shall contact the County Coroner immediately and the coroner will evaluate the find to determine the subsequent course of action.

Geology and Soils

Mitigation Measure 3.7-2: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

This mitigation measure applies and is satisfied by the implementation of Mitigation Measure 3.10-1a.

Mitigation Measure 3.7-4: Protect Discovered Paleontological Resources

This mitigation measure applies as construction is proposed and the following measures will be taken to satisfy this condition:

- If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County.
- A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish

procedures for paleontological resource surveillance and shall establish, in cooperation with the Project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. It is encouraged that the excavated finds first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds may be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

Greenhouse Gas Emissions

Mitigation Measure 3.8-1b: Implement Mitigation Measures 3.3-2a and 3.3-2b

This mitigation measure applies and is satisfied by the implementation of Mitigation Measures 3.3-2a and 3.3-2b.

Mitigation Measure 3.8-1c: Renewable Electricity Requirements

This mitigation measure applies, and will be satisfied through the following conditions:

- As the power supply to Applicant's property and Project site is via a permanent connection to the TPUD grid, which has been providing 100% renewable hydroelectricity to its customers in the Project area since 1982, supplied by power that is generated at Trinity Dam, the Project is therefore already renewable-energy compliant and meeting the requirements of this mitigation measure.

Mitigation Measure 3.8-1d: Lighting Efficiency Requirements

This mitigation measure applies as the Project proposes to utilize artificial lighting in their cultivation site. The following conditions will be implemented to satisfy this mitigation measure:

- Only light-emitting diodes (LEDs) or double-ended high-pressure sodium (HPS) fixtures will be used in all existing and new mixed-light cultivation operations (i.e., sites not seeking relicensing).
- Only high efficacy lighting will be used in all existing and new noncultivation operations (i.e., sites not seeking relicensing). Examples of high efficacy lighting include:
 - Pin-based linear fluorescent or compact fluorescent light sources using electronic ballasts;
 - Pulse-start metal halide light sources;
 - HPS light sources;
 - Luminaries with hardwired high frequency generator and induction lamp; and
 - LEDs.

Hazards and Hazardous Materials

Mitigation Measure 3.9-6: Implement Mitigation Measures 3.14-3 and 3.14-4.

This mitigation measure applies due to Mitigation Measures 3.14-3 and 3.14-4 being applicable. Satisfaction of Mitigation Measures 3.14-3 and 3.14-4 thus satisfies this mitigation measure.

Hydrology and Water Quality

Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

This mitigation measure applies. The Applicant and the Project are enrolled under the State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ ("Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation (Policy), and the General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities") (WDID#1_53CC425894). Documentation is provided at Attachment E.

The onsite septic system is permitted and has more than enough capacity to accommodate the two year-round resident employees of the operation. Therefore, the Project is in compliance with this mitigation measure.

<p>Mitigation Measure 3.10-2: Conduct Groundwater Monitoring and Adaptive Management</p> <p>This mitigation measure applies. A large portion of the northern section of the parcel exhibits characteristics of a wetland that concentrates into a channel at the southern edge, along the north side of Ruth-Zenia Road. The wetland has an unknown water source. No development shall occur in this area or within 150 feet. There is also an unnamed Class II stream across the northern end of the parcel, an unnamed Class III stream running along with western boundary line with a water crossing area, and an unnamed Class II tributary to the Van Duzen River in the southern half of the parcel, which flows east to west. A riparian area exhibiting signs of water inundation was observed to the north of the stream near the western property line, which is likely a result of land modification activities circa 2005. To the east of this area and north of the Class II stream is a proposed 100'x100' rain catchment pond for agricultural and domestic uses; this pond does not connect to any jurisdictional watercourses. The Project itself is approximately 150 and 1,000 feet away from the southerly and northerly Class II streams, respectively, and 450 feet east of the Class III stream. Therefore, all water features are outside of all stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ. The Applicant currently submits to the SWRCB regular annual Cannabis Water Quality Monitoring & Reports as required per their current enrollment under Order WQ 2019-0001-DWQ and will continue to do so as required for the life of the Project. By adhering to the requirements of the SWRCB General Order, groundwater draft volumes will be recorded, reported and monitored such that the intent of this mitigation measure will be met and thereby with which the proposed project will be kept in compliance.</p>
<p>Mitigation Measure 3.10-3a: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards</p> <p>This mitigation measure applies, see Mitigation Measure 3.10-1a for how this mitigation measure is satisfied.</p>
<p style="text-align: center;">Noise</p>
<p>Mitigation Measure 3.12-1: Implement Construction Noise Mitigation</p> <p>This mitigation measure applies as construction is proposed for this Project. The following conditions will be implemented to satisfy this mitigation measure:</p> <ul style="list-style-type: none"> • All outdoor construction activity and use of heavy equipment outdoors will take place between 7:00 a.m. and 7:00 p.m.
<p style="text-align: center;">Public Services</p>
<p>Mitigation Measure 3.13-1: Implement Mitigation Measures 3.14-3 and 3.14-4.</p> <p>This mitigation measure applies and is satisfied by the application of Mitigation Measures 3.14-3 and 3.14-4.</p>
<p style="text-align: center;">Transportation</p>
<p>Mitigation Measure 3.14-3: Provide Site Access Free of Hazards Due to Geometric Roadway Design</p> <p>This mitigation measure is applicable, and will be satisfied by the following:</p> <ul style="list-style-type: none"> • Applications for new commercial cannabis activities and license renewals for existing cannabis operations will, where appropriate, provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of the Trinity County Code of Ordinances. New roadway water quality control and drainage features or new drainage features on existing roadways will be designed to accommodate peak flow conditions and will be consistent with the Road Handbook, per CCR Title 14, Chapter 4 and SWRCB Order WQ 2019-0001-DWQ.
<p>Mitigation Measure 3.14-4: Provide Adequate Emergency Access</p> <p>This mitigation measure is applicable, and will be satisfied by the following:</p> <ul style="list-style-type: none"> • Applications for new commercial cannabis activities and license renewals for existing cannabis operations will provide documentation showing that site access is in compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code.
<p style="text-align: center;">Utilities and Service Systems</p>

Mitigation Measure 3.15-3: Implement a Cannabis Waste Composting Management Plan

This mitigation measure applies and is satisfied by the following:

The Applicant has developed and implements a cannabis waste composting management plan, which is found at Attachment G. The plan meets all state requirements and the following requirements to be confirmed by the County during inspections, which is not limited to but includes the following:

- designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs;
- identification of water quality control features that ensure no discharge of cannabis waste or other pollutants; and
- details on routine management and equipment used in the composting.

Wildfire**Mitigation Measure 3.16-1: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel**

This mitigation measure applies and is satisfied by compliance with Mitigation Measure 3.1-1b.

Mitigation Measure 3.16-2b: Implement Fire Prevention Measures for Onsite Construction and Maintenance Activities

This mitigation measure applies and will be satisfied by placing Fire Extinguishers in the following areas: all greenhouses, support buildings, the residence and water storage area. Appropriate defensible space will be maintained around the dwelling and processing building when construction of those structures is completed.

Mitigation Measure 3.16-3: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

This mitigation measure applies and is satisfied by compliance with Mitigation Measure 3.10-1a.

Tuesday, January 23, 2024 2:44 PM

To the Trinity County Board of Supervisors

This packet is regard to the commercial cannabis license CCL-771 in Hettenshaw valley. The photo was taken on 5-17-23 and they were pumping water to the tanks in the back of the photo, fish and wildlife said that they had a permit to pump water until March 30, this is a month and half later. On the enclosed map I have highlighted with a blue marker the parcels adjoining and close to the proposed project. All of the owners of the parcels do NOT grow cannabis and object to the issuance of license CCL-771. I also disagree with the Appendix C document because I do not think that they did a thorough study just checked the boxes.

Respectfully

Phillip M. Salmeron

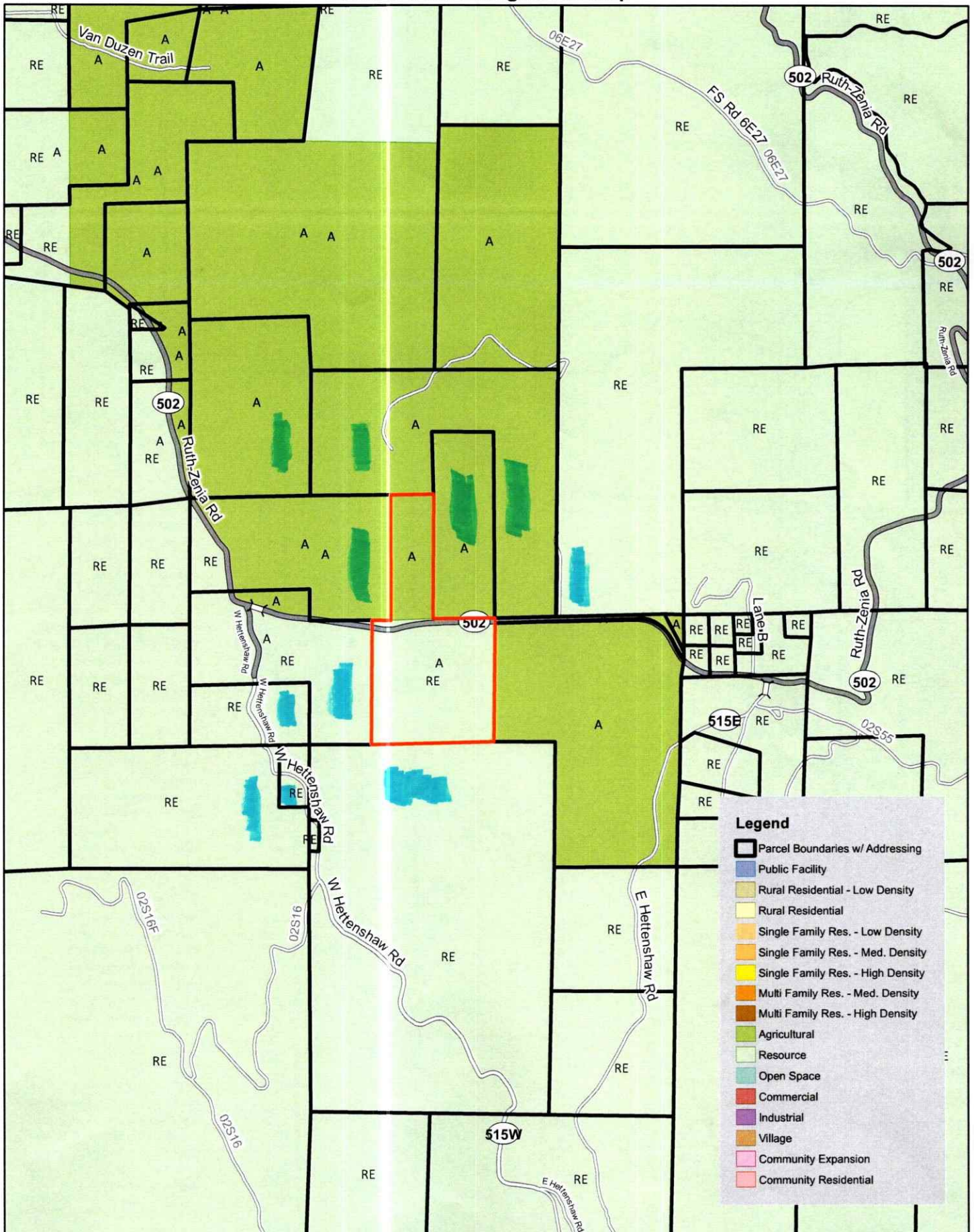


5-17-23

5-17-23



General Plan Designation Map



Legend

- Parcel Boundaries w/ Addressing
- Public Facility
- Rural Residential - Low Density
- Rural Residential
- Single Family Res. - Low Density
- Single Family Res. - Med. Density
- Single Family Res. - High Density
- Multi Family Res. - Med. Density
- Multi Family Res. - High Density
- Agricultural
- Resource
- Open Space
- Commercial
- Industrial
- Village
- Community Expansion
- Community Residential

0 0.125 0.25 0.5 Miles

Suzie Hawkins

From: Susie Toerpe
Sent: Tuesday, January 30, 2024 2:50 PM
To: clerkoftheboard
Subject: Appeal CL 771
Attachments: Philip Gilman Appeal to CL 771.pdf; ARCHAEOLOGICAL RESEARCH AND SUPPLY COMPANY.pdf; JamesDavis letter supporting appeal.pdf; Letters supporting appeal.pdf

Please let me know that you received all four attachments. I am sending this on behalf of Philip "Bud" Gilman as he does not have email.

Thank you

I'm speaking on behalf of myself and the majority of Hettenshaw. I have lived in Hetten my entire life and the white side of my family has been in the valley since the early 1860s and the native side has been there for many generations before that. Over 70 percent of the residents and landowners of Hetten request the denial of CCL 771 located in the middle of our scenic valley. I would also like to remind the Board that this permit is in the area of the requested Hettenshaw Opt Out that was started in 2020. I'm requesting denial of this license based on the appendix C, the project itself and other general concerns.

First of all, the appendix C has not been made public so we cannot see if all boxes were actually checked and from our perspective there are too many environmental issues for this location to be a viable growing operation. Water concerns are of the utmost importance to me and the folks living downstream that already must watch water consumption during the hot summer months. We rely on this stream for household water as well as to water livestock. The overuse of water at this proposed location could put my cattle business as well as my neighbors cattle business in jeopardy. The Final EIR has listed Hettenshaw as an "identified low groundwater production area; thus, it is known that there are existing issues related to groundwater availability". According to the fish and wildlife LSA 10 gallons per minute can be drawn from surface water for a total of 14,400 gallons per day. Forbearance period for pumping water from surface water is from April to November 15th for a typical growing season of June to October. This is our dry season, there will not be an abundance of surface water to draw from and with an average of 6 gallons of water per day per plant the proposed 57500 gallons of water storage will last approximately 4 days.

<https://mjbizdaily.com/cannabis-requires-more-water-than-commodity-crops-researchers-saysay/#:~:text=On%20average%2C%20the%20researchers%20found,long%20from%20June%20through%20October> In contrast a herd of 25 cattle uses approximately 300 gallons a day. Are we to believe the applicant is going to stop using water, or even limit to what is

available? More likely the applicant will insist on collecting and using the allotted 14,400 gallons or more daily and negatively impact all those families and livestock living downstream.

The appendix C did NOT address the issue of the Ketten Lily, a plant traditionally used by native Americans as a food source. This wetland area is a historical and cultural site. Another applicant south of this was denied a license due to the proposed well was going to dry the Ketten field adjacent to that proposed grow. No Native Monitor was involved in the process for this applicant. An archeological report was done, that indeed found 2 cultural sites on the property, besides the ketten lily. At the time of the archeological report concerned citizens were not consulted during the project review. The project was defined as only having one 2500 gallon tank of storage and one well for domestic and agriculture use. The agent for this project defined it as a seep well with concrete sides and storage of 57500 gallons of water. The project has changed, so the CEQA is invalid. The property is surrounded by Class I creeks, which were incorrectly labeled as Class 2 on the FLOWRA photo, both creeks that water will be drawn from if approved as well as the creek near the proposed grow site are fish bearing creeks as well as the main water source for livestock for several people. Photo #2 shows pumping water directly from the creek on May 17, 2023 outside of the forbearance time, in an amount of approximately 250 gallons/minute. At this time, no one was living in the house so it can be supposed that the water was not strictly for household use. As shown by pictures in the archaeological report and the FLOWRA photo, (photo 1) the applicant was supposed to put waterline around the wetland area. Photo #3, 4 and 5 shows the waterline going directly through the wetland. Photos #6, 7 and 8 shows the waterline entering the ditch of county road 502 and using the DOT culvert to cross road 502 and exiting into the proposed grown site. According to Trinity County DOT it is a violation to run waterline in ditches and across roads in DOT culverts. Again, the project has changed and has already violated items listed in the archeological report, making the appendix C invalid. The archeological report stated that two cultural sites were to be fenced

before any work was to be done, instead there is now a trench through one of the sites.

This project not only violates CEQA and cultural protections, it does NOT fit into our neighborhood. The proposed site, is right in the middle of the main section of the valley. In the approximately 150 years of white settlement in the valley, no one has built or grown on the valley floor. It is historically for grazing livestock. All homes and gardens are built on the edges of the valley or on hills and ridges. This proposal allows a large eye sore right in the midst of the Ketten fields that draw tourists and tribal members during the blooming season to take photos and to revisit tribal areas. The smell is also a great concern for many, especially many of our elders, as they are allergic to marijuana. I would like to draw your attention to the number of letters and signatures you have received with concerns for our neighborhood and community. This project just does NOT fit in our valley.

Other concerns about this project, include the fact that the applicant does not even live in the valley. He has several grows and properties in Humboldt and Mendocino counties and resides in Nevada. This does not pose well for accountability and following rules, especially when there has already been clear violations. On one occasion when the applicant spoke to me, he expressed his desire to get a license so he could then sell the property. This showed me that he is not dedicated to this project and does not necessarily need it. As for his financial situation, sometimes businesses make bad investments and have to show a loss. Commercial implies business and as a business and an LLC, perhaps this is one of those times, when an investment was made before doing the proper research about the viability of growing commercially in this area.

I understand that issuing a license is a discretionary action, giving you and the director the freedom to decide what should be done in a particular situation. Please consider that not EVERY license needs approved and that NOT all places in Trinity County are prime growing areas. The area of Hettenshaw is requesting an opt out area and

these parcels especially are not ideal for growing, too many concerns and livelihoods and lifestyles are at stake. Please deny CCL-771.

ARCHAEOLOGICAL RESEARCH AND SUPPLY COMPANY

The Trinity County Framework Plan establishes the following policies for the protection of cultural resources, consistent with the federal and state regulatory framework. The identified goal is to provide for the protection and enhancement of cultural resources for the historic, scientific, educational, and social contributions they render to the present generation and to generations that follow by enforcing the following policies:

1. Cultural resources (including but not limited to archaeological, paleontological and architectural sites, grave sites and cemeteries) shall be identified where feasible, assessed as to significance, and if found to be significant, protected from loss or destruction.
2. Concerned citizens, historical organizations and applicable agencies shall be consulted during project review for the identification and protection of cultural resources.
3. Projects located in areas found to have cultural resources shall be conditioned and designed to avoid loss or degradation of these resources.
4. Expert opinions and field reconnaissance at the applicant's expense may be required during environmental assessment to determine the presence, extent, and condition of cultural resources and the likely impact upon such resources.
5. Archaeological and paleontological resources shall not be knowingly destroyed or lost through a discretionary action unless:
 - The site or resource has been found to be of insignificant value by relevant experts and representatives of the cultural resources community, or;
 - There is an overriding public benefit from the project, and compensating mitigation to offset the loss is made part of the project.
6. Mitigation measures shall be required where new development would adversely impact archaeological or paleontological resources.

Previous Studies:

The recommendation for archaeological study for this specific project was the result of research by Trinity County. The record search for the project was conducted by Nick Angeloff, MA in February 2020. The record search at the Northeast Information Center (NEIC) revealed three (3) previous surveys and two (2) previously recorded archaeological site within ½ mile of the subject property and no surveys or resources located on the property (Confidential Appendix C).

Additional background research conducted by Mr. Angeloff and Mr. Rohde revealed no further information specific to the property.

2.1.3 Undertaking Description

Project Description

The Stoyanov project is both pre-existing and proposed. One (1) 520,000 sq ft cultivation area is proposed. Also included in the project are three (3) structures: one (1) shed and two (2) buildings. Water storage consists of one (1) 2,500-gallon water tank and one (1) well for domestic and agriculture use (Figure 2). For further details regarding survey coverage and the project area, see Figure 3.

Picture of
pump & tanks

ARCHAEOLOGICAL RESEARCH AND SUPPLY COMPANY

especially the relative abundance of functionally distinctive tool forms like hunting and plant-processing implements. Past subsistence practices will be approached using indirect indicators.

Technology: It is expected that much lithic material was locally obtained, but that non-local or exotic toolstone will be reflected among some artifact categories and smaller size waste debris; obsidian is an obvious example in this case, necessarily obtained via travel or exchange from quarries in northeastern California / southeastern Oregon or the southern Coast Ranges.

This research will use the definitions found in the standard Department of Parks and Recreation descriptions of historic resources.

5.0 Methods

Key elements of technological organization will be assessed by looking for variation in patterns of toolstone acquisition, manufacturing practices, use profiles, and levels of reuse or recycling. All formed artifacts will be characterized in terms of production stage, use-wear damage, and condition at the time of discard; samples of chipping waste or debitage will be analyzed to track the nature and intensity of on-site manufacturing activity.

All recording methods will utilize California Department of Parks and Recreation standards. Field methods utilized intensive survey techniques with no more than 15 meter transects. The reality of Trinity County survey projects is that much of the area harbors poor visibility; in that light, survey crews will employ shovel probes in 15-meter intervals where necessary. Through the overall project it is expected that no artifacts will be collected, analyses will occur in the field.

All field notes and photographs are stored at 440 Wildwood Ave., Rio Dell, CA 95562.

6.0 Report of Findings

Two (2) archaeological sites were located during this survey (See Confidential Appendix D). Both are outside of the project area, but within the 600-foot buffer. Additionally, there were artifacts identified near the owner's home that had been collected from various locations on the parcel (See Confidential Appendix E).

There are no previous surveys or previously recorded resources on the subject property.

7.0 Discussion and Interpretation

There were two prehistoric sites located during this survey. Both are located north of the project area and extend into the fields away from the project area. Although the sites are outside of the project area, they are within the 600-foot buffer. However, if mitigation measures are followed, they will remain intact and unaffected by project activities. Both sites have been impacted by historic activities over the years prior to the current property owner but does include temporally sensitive artifacts and therefore has the potential to produce information that could inform our understanding of prehistory and therefore is considered potentially significant. The record search revealed two (2) prehistoric resource within ½ mile of the project area and three (3) previous surveys within ½ mile of the project area.

Appendix F: Confidential Site Location with Plot Plans



Figure 8 Site 2 Location with Plot Plan Map

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 4 *Resource Name or #: (Assigned by recorder) Zenia Site 2

P1. Other Identifier: _____

*P2. Location: ☒ Not for Publication ☐ Unrestricted

*a. County Trinity and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Ruth Lake Date 1972 T 2S; R 7E; of Sec 20; B.M.

c. Address 10381 Ruth-Zenia City Hettenshaw Zip 95595

d. UTM: (Give more than one for large and/or linear resources) Zone 10T, 464753 mE/4458903 mN

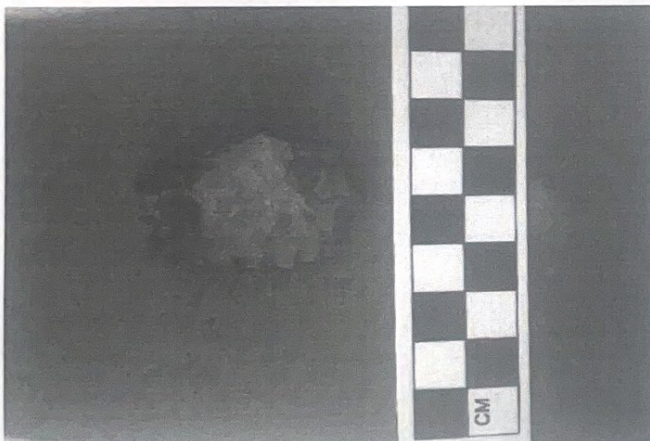
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, decimal degrees, etc., as appropriate)
APN 020-510-20-00

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The site consists of a dense lithic scatter of chert with formed tools including bifaces, unifaces, cores and a formed flake tool.

*P3b. Resource Attributes: (List attributes and codes) AP2

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



*P4. Resources Present: ☐ Building Structure
Object ☒ Site ☐ District Element of District
☐ Other (Isolates, etc.)

P5b. Description of Photo: (view, date, accession #)
Chert Biface 3/6/2020

*P6. Date Constructed/ Age and Source:

Historic ☒ Prehistoric ☐ Both _____

*P7. Owner and Address:

Severin Stoyanov, 1031 Ruth-Zenia Rd.,
Hettenshaw CA 95595

*P8. Recorded by: (Name, affiliation, and address)
Saige Heuer (BA), Abby Barrios (BA), and
Brianna King (BA)

*P9. Date Recorded: 3/6/2020

*P10. Survey Type: (Describe)

10-meter Transects and shovel probes

*P11. Report Citation: (Cite survey report and other sources, or enter "none.")

A Cultural Resource Investigation of the
Zenia Stoyanov Property

*Attachments: ☐ NONE ☒ Location Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record

☒ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record

☒ Artifact Record ☐ Photograph Record ☒ Other (List): Sketch Map

State of California Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION
ARCHAEOLOGICAL SITE RECORD

Primary #
Trinomial

Page 2 of 4

*Resource Name or #: Zenia Site 2

*A1. Dimensions: a. Length: 37 m. (north to south) x b. Width: 25 m. (west to east)

Method of Measurement: ☐ Paced ☐ Taped ☐ Visual estimate ☒ Other: GIS/GPS Measurements

Method of Determination (Check any that apply.): ☒ Artifacts ☐ Features ☐ Soil ☐ Vegetation ☐ Topography
☐ Cut bank ☐ Animal burrow ☐ Excavation ☒ Property boundary ☐ Other (Explain):

Reliability of Determination: ☐ High ☒ Medium ☐ Low Explain: Property boundary is an artificial boundary

Limitations (Check any that apply): ☐ Restricted access ☐ Paved/built over ☒ Site limits incompletely defined
☐ Disturbances ☐ Vegetation ☐ Other (Explain):

A2. Depth: ☐ None ☒ Unknown Method of Determination: Surface survey only

*A3. Human Remains: ☐ Present ☐ Absent ☐ Possible ☒ Unknown (Explain): No burials identified as no ground disturbing activity was conducted a result of this investigation, but historic burials noted on property to the south as site P-53-002171 and a prehistoric village with housepits, P-53-000372, is also located south of the property.

*A4. Features (Number, briefly describe, indicate size, list associated cultural constituents, and show location of each feature on sketch map.):
None noted.

*A5. Cultural Constituents (Describe and quantify artifacts, ecofacts, cultural residues, etc., not associated with features.): The site consists of a dense lithic scatter of chert with formed tools including bifaces, unifaces, cores and a formed flake tool. Both unifaces show McKee style features, representing middle period habitation of the area.

*A6. Were Specimens Collected? ☒ No ☐ Yes (If yes, attach Artifact Record or catalog and identify where specimens are curated.)

*A7. Site Condition: ☐ Good ☒ Fair ☐ Poor (Describe disturbances.): The site is heavily impacted by historic use over the last 150 years on the west, south and south-eastern sides but in fair shape with only grazing occurring on the western southern sides.

*A8. Nearest Water (Type, distance, and direction.): The site has several spring fed ephemeral drainages to the south and north.

*A9. Elevation:

A10. Environmental Setting (Describe culturally relevant variables such as vegetation, fauna, soils, geology, landform, slope, aspect, exposure, etc.): The environment on the north, west and eastern sides of the site is grassland with Oak/Pine forest, on the southern side of the site. Overall, the vegetation is nearly solely comprised of pasture (non-native) grasses.

A11. Historical Information: The property was owned and operated by the Wilburn family as a ranch and the use has not changed substantially over the last 150 years.

*A12. Age: ☒ Prehistoric ☐ Protohistoric ☐ 1542-1769 ☐ 1769-1848 ☐ 1848-1880 ☐ 1880-1914 ☐ 1914-1945
☐ Post 1945 ☐ Undetermined Describe position in regional prehistoric chronology or factual historic dates if known:

A13. Interpretations (Discuss data potential, function[s], ethnic affiliation, and other interpretations): The site is more than likely an extension of the habitation area to the previously recorded as P-53-000372 to the south of the current project area. The artifact assemblage is limited to flaked stone tools but does include diagnostic artifacts.

A14. Remarks:

A15. References (Documents, informants, maps, and other references):

A16. Photographs (List subjects, direction of view, and accession numbers or attach a Photograph Record.):
Original Media/Negatives Kept at: ARSC 440 Wildwood Ave., Rio Dell, CA 95562

*A17. Form Prepared by: Saige Heuer, BA

Date: 3/12/2020

Affiliation and Address: Archaeological Research and Supply Co, Rio Dell, CA 95562

*Required information

To Whom it May Concern:

My name is Krista Modlin and I am a former wildlife biologist in the area of Hettenshaw Valley, Ca. I was a biologist covering the Mad River Ranger District from 2015-2022. I am writing this letter with concerns over the proposed large-scale marijuana cultivation site within Hettenshaw valley. This area is within the native home range of numerous threatened and endangered plant and wildlife species and a large-scale marijuana cultivation site would have negative ecological impacts on all these species in the area. I am requesting the county consider what cumulative effects this large grow site would create such as the introduction of toxins (like rodenticide) and the diversion of water for irrigation for cultivation.

In the immediate and surrounding area, there is already several other legal and illegal grow operations that use toxins and poisons to cultivate plants. These toxins then runoff into the surrounding areas adjacent to these sites and have been linked to the deaths of wildlife species such as fisher, owls, hawks, bear, ect. The creek running through the proposed property is a class 1 creek that connects down into the Van Duzen river, home to threatened steelhead. The effects of the runoff of poison from grow sites is deadly, as well as, the turbidity created from irrigation effecting spawning habitat. The poisons used to grow are also known to create a bottom up cascade effect in ecosystems. The toxicity levels increase with each level of the cascade that is affected. A plausible situation, would be a bald eagle nesting near the creek eats a poisoned steelhead or trout, and then it also dies from poison levels. Please consider how the effects of toxins introduced into the environment would affect wildlife and the unforeseen chain reaction of toxicity levels working its way up the food chain.

Hettenshaw is also home to the plant species of Ketten. The proposed property is adjacent to the marsh that this species inhabits. This plant species thrives in wetland habitats and water drained from the area for the proposed grow would inhibit the growth and survival of this species. Not to mention, the compaction created by equipment would further inhibit the free flow of water, as well as, impair the rooting system of the plants.

On top of the already existing grows, the area has also experienced the 2020 catastrophic August Complex that removed thousands of acres of suitable habitat and contaminated water sources from soil erosion. Wildlife and plant species already have a limited amount of resources to compete for and there are concerns about how water irrigation for this cultivation could impact all species in the area. Water is already at an all time low and extremely limited, therefore, by removing a large supply would be detrimental and irreversible. The creek leading to the proposed property is a Class 2 creek, and also an important water source in the valley. Diverting this creek would have lethal consequences in the summer and fall when water levels are already low. How can the county place the needs of marijuana cultivation over the necessity of water for wildlife, plants, cattle, and the community? I have also personally seen wildlife get trapped in created cultivated ponds, further adding to the impact they have when water becomes scarce and they are forced to find water on these grow sites.

I am urging the county to please reject the application to place a marijuana grow in the middle of Hettenshaw Valley. Wildlife and plant species already have limited resources for survival and the possible negative effects of a large grow is endless. It is well known in the scientific community that the toxins from marijuana grows spread far and wide from the originating site and kills as it works its way up the food chain. The diversion of water will impact all rivers, streams, and creeks down stream from the proposed site. Due to the 2020 wildfire, canopy cover to maintain snow packs is nonexistent and streams and creeks are seeing all time low levels. To approve the further reduction of water in the environment for the sole purpose of marijuana cultivation is unethical and will have unknown catastrophic consequences to the environment.

Thank you for you consideration,

Krista Modlin- Wildlife Biologist

01/28/2024

TO WHOM IT MAY CONCERN:

BELOW ARE LISTED MY REASONS FOR SUPPORTING
MR. PHILLIP GILMAN'S OPPOSITION TO ANOTHER CANNABIS
SITE IN HETTENSHAW:

- ① A FURTHER DRAIN ON ALL WATER RESOURCES
INCLUDING THE WATER TABLE IN HETTENSHAW.
- ② DEFORESTATION AND EROSION RESULTING
IN RUNOFF INTO STREAMS.
- ③ PHOSPHATES AND OTHER CHEMICALS AND
PESTICIDES RESIDUE RUNNING OFF AND
POLLUTING THE WATER.
- ④ INCREASED TRAFFIC AT HIGH SPEEDS ON NARROW
COUNTY ROADS.

THE ABOVE LISTED ITEMS HAVE BEEN OBSERVED
BY ME AS A RESIDENT OF HETTENSHAW FOR OVER
40 YEARS, AND 14½ YEARS AS UNITED STATES FOREST SERVICE
LAW ENFORCEMENT OFFICER (1984-1998) RETIRED.

James L. Davis

To the Honorable Board of Supervisors.

I am a concerned member of the Hettenshaw community and strongly oppose the Commercial Cannabis License, CCL-771.

I am the fifth generation of the white settler part of my family and have native heritage within the Hettenshaw area, that predates the settlers.

I am a certified Nor-El-Muk Wintu tribal monitor. Nick Angelhoff, the Archeologist reported found two prehistoric lithic scatter sites. Both sites are located within the 600-foot buffer. It was recommended that the Archeological site be fenced off to ensure any activities associated with this project would not impact the Native resource. Since this recommendation there has been a ditch dug through the area that was designated to be fenced, part of which is a wet area where the Ketten grows. This points to a disregard of any recommendations and shows a lack of honesty and integrity.

Hettenshaw was historically a hunting ground for the Native people and the Ketten (Camas Lily-see addendum from Edible) or onion bulb grows in the wet fields in Hettenshaw. One of the biggest fields of Ketten grows in the marsh land situated on Bud (Phillip) Gilman's property which adjoins the proposed grow. Ketten needs marshy ground, meaning plenty of water, to grow correctly. This grow is proposing drawing surface water from an area that would take water from this field where the Ketten grows. There is already a trench for a water line going through the Ketten which grows on the property of the proposed grow. Intersecting through this property, on the side where the proposed green house, pond, and multiple buildings are proposed is a fish bearing creek. On their C.E.Q.A document it appears this creek is identified as a class 3 creek, which is nearly impossible, as a half mile up stream it is fed by a creek that was identified as a class 2 creek, for logging documents from a recent removal of burned timber. This grow will damage Hettenshaw historically and visually. If you look around Hettenshaw, there are no structures or dwellings in the fields, only on the edges. We have always protected the Ketten and marshlands in our valley.

As a native who feels it is my duty to guard my tribal land from cultural and environmental damage, I see this as a terrible atrocity.

The FIER for Trinity County under 1.3 Project Objectives, states: The County has identified the following objectives for the Cannabis Program:

- Regulate cannabis operations in a manner that ensures that the county is a safe place for all residents to live and work.
Having a cannabis grow in the middle of Hettenshaw on a main county road seems to violate the "safe place to live and work" as we are almost two hours from the nearest County law enforcement if they are in Hayfork when needed. This should raise concerns about safety. Also, a concern should be made known, that as I talked to some tribal members about this, they repeatedly told me they were hearing that the applicant is a leader in the mafia. I don't know this as fact, or if it is being thrown out to intimidate, but once again community safety should be considered.
- Protect the county's quality of life and natural environment. A grow in the middle of Hettenshaw where you have to see and smell it would definitely diminish the quality of life here. Damage that potentially could be caused to the environment and waterways would also violate this part of the FIER.

- Ensure that cannabis operations avoid environmental damage and detrimental impacts on communities and neighborhoods. With so many of the people who live and own land here signing petitions to stop this license, local residents commenting on probable environmental impacts, it speaks for itself about detrimental impacts on the community and neighborhood.
- Regulate cannabis operations to protect the county's reputation as a tourist destination. The Ketten fields have long been a place people come in the spring to see and photograph. Several people through the years have had pictures for special occasions in taken in the Ketten. It may not be a huge tourist attraction but having a grow in the middle of Hettenshaw is an awful plan. By allowing this permit the County will violate every one on these project objectives. It should go without saying that this permit should be denied.

As a community, prior to the August Complex Fire, in September and October of 2020, a majority of the land owners and the permanent residents signed and submitted a petition to the Planning Department requesting that due to Tribal cultural site, the Ketten Lily (Camas), and water concerns at the headwaters of the Van Duzen River, the area known as Hetten Valley or Hettenshaw be granted an opt-out for any cannabis grows. This was back burned by the Trinity County Planning Department, stating at the time they were not issuing any permits so it was not necessary.

I would encourage you to not only deny License LLC-771, but also encourage the Trinity County Planning Department to grant the opt-out.

Respectfully;

Tammy Frasier
Tammy Frasier

To the Honorable Board of Supervisors.

Joining with the Hettenshaw community, I strongly oppose the Commercial Cannabis License, CCL-771.

This project does not fit the history, heritage, and culture of Hettenshaw. Many residents are of multi-generational families with roots dating back to the original settlers and indigenous peoples of the area with a deep and abiding concern for the well being and future of Hetten Valley.

Located in the center of the Valley, this parcel holds a landmark knoll surrounded by flat ground and intersected by fish bearing creeks and deserves careful consideration. The C.E.Q.A. document claims only "minimal impact", which reveals a hastily prepared, just check all the boxes document, rather than the result of thorough research and analysis. With an ever-diminishing inventory of flat arable ground, further fragmentation, covered with roads, greenhouses, pond, and other infrastructure is not wise land use policy.

Already surrounded by a number of active as well as abandoned, permitted and unpermitted cannabis operations, the center of the Valley is certainly an inappropriate location. What will it look like? A scaled down version of the west side of the intersection of S.R. 36 and Van Duzen Road. Formerly approximately 30 acres of highly productive irrigated alfalfa.

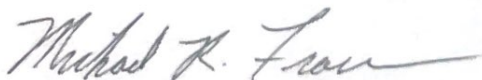
Each spring Hettenshaw attracts visitors, some as an annual tradition, to see and to photograph the Ketten (Camas Lily). All would be subject to the eyesore and obnoxious odor of this proposed grow.

The moldering remains of previous unpermitted activity on this property is evidence of lack of concern for land and community.

In addition to land use consideration, the impacts on water quantity and quality, the archeology, ascetics (seen and smelled), the unwanted, undesirable activities of an individual absentee owner, that adversely impacts every resident, visitor and traveler through Hettenshaw is far more than sufficient cause to uphold the appeal.

Reject the permit!

Michael R. Frasier



To whom it may concern:

We are sending this letter today to express how badly we would not like to see this grow smack dab in the middle of our beautiful Hettenshaw. For one this residence has already shown us how they do not respect the land or how it looks. The tall fence made of tin they started building a years ago, that never got finished, ended up blowing down, and piece by piece scattering everywhere. Years later they still have never bothered to pick it up. So since then we get to look at the field which is now littered with tin, and takes away from the beauty of the land just as the plans of this business would. Secondly the water concerns, the creek that runs thru there already is low to nothing in the summer time, and would take away so much more if this grow were to be watering crops, especially of a large scale, and chance not leaving enough for the cattle and other wild life who depend on this water. Last but not least, there are many people here, a few of my elder relatives that have lived in this valley their whole lives, who personally cannot stomach the smell Cannabis, literally giving them instant stomach and headaches. All in all we hope as a result of sending these letters, may shed some light on why we would not like to see these plans move forward, and instead keep our valley beautiful for all to still enjoy.

Sincerely,

Shane Willburn 1/26/24

Zilla Willburn 1/26/24

Zilla Willburn

Shane Willburn

To Honorable Board of Supervisors,

I am concerned landowner and member of the Hettenshaw community and I strongly oppose the Commercial Cannabis License CCL-771 .

I have lived in Southern Trinity, Ruth area for close to 44 years and was able to purchase my place in 2008. At that time there was only a few mom and pops grows in the area and none very close to my property which was great for me as I have an allergic reaction to cannabis and it closes down my airway. All that has changed though in the last 6 years as there are now at least 4 very large grows across from my place. Up until these grows were put in I was able to run 3 large sprinklers at a time with no problem, that is no longer so. I am lucky to run 1 sprinkler or the drips on one side of my vegetable garden and a load of laundry at the same time without the water running out. The damages done to my place from the neighbors grows is sad, they had put in a well 2016 and when it blew it blew into the creek that runs down through my place. When it blew there was over 7 inches of bentonite sludge in my creek bed I still have bentonite and I still can see it in spots. They have had soil delivered during a storm, at least a ¼ of the dump truck full went into the creek that comes down through my place and I ended up with all kinds of weird algae and stuff after that in my front and middle fields, the run off did end up going into the main creek which flows to the Van Duzen. The amount of devastation to the land and animals (yes, most of the growers are poaching year-round) is unbelievable and I see it every day when I drive to and from work. With most of the grow sites around here the ones that have the "permits" do not even live on the sites, they live out of the area/state or country in most cases. Then there are the ones that have just up and left and left their mess and destruction for the locals and visitors to have to look at.

The stench of the marijuana is overwhelming, especially when the weather is warm out or they have fans going. I have a hard time walking to my barn without having to use an inhaler so I can breathe. Even when I walk out to my back field, I can smell the stench and it effects my breathing. It is sad that many folks here in the valley have to remain inside their homes because the stench is so strong and bad that they can not breath if they go outside to enjoy their land or tend to their animals.

It is kinda sad, it not only affects tourists and us land owners but also those that want to work at the school, clinic or other businesses. I took a couple of dental applicants for a drive around through Hettenshaw then Ruth and back to Mad River and seeing all the grows did not impress them with the area.. It's hard enough to get applicants for this area due to its remoteness without the added concern of so many grows in the area Pretty sad

The area that they are wanting to put the grow has Camassia leichtin or better known as Ket'-en-chou that grows in the fields that they want to put the proposed grow at. There are many other grasses and bulbs that are in that area that are struggling to come back since the August Fire and the last thing we need is another grow taking water for pot plants. There are many people that come every year just to see the Ketten and take pictures of it when it is in bloom, if this grow is allowed, I do not believe there will be anything there for folks to come see. The marsh area will be depleted of the water is needs to flourish if this grow is allowed.

Respectfully,

Danene Bates

Dear Honorable Board of Supervisors,

I am writing to support the appeal on CCL-771 located in Hettenshaw. I respectfully remind the Board that the landowners and residents of Hetten requested an opt out for our area in 2020. Our area has been damaged by legal and illegal grows leaving properties that are damaged and destroyed.

This situation appears to fall into the gray area, legal or illegal? In the licensing process... but violating CEQA and archeological mitigations BEFORE finishing the license process so then they can mitigate and what? That doesn't fix any of the damage, this is an egregious violation of cultural sites and wetlands. The EIR states that wetlands are to be avoided.... YET here we are with a trench and waterline, running through not only a wetland but a critical wetland to the growth of a native food source that grows in very few areas in the wild as it needs a wetland that dries out so the bulbs do not rot.

I feel that it is wrong to go against the majority of the people who live here and have lived here for generations and their established lifestyles for someone who doesn't live here. It seems as if the county Issuing permits without thinking about the rights of those who have been here for generations or for the land. The applicant in this case has other properties throughout Humboldt and Mendocino Counties, so this is not his only investment.

I would encourage the idea that NOT EVERY property in Trinity County is appropriate for growing marijuana, especially in a commercial capacity. It may even be time to consider the suggestion of a state agency in the Final EIR that Trinity County only allow 250 permits and that our county has actually reached its capacity for marijuana. This would allow for the monitoring of the current licensed properties and the focus to be on the business side of the licenses.

Please, seriously consider not only the wishes of the residents and landowners of the valley, but also the land, water, historical importance of the valley and its resources.

Thank you,

Susie Toerpe

We, the undersigned residents, landowners and concerned citizens of Hatten Valley sign this petition stating that we are **against** a Commercial Cannabis License (CCL-771) for 10381 Ruth Zenia Rd, Hettenshaw CA on APN : 020-510-020-000

Name:	Signature:	Address:	Resident/landowner Concerned Citizen
Danere Bates	<i>Danere Bates</i>	Ruth Zenia Rd	owner
Rolinda Davis	<i>Rolinda E Davis</i>	HC 162 Box 211 Zenia	Owner
JAMES L. DAVIS JR	<i>James L Davis Jr</i>	P.O. Box 3 Blue Lake, CA. 95525	owner
<i>Theresa M. Stillwell</i>	<i>Kenneth L. Stillwell</i>	HC 62 Box 19 Zenia CA 95595	owner
Phillip m. Gilman	<i>Phillip m. Gilman</i>	Ruth-Zenia Rd Zenia ca. 95595	owner
Darlene Gilman	<i>Darlene Gilman</i>	Ruth-Zenia Rd. Zenia ca. 95595	
RHETT IMPERIALE	<i>Rhett Imperiale</i>	WEST HETTENSHAW RD ZENIA, CA. 95595	owner
Patricia M. Willburn	<i>Patricia M. Willburn</i>	Ruth, ZENIA ZENIA, Calif. 95595	owner
DONNA E Willburn	<i>Donna Willburn</i>	Ruth-Zenia Rd Zenia CA 95595	
Zilla Willburn	<i>Zilla Willburn</i>	E Hettenshaw Rd Zenia CA 95595	
Hailey Willburn	<i>Hailey Willburn</i>	E Hettenshaw Rd Zenia CA 95595	
SHARON WILLBURN	<i>Sharon Willburn</i>	E HETTENSHAW RD ZENIA CA 95595	
DALTON TOLPE	<i>Dalton Tolpe</i>	E Hettenshaw Rd Zenia 95595	
Ralph L. Willburn	<i>Ralph L. Willburn</i>	Ruth-Zenia Zenia ca 95595	
Terri Willburn	<i>Terri Willburn</i>	East Hettenshaw Rd Zenia CA 95595	
Rich Mitchell	<i>Rich Mitchell</i>	W. HETTENSHAW, 95595	
John Elgin	<i>John Elgin</i>	HC 62 Box 6 Zenia 95595	
Tracy Elgin	<i>Tracy Elgin</i>	HC 62 Box 6 Zenia 95595	
BOB QUINLAN	<i>Bob Quinlan</i>	RUTH-ZENIA ROAD	
Michael R FRASIER	<i>Michael R Frasier</i>	West Hettenshaw, Zenia, Ca 95595	
Tammy E. Frasier	<i>Tammy E Frasier</i>	W. Hettenshaw, Zenia, CA 95595	
Adrienne M. Roche	<i>Adrienne Roche</i>	Ln 3 W Hettenshaw Zenia ca 95595	

We, the undersigned residents, landowners and concerned citizens of Hetten Valley sign this petition stating that we are **against** a Commercial Cannabis License (CCL-771) for 10381 Ruth Zenia Rd, Hettenshaw CA on APN : 020-510-020-000

[illegible]

We, the undersigned residents, landowners and concerned citizens of Hatten Valley sign this petition stating that we are **against** a Commercial Cannabis License (CCL-771) for 10381 Ruth Zenia Rd, Hettenshaw CA on APN : 020-510-020-000

[illegible]

Certificate of Service by Mail

STATE OF CALIFORNIA, COUNTY OF TRINITY, I DO HEREBY CERTIFY that on **February 23, 2024** I served a copy of the attached '**Notice of Public Hearing**' for an **Appeal of Planning Commission Decision P-23-19** to the individuals shown on the attached list. By placing said copy in a sealed envelope, with postage thereon, fully prepaid, in the United States Post Office mailbox at Weaverville, California, addressed as shown on the attached list.


Deborah Rogge
Administrative Coordinator

LISTED BELOW IS AN **APPEAL OF PLANNING COMMISSION DECISION TO THE BOARD OF SUPERVISORS**. YOU HAVE RECEIVED THIS NOTICE BECAUSE YOU OWN PROPERTY THAT IS LOCATED WITHIN 300 FEET OF THE SUBJECT PROPERTY.

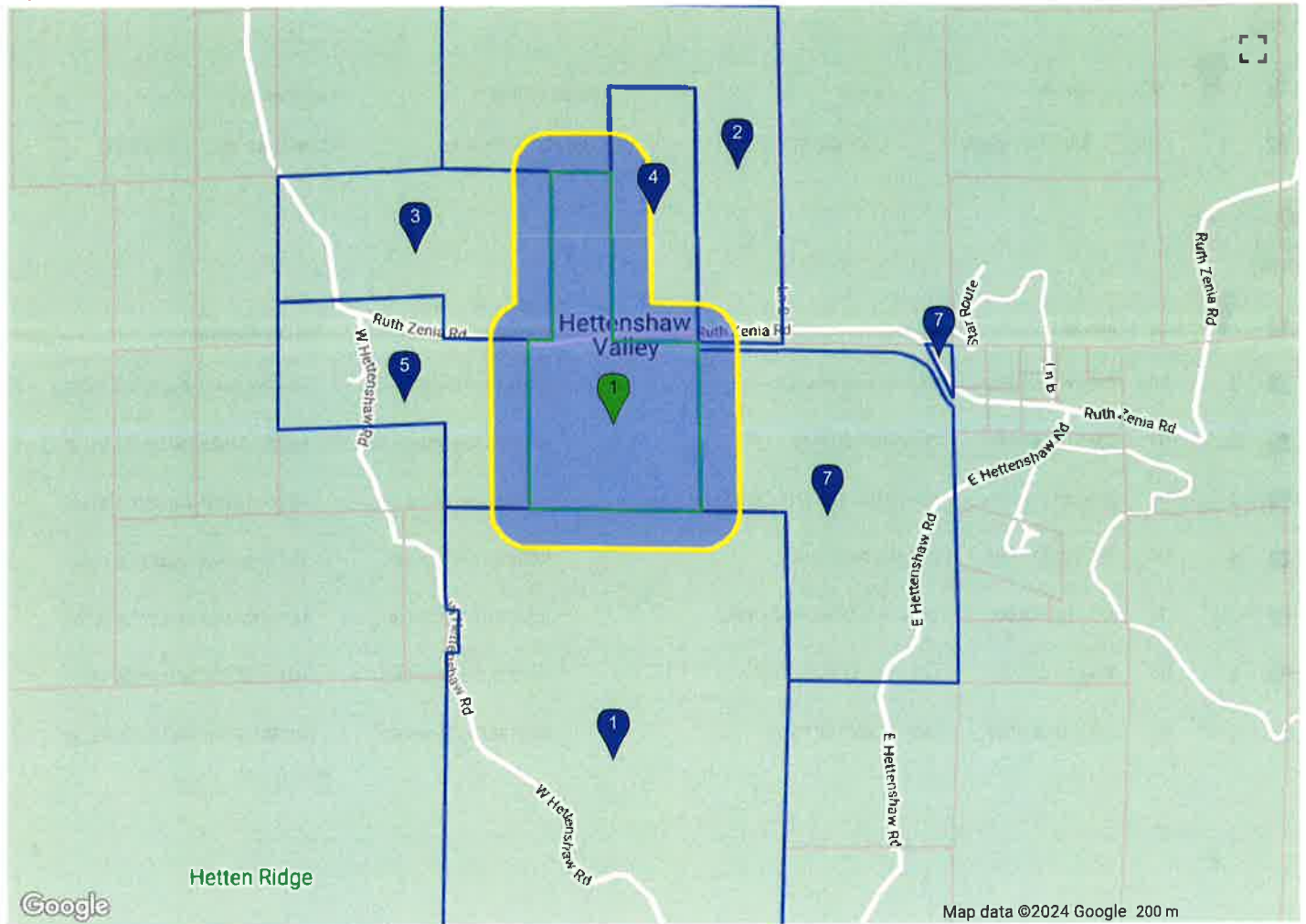
NOTICE OF PUBLIC HEARING



1. Appeal of Planning Commission decision to approve the Director's decision to approve a Commercial Cannabis License (CCL-771) for 10381 Ruth – Zenia Rd, Hettenshaw, CA (CCL Applicant: Severin Stoyanov, Smoking Green Valley, LLC Appellant: Phillip Gilman) (Planning File P-23-19).

<u>Item No</u>	<u>Hearing Body</u>	<u>Date and Time</u>
4.2	Board of Supervisors	March 5, 2024, 9 am or soon after

The Board of Supervisors meeting in Weaverville Branch of the Trinity Library, which is located at 351 Main Street. Anyone desiring to make a statement may do so, either in writing or in person. Staff reports will be available at Trinity County Planning Department 530 Main Street, Weaverville, Ca 96093, the afternoon of February 27, 2024. Comments maybe submitted to Trinity County Board of Supervisors, 11 Court Street, Weaverville, Ca 96093. (530) 623-1382, clerkoftheboard@trinitycounty.org

If you challenge the action or proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in these notices, or in written correspondence delivered to the Planning Commission and/or Board of Supervisors at, or prior to, the public hearing.



<input checked="" type="checkbox"/>		Co	APN 	Owner	S Street Address	S City State Zip
<input checked="" type="checkbox"/>	1	TRI	020-510-020-000	LAKE VALLEY FARMS LLC	10381 RUTH-ZENIA RD	HETTENSHAW VALLEY CA 95595

<input checked="" type="checkbox"/>		Co	APN 	Owner	S Street Address	S City State Zip
<input checked="" type="checkbox"/>	1	TRI	020-120-002-000	BAR 7D COUSINS LLC	981 W HETTENSHAW RD	HETTENSHAW VALLEY CA 95595
<input checked="" type="checkbox"/>	2	TRI	020-510-004-000	GILMAN PHILLIP M	1061 HETTEN VALLEY RD	HETTENSHAW VALLEY CA 95595
<input checked="" type="checkbox"/>	3	TRI	020-510-013-000	STILLWELL KENNETH L & BISHOP GINA L	10490 RUTH-ZENIA RD	HETTENSHAW VALLEY CA 95595
<input checked="" type="checkbox"/>	4	TRI	020-510-014-000	GILMAN PHILLIP M	10300 RUTH-ZENIA RD	HETTENSHAW VALLEY CA 95595
<input checked="" type="checkbox"/>	5	TRI	020-510-018-000	DECKER MAXINE RENEE ETAL	10760 RUTH-ZENIA RD	HETTENSHAW VALLEY CA 95595
<input checked="" type="checkbox"/>	6	TRI	020-510-020-000	LAKE VALLEY FARMS LLC	10381 RUTH-ZENIA RD	HETTENSHAW VALLEY CA 95595
<input checked="" type="checkbox"/>	7	TRI	020-510-021-000	MOUNTAIN TOP PS LLC	10001 RUTH-ZENIA RD	HETTENSHAW VALLEY CA 95595

From: Judnick, Dyana@Wildlife <Dyana.Judnick@Wildlife.ca.gov>
Sent: Tuesday, October 10, 2023 8:42 AM
To: Daniel Marvel
Cc: Drew Plebani
Subject: 9/26/23 Compliance visit verification memorandum

Good morning,

Please find attached the Compliance- No Violation Memorandum from our 9/26/23 site visit at Mr. Stoyanov's property. Please let me know if you have any other questions. Thank you.

Respectfully,

Dyana Judnick (she/her) [Why?](#)
Cannabis and LSA Permitting
North Region- Inland
Environmental Scientist
CDFW Northern Region
601 Locust Street, Redding CA
(530) 806-1387
Hours: M-F 6:00 to 3:00
Value Science. [Value Scientists!](#)

**State of California
Department of Fish and Wildlife**

M e m o r a n d u m

Date: October 10, 2023

To: Dan Marvel
Trinity County Cannabis Division
530 Main Street
Weaverville, CA 96093

From: Dyana Judnick, Environmental Scientist
Department of Fish and Wildlife
Interior Cannabis Permitting Program
Northern Region
601 Locust Street
Redding, CA 96001

Subject: Environmental Compliance Summary for Trinity County APN: 020-510-20-00

On September 26, 2023, California Department of Fish and Wildlife (CDFW) scientific staff conducted an inspection of the property identified by Assessor Parcel Number 020-510-20-00 located at 10381 Ruth-Zenia Rd. Zenia CA 95595 in Trinity County. Staff inspected the property identified above, for compliance with Fish and Game Code (Fish & G. Code) regulations including, but not limited to, sections 1602, 5650 and 5652. At the time of inspection, no violations related to the above referenced Fish & G. Code sections were documented. Assessment for compliance with other applicable codes was not conducted by CDFW scientific staff. Please contact the appropriate regulatory authority for inquiries related to potential violations of other applicable codes.

If you have any questions, please contact me at (530) 806-1387 or dyana.judnick@wildlife.ca.gov.

Sincerely,

Dyana Judnick
Environmental Scientist

ec: Drew Plebani
Trinity County Cannabis Division
dplebani@trinitycounty.org

Severin Stoyanov

[REDACTED]

From: Lisa Wright [REDACTED] >
Sent: Thursday, February 29, 2024 3:06 PM
To: clerkoftheboard
Subject: Fwd: County Inspection Participation - Wednesday 2/28

Hello,

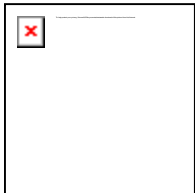
Please add the email below to the written public comments for the upcoming 3/5/24 hearing on the Gilman Appeal of CCL-771.

Let me know if you have any questions? Thank you!

Best Regards,

Lisa Wright
CEO
Flowra
www.theflowraplatform.com
[REDACTED]

[Click here to schedule a meeting with me!](#)



----- Forwarded message -----

From: Lisa Wright [REDACTED] >
Date: Thu, Feb 29, 2024 at 1:16 PM
Subject: Re: County Inspection Participation - Wednesday 2/28
To: Drew Plebani <dplebani@trinitycounty.org>
Cc: Nor Rel Muk WINTU [REDACTED] >, Tom Ballanco <[REDACTED]>, Nick Angeloff [REDACTED] >, Edward O. Prestley <eoprestley@trinitycounty.org>, Severin [REDACTED] >

Thanks to everyone in attendance yesterday!

To summarize, we found consensus on the protection of the cultural resource areas as follows:

Site 2 - Michael with ARSC flagged the GPS coordinates of this area. It was agreed that the water tanks could be returned to/placed in that area as a "cap" to protect the ground. Concrete parking spot stops - example attached - will form an avoidance perimeter on the upper area and a metal sign will be created and erected to state "No Ground Disturbance, contact Trinity County 530-623-1351". A pickup truck will transport the "stops" to the area and lay them on the surface to form the "barrier" rather than a fence that would require ground disturbance.

Site 3 - Michael with ARSC and Tracy, cultural monitor with the Nor Rel Muk Wintu, crossed the creek to Site 3. There are no plans by the property owner to access or use the area on the other side of the creek. Rather than a fence or concrete stops, it was agreed that another metal sign be placed in that area stating, "No Ground Disturbance, contact Trinity County 530-623-1351".

There was discussion regarding the ketten plant that may grow in a lower fenced area that appears to hold water, although not officially delineated as a wetland in the Biological Assessment. The plant is of cultural interest to the Nor Rel Muk Wintu, but currently not classified as a recordable cultural resource or State of CA special status plant species. The property owner will be running a water line from the tanks to the cultivation area on the other side of Ruth-Zenia Rd and will avoid that area.

It was further suggested to the cultural monitors that they may consider working with the new Trinity County Ad Hoc Committee focusing on tribal relations, headed by Supervisor Heidi Carpenter-Harris, to establish a Ketten Restoration Program for the Hettenshaw Valley and other areas suitable for its growth.

Please let me know if there are changes or additions to the outcome.

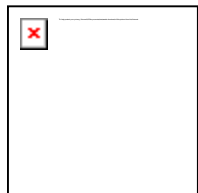
I appreciate your time!

Best Regards,

Lisa Wright
CEO
Flowra
www.theflowraplatform.com



[Click here to schedule a meeting with me!](#)



TRINITY COUNTY
Item Report 5.3

Meeting Date: 3/5/2024

Department:
Cannabis

Contact:
Drew Plebani - Cannabis
Division Director

Phone:
(530) 623-1351

5.3 Resolution Cannabis Equity Program - GO- Biz

Requested Action:

Adopt a resolution authorizing the State of California Cannabis Equity Act Agreement Funding and authorize the County Administrative Officer to execute the grant agreement.

Fiscal Impact:

Revenue up to \$1,812,729.52 to Cannabis Division from Grant Funds.

Summary:

On February 7th, 2024 the Cannabis Division received notification that our Type 2 grant application for the Cannabis Equity Grants Program for Local Jurisdictions was approved and awarded funding. Based on review of the application and pursuant to the point-based scoring system and funding formula outlined in the Grant Solicitation, the County of Trinity is eligible for a grant award of up to \$1,812,729.52.

Discussion:

Resolution 2023-144 was adopted on December 5, 2023. At the direction of the Governor's Office of Business and Economic Development, the language in the attached Resolution No. 2023-144 has been updated to clearly designate the official by title, that is authorized to sign on behalf of the Board of Supervisors.

Updated language specifies that the County Administrative Officer is authorized to execute the grant agreement on behalf of the Board of Supervisors.

Alternatives Including Financial Implications:

Deny and provide direction to staff.

Departmental Recommendation:

Adopt Resolution as presented.

ATTACHMENTS:

Description

Equity Grant Funds Resolution 12.5.23
Award letter 2.7.24
Equity Grant Funds Resolution 3.5.24

RESOLUTION NO. 2023-144

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AUTHORIZING STATE OF CALIFORNIA
CANNABIS EQUITY ACT GRANT FUNDING**

WHEREAS, the members of the California Legislature have recognized the need for cannabis equity grant funding; and

WHEREAS, funding has been provided to the Governor's Office of Business and Economic Development to provide grant funds to local governments; and

WHEREAS, The County of Trinity has adopted or operates a local equity program for commercial cannabis activity; and

WHEREAS, The County of Trinity has determined that it will use grant funds from the Governor's Office of Business and Economic Development to assist local equity applicants and licensees through its local equity program for commercial cannabis activity, as described in its application for grant funds; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Trinity is authorized to execute, by electronic signature on behalf of the County of Trinity, the grant agreement with the Governor's Office of Business and Economic Development, including any extensions or amendments thereof and any subsequent grant agreement with the Governor's Office of Business and Economic Development in relation thereto; and

BE IT FURTHER RESOLVED, that any liability arising out of the performance of this grant agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The Governor's Office of Business and Economic Development and the State of California disclaim responsibility for any such liability.

DULY PASSED AND ADOPTED this 5th day of December, 2023 by the Board of Supervisors of the County of Trinity by motion, second (Leutwyler/Gogan), and the following vote:

AYES:	Supervisors Gogan, Leutwyler, Carpenter- Harris, Frasier, and Cox
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



JILL COX, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:
TRENT TUTHILL
Clerk of the Board of Supervisors

By:  _____
Deputy



GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT
STATE OF CALIFORNIA • OFFICE OF GOVERNOR GAVIN NEWSOM

February 7, 2024

Drew Plebani
Cannabis Division Director
P.O. Box 2819,
Weaverville, CA 96093

Dear Drew Plebani,

Thank you for your Type 2 grant application for the Cannabis Equity Grants Program for Local Jurisdictions. Based on our review of your application and pursuant to the point-based scoring system and funding formula outlined in the Grant Solicitation, we are pleased to inform you that **County of Trinity** is eligible for a grant award of up to **\$1,812,729.52**. We intend to issue an announcement of all jurisdictions receiving funding within the next few weeks. In order to proceed with providing you a grant agreement for signature, please email the following information to CEG@gobiz.ca.gov:

1. An updated budget spreadsheet reflecting the total amount of the grant award. As soon as possible, and no later than **February 19th**, please make any updates to the enclosed budget spreadsheet so that we can finalize your budget for inclusion in your grant agreement.
2. All grant agreements must be signed via our electronic signature platform, DocuSign. Please provide the name, title, and email address for the individual that will be signing the grant agreement no later than **February 19th**.
3. Lastly, to receive grant funding a resolution is required from your jurisdiction's governing body authorizing the jurisdiction to enter into the grant agreement with GO-Biz and designating by title the individual who is authorized to sign the agreement on behalf of the jurisdiction. It is important to place a resolution request on the governing body's agenda immediately to avoid funding delays. A sample resolution is attached.

Note: The approved resolution MUST contain all of the components found in the attached sample resolution. Authorizing resolutions must be received by GO-Biz no later than **April 1, 2024**.

The grant agreement must be signed by the jurisdiction using DocuSign no later than **April 1, 2024**.

Congratulations, and we look forward to working with you on next steps. Please contact us if you have any questions.

Best regards,

Katie Raley

Katie Raley, Grant Supervisor
Grant Supervisor, Community and Local Equity Grants Unit
Governor's Office of Business and Economic Development (GO-Biz)
1325 J Street, Suite 1800 | Sacramento, CA 95814

RESOLUTION NO. 2024-XXX
A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AUTHORIZING STATE OF CALIFORNIA CANNABIS
EQUITY ACT GRANT FUNDING

WHEREAS, the members of the California Legislature have recognized the need for cannabis equity grant funding; and

WHEREAS, funding has been provided to the Governor's Office of Business and Economic Development to provide grant funds to local governments; and

WHEREAS, The County of Trinity has adopted or operates a local equity program for commercial cannabis activity; and

WHEREAS, The County of Trinity has determined that it will use grant funds from the Governor's Office of Business and Economic Development to assist local equity applicants and licensees through its local equity program for commercial cannabis activity, as described in its application for grant funds.

NOW, THEREFORE, BE IT RESOLVED that the County Administrative Officer of the County of Trinity is authorized to execute, by electronic signature on behalf of the County of Trinity the grant agreement with the Governor's Office of Business and Economic Development, including any extensions or amendments thereof and any subsequent grant agreement with the Governor's Office of Business and Economic Development in relation thereto.

BE IT FURTHER RESOLVED, it is agreed that any liability arising out of the performance of this grant agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The Governor's Office of Business and Economic Development and the State of California disclaim responsibility for any such liability.

DULY PASSED AND ADOPTED this 5th day of March, 2024 by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

AYES:	Supervisors
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None

RIC LEUTWYLER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:
TRENT TUTHILL
Clerk of the Board of Supervisors

By: _____
Deputy

TRINITY COUNTY

Item Report 5.4

Meeting Date: 3/5/2024

Department:
Planning and Zoning

Contact:
Ed Prestley

Phone:
(530) 623-1351 EXT 2855

5.4 Ordinance:R-3 zoned: Trinity County Code Section 17.18.060

Requested Action:

Waive the reading of and enact an ordinance amending Trinity County Code Section 17.18.060 pertaining to Building Height in the Multi-Family District (R-3), introduced November 7, 2023.

Fiscal Impact:

No fiscal impact.

Discussion:

On February 23, 2023, the proposed ordinance amendment to change the height limit from 25 feet to 40 feet within the R-3 zoning district was introduced to the Planning Commission.

There was concern among commissioners regarding whether Volunteer Fire Departments (VFDs) could respond to emergencies in taller buildings, given their current emergency response ladders. A Commissioner made a recommendation that the proposed height limit amendment be adjusted to allow for 45 feet, as this number is the standard within the construction industry. The Commission voted 4-1 to continue the item to a date uncertain in order for the Planning Division to gather comments from the VFDs of the affected communities regarding their ability to respond to an emergency at a higher elevation building/multi-family residential structure.

On April 13, 2023, the item was re-introduced to the Planning Commission. In this updated version, comments from the VFDs were included and the height limit was increased to 45 feet. The Planning Commission recommended approval for the item to the Board of Supervisors in a 2-1 vote.

On September 6, 2023, the item was introduced for a first reading to the Board of Supervisors. Concerns regarding proper equipment were echoed by the Board of Supervisors. The Board voted to introduce and waive the reading of the proposed ordinance with an amendment to only allow parcels zoned R3 within the Weaverville Fire Protection District (FPD) to have a maximum height of 45 feet. A total of 67 parcels are zoned R-3 within the Weaverville FPD. This motion passed the Board of Supervisors 5-0.

On November 7, 2023, the proposed Amendment was re-introduced to the Board of Supervisors for a first reading of the final version of the ordinance amendment, with changes requested by the Board. The introduction and waiving of the reading passed on a 5-0 vote.

On the March 5, 2024 the second and final reading and enactment is before the Board of

Supervisors.

Alternatives Including Financial Implications:

1. Ask staff for more information and continue 2nd reading to a future meeting date.
2. Deny proposed ordinance amendment and direct staff.

Departmental Recommendation:

Waive the reading and enact the proposed ordinance amending Trinity County Code Section 17.18.060 pertaining to Building Height, introduced on November 7, 2023.

ATTACHMENTS:

Description

Trinity County General Plan Housing Element 2019-2024 Page 78 Objectives and Programs
BOS 11-7-23 Legal Minutes
BOS 11/7/23 Staff Report
R-3 Height Amendment Parcels
Ordinance Amendment 17.18.060 Building Height
Ordinance

Objectives and Programs

Objective One: Accommodation of the County's Housing Allocation

Trinity County has sufficient appropriately zoned lands to support all residential development proposed by the State for the period between August 31, 2019 and August 31, 2024 in order to meet its share of the state's housing needs for this region. The County will encourage overall production of housing to meet this goal by taking the following measures:

Programs:

- 1.1 The Planning Department shall annually review and amend land use regulations, development standards, processing procedures and fees, as needed, and where feasible remove impediments to and reduce the cost of affordable residential development. The County will establish a written policy or procedure and other guidance as appropriate to specify the SB 35 streamlining approval process and standards for eligible projects, as set forth under GC Section 65913.4.

As part of this program, the County will review and amend its development standards if the 25-foot height limit in the R-3 zone and lack of permitted "by right" uses in the R-2 zone are constraints to the development of multifamily housing.

Responsible Agency: Planning Department, Board of Supervisors

Time Frame: Annually review and amend, develop a SB 35 streamlining approval process by January 2021, complete a review of the height limit in the R-3 zone by January and 2021 and amend by July 2021, if needed.

Funding: Permit fees, General Fund, SB 2 Funding

Objective Two: Provision of Affordable Housing

The California Department of Housing and Community Development (HCD) approved a regional housing allocation plan that requires Trinity County to accommodate two housing units between 2019 and 2024 as its share in meeting the state's critical housing need. The County has taken steps to address land use needs and infrastructure requirements for development. The majority of the county (76 percent) is government land and not available for private development. Another 14 percent is zoned for timber use or held in agriculture land conservation contracts, which cannot be used for residential development. Of the ten percent remaining lands, very little is left unencumbered by topographic constraints.

Programs:

- 2.1 The County will continue to encourage, support, and assist agencies and developers in applying for funding from available State and federal programs to provide housing for low- and moderate-income households. In an effort to do so, the County will provide the following support services:

- Apply for State and federal funds on behalf of housing providers when funding sources require public agency involvement.
- Support funding applications by housing providers.
- Offer regulatory incentives, such as density bonuses, for projects that include

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA

MEETING MINUTES

November 7, 2023

**Chairman
Supervisor Jill Cox - District 2**

**Vice-Chairman
Supervisor Ric Leutwyler - District 1**

**Supervisor Liam Gogan - District 3
Supervisor Heidi Carpenter-Harris- District 4
Supervisor Dan Frasier - District 5**

**Trent Tuthill - County Administrative Officer
Margaret E. Long - County Counsel
Ashley Piker - Deputy Clerk of the Board**

The Trinity County Board of Supervisors welcomes you to its meetings which are regularly scheduled for the first and third Tuesday of each month, unless altered to accommodate a holiday, starting at 9:00 a.m. at 351 Main Street, Weaverville, California.

This Board Agenda contains a brief, general description of each item to be considered. Supporting documentation is available online at www.trinitycounty.org, at the County Administrative Office located at 11 Court Street, Room 230, Weaverville, CA, during normal business hours, and in the Public Packet at the rear of the Board Chambers during the meeting.

If you would like to receive notification via email that the agenda has been posted, please send your request to clerkoftheboard@trinitycounty.org.

Members of the public wishing to present documents to the Board of Supervisors during the meeting must submit ten (10) copies to the Deputy Clerk of the Board.

During the meeting the Trinity County Board of Supervisors may take action sitting as the Board of Supervisors and as the governing body of: The Trinity County Transportation Commission, the In-Home Supportive Services Authority, the Consolidated Transit Services Agency, the Trinity County Board of Equalization, the Trinity County Housing Authority and the Solid Waste Local Task Force.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the Deputy Board Clerk at the County Administrative Office three (3) full business days prior to the meeting at (530) 623-1382 or clerkoftheboard@trinitycounty.org.

ZOOM INFORMATION

This meeting was available via Zoom.

Meeting called to order in open session at 9:00 AM

Pledge of Allegiance

The Pledge was led by Supervisor Luetwyler.

PRESENTATIONS

Board of Supervisors

- 1.1 Received a presentation from HRN Community Service Director Tricia Aberg regarding Tobacco Issues in Trinity County and the benefits of Smokefree Outdoor Areas.

Received comments from Students of Friday Night Live Moorea Gorre, Kadance McCall, and Evelyn Seegmiller.

Clerk of the Board

- 1.2 Received an update from U.S. Forest Service District Ranger Tara Jones regarding matters of interest in Trinity County.

Veterans Services

- 1.3 Received a presentation from Trinity County Veterans Services Officer Jennifer Dobbs regarding the Veterans program, and adopted a proclamation supporting Operation Green Light for Veterans and recognizing November 2023 as Veterans and Military Families month.

Motion: Ric Leutwyler **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Public Comment

Received comments from Richard Horged, Shanna White, and Adrian Keys.

REPORTS/ANNOUNCEMENTS

- 2.1** I. Received a report from Assesor/Clerk/Recorder Shanna White.
II. Received a report from County Administrative Officer Trent Tuthill.
III. Received reports from Members of the Board of Supervisors.
IV. Received reports from Ad Hoc:
 A. Trinity County Water - Chairman Cox disbanded this ad hoc effective 11/7/2023
 B. Cannabis Ordinance
 C. Economic Development - Chairman Cox disbanded this ad hoc effective 11/7/2023

CONSENT CALENDAR

Behavioral Health Services

- 3.1** Approved amendment number 2 to the agreement with Northern Valley Catholic Social Services updating rates for Fiscal Year 2023/2024 per CalAIM Standards, and increasing maximum amount by \$150,000 to provide Specialty Mental Health Outpatient Services.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Clerk of the Board

- 3.2** Authorized the Chairman to sign a letter supporting the Greater Hayfork Valley Park and Recreation District's Annual Hayfork Lights Parade.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.3** Approved the regular meeting minutes of May 2 and 16, 2023 and special meeting minutes of May 10 and 15, 2023 as submitted by the clerk.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.4** Adopted Resolution Number 2023-136 confirming the continuance of a local emergency due to drought conditions in the County of Trinity.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.5** Adopted Resolution Number 2023-137 confirming the continuance of a local health emergency due to hazardous material concerns resulting from the 2021 fires in Trinity County.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

General Services

- 3.6** Approved an agreement with Buddy's Auto Center, Inc., to provide as-needed recovery, towing/removal, dismantling, and roadside assistance services at the request of the Vehicle Abatement Officer, Facilities Operations Superintendent, or the Trinity County Sheriff's Department.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Health and Human Services

- 3.7** Approved an agreement with Emergency Vehicle Outfitting Company to provide purchase, installation, removal, maintenance, and programming of handheld and mounted radios and necessary ancillary equipment to support current, efficient, and effective radio communications for Health and Human Services staff.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.8** Approved amendment number 2 to the agreement with Data Strategy Consulting, LLC extending the term to December 31, 2025, increasing the maximum cost by \$299,000, and replacing Exhibit A1 to conduct Trinity County equity assessment.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.9** Approved a budget adjustment for FY 23/24 for OES - Dept. 2260 increasing Revenues by \$55,000, Services & Supplies by \$53,700 and Interfund Expense by \$1,300.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Human Resources

- 3.10** Modified the Departmental Allocation List for Community Development Department, Natural Resources Division to add 2 (Two) Environmental Compliance Specialist I/II, retroactively effective October 1, 2023.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Sheriff

- 3.11** Approved a budget adjustment for FY 23/24 for Animal Control - Dept. 2284 increasing Transfers In by \$91,000, Salaries & Benefits by \$35,153 and Services & Supplies by \$55,847; approved a budget adjustment for FY 23/24 for Health Realignment - Dept 8493 increasing Transfers Out by \$91,000 and approved a budget adjustment for FY 23/24 for Health - Dept 4402 increasing Transfers In and Transfers Out by \$91,000.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.12** Approved a budget adjustment for FY 22/23 for Jail Health - Dept. 2285 increasing revenues by \$40,000, Salaries & Benefits by \$1,000 and Services & Supplies by \$39,000.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 3.13** Approved a budget adjustment for FY 22/23 for Sheriff - Dept. 2281 increasing Transfers Out and decreasing Salaries & Benefits by \$27,000; approved a budget adjustment for FY 22/23 for Lake Patrol - Dept. 2210 increasing Transfers In and Services & Supplies by \$6,000 and approved a budget adjustment for FY 22/23 for Cannabis Eradication Program - Dept. 2280 increasing Transfers In by \$21,000, Salaries & Benefits by \$19,000 and Services & Supplies by \$2,000.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Transportation

- 3.14** Approved an agreement with Wood Rodgers, Inc. to provide on-call engineering services in a retainer capacity to assist with management of disaster repair projects.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**

Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

COUNTY MATTERS

Board of Supervisors

- 4.1 Discussed and took action regarding the following areas for the cannabis cultivation license fee credit/refund worksheet authorized by the Board of Supervisors on March 1, 2022:
- Established the end date of November 15, 2023 to accept credit/refund worksheet from 2021; and
 - Established the end date of December 31, 2023, for credit/refunds to be applied.

Received comments from Cannabis Division Director Drew Plabani, and Lisa Wright.

Motion: Ric Leutwyler **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.2 Discussed and moved to cast Trinity County's vote for Group 1 Counties representative on the County Medical Services Program Governing Board Richard Foster.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Clerk of the Board

- 4.3** Selected the following proposals for funding pursuant to Title III Secure Rural Schools and Community Self-Determination Act of 2000 with clarifinh the use of the Downriver Volunteer Fire Departments request insuring it falls within the guidlines and authorized the County Administrative Officer to sign the agreements and any future amendments.

<u>Applicant</u>	<u>Request Description</u>	<u>Requested Amount</u>
Downriver Volunteer Fire Department	Purchase hydraulic rescue tool known as "the Jaws of Life"	\$15,000.00
Hyampom Community Services District/Volunteer Fire Department	5 Radios (Wildland Firefighting Basics Starter Kit)	\$11,823.75
TC Resurce Conservation District	Community Wildifre Protection Plan Update & Implementation	\$100,000.00
TC Search & Rescue	Technical Roper Rescue Operations Training, Advanced Wilderness First Aid Course and misc equipment	\$20,000.00
Trinity Center Volunteer Fire Department	Fuels reduction around Trinity Knolls water storage tank	\$8,000.00
Trinity Center Volunteer Fire Department	Purchase 2 Radios	\$6,500.00
Watershed Research & Training Center	South Fork-South County Firewise Communities Project	\$66,087.00
Weaverville Fire Department	Trinity County Defensible Space Improvement Project	\$60,000.00
		\$287,410.75

Received comments from Senior Financial Analyst Suzie Hawkins and CAO Trent Tuthill.

Motion: Dan Frasier **Second:** Heidi C Harris **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

General Services

- 4.4** Approved a budget adjustment for FY 23/24 for the Abandoned Vehicle Abatement Program - Dept. 2950 increasing Transfers in and Services and Supplies by \$2,200; approved a budget adjustment for FY 23/24 for Contributions To Other Funds - Dept. 1990 increasing Transfer Out by \$2,200; and approved a budget adjustment for FY 23/24 for General Fund Contingency - Dept. 9901 decreasing appropriations for Contingency by \$2,200.

Received comments from CAO Trent Tuthill, Zornitsa Petcov, and Peter Petcov.

Motion: Ric Leutwyler **Second:** Heidi C Harris **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Health and Human Services

- 4.5** Waived the reading of and enact Ordinance Number 1369 amending Trinity County Code Section 2.70 pertaining to Partnership HealthPlan of California Commission, introduced on October 03, 2023.

Received comments from Director of HHS Liz Hamilton.

Motion: Ric Leutwyler **Second:** Heidi C Harris **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Human Resources

- 4.6** Pursuant to Trinity County Code Section 2.60.410(A) authorized hiring Employee ID No. 01539 as an Extra Help Accounting Technician, Senior at Range G187 Step G in the Health & Human Services, effective November 07, 2023.

Received comments from Director of HR Laila Cassis.

Motion: Heidi C Harris **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.7** *Continued to December 5, 2023 to the consideration of the following actions in the Probation Department effective December 01, 2023:*

1. Approve the job descriptions, set the salary range and add to the alphabetical listing of classifications a Deputy Chief Probation Officer at range O248, Program Facilitator I at range G149 and Program Facilitator II at range G159;
2. Modify the departmental listing of allocations for the Probation Department to add 2 Deputy Chief Probation Officers and replace Probation Corrections Counselor I/II with Program Facilitator I/II;
3. Pursuant to Trinity County Code Section 2.60.420, reclassify Employee ID No. 00887 from an Assistant Chief Probation Officer to a Deputy Chief Probation Officer at step F and reclassify Employee ID No. 02382 from a Supervising Deputy Probation Officer to a Deputy Chief Probation Officer at step B; and
4. Delete from the Alphabetical Listing of Classifications and job descriptions the Assistant Chief Probation Officer, Supervising Deputy Probation Office, and Probation Corrections Counselor I/II.

Received comment from Director of HR Laila Cassis.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.8** Adopted Resolution Number 2023-138 which authorizes the County Purchasing Agent, to sell County issued firearms.

Received comments from Director of HR Liala Cassis, CAO Trent Tuthill, and Tom Ballanco.

Motion: Ric Leutwyler **Second:** Dan Frasier **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

Planning and Zoning

- 4.9** Introduced and waived the reading of an ordinance amending Trinity County Code Section 17.18.060 pertaining to R-3/Multi-Family Zoning.

Received comments from Assistant Planner Mitchell Wexler.

Motion: Ric Leutwyler **Second:** Liam Gogan **Carried**
Ayes: C Harris , Cox, Frasier, Gogan, Leutwyler

- 4.10** Conducted an appeal hearing to consider upholding, modifying, or overturning the Planning Commission's decision to deny the appeal of (P-23-22) Commercial Cannabis License (CCL) #106 for Petko Petkov, Nature Farm, Inc. on Assessor's Parcel Number 019-280-003.

Received comments from Cannabis Division Director Drew Plabani, Lisa Wright, Cedar, John Brower, Zornitsa Petcov, Tom Ballanco, John Coogan, Petko Petcov, Thomas D, Chriss Williams, Veronica Kelley - Albiez, Attorney Derke Cole, Deputy County Counsel Amanda Urhammer, Cannabis Division Code Compliance Lead Daniel Marvel, Environmental Compliance Specialist II David Colbeck, and Environmental Health Director Kritsy Anderson

Motion by Supervisor Frasier, Second by Supervisor Cox to overturn the Planning Commission's decision to deny the appeal of (P-23-22) Commercial Cannabis License (CCL) #106 for Petko Petkov, Nature Farm, Inc. on Assessor's Parcel Number 019-280-003. Failed due to lack of majority.

Motion: Dan Frasier **Second:** Jill Cox **Failed due to lack of a majority**
Ayes: Frasier
Nays: C Harris , Cox, Gogan, Leutwyler

Motion by Supervisor Cox, Second by Supervisor Frasier to continue the appeal hearing to uphold, modify, or overturn the Planning Commission's decision to deny the appeal of (P-23-22) Commercial Cannabis License (CCL) #106 for Petko Petkov, Nature Farm, Inc. on Assessor's Parcel Number 019-280-003, to the December 5, 2023 meeting. Failed due to lack of majority

Motion: Jill Cox **Second:** Dan Frasier **Failed due to lack of a majority**

Ayes: Cox

Nays: C Harris , Frasier, Gogan, Leutwyler

Upheld the Planning Commission's decision to deny the appeal of (P-23-22) Commercial Cannabis License (CCL) #106 for Petko Petkov, Nature Farm, Inc. on Assessor's Parcel Number 019-280-003.

Motion: Heidi C Harris **Second:** Liam Gogan **Carried**

Ayes: C Harris , Gogan, Leutwyler

Nays: Cox, Frasier

CLOSED SESSION

- 5.1** Government Code Section 54954.5(c) - Conference with Legal Counsel - Anticipated Litigation
No. of Cases: Two

Not reportable action.

- 5.2** Government Code Section 54954.5(c) - Conference with Legal Counsel - Existing Litigation.
Number of cases: one
- Sceper, et al. v. County of Trinity, et al. (Trinity County Superior Court Case No. 22CV071).

Direction given to staff.

- 5.3** Government Code Section 54954.5(e) - Public Employee Appointment: County Counsel.

Direction given to staff.

- 5.4** Government Code Section 54954.5(e) - Public Employee Evaluation: County Administrative Officer.

No reportable action.

- 5.5** Government Code section 54956.9(d)(2)&(3) - Conference with legal Counsel - Anticipated Litigation
Significant exposure to litigation - One potential case.
Complaint of alleged harassment against a member of the Board of Supervisors

Direction given to staff.

ADJOURN

TRINITY COUNTY BOARD OF SUPERVISORS

Jill Cox, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Trent Tuthill
Clerk of the Board of Supervisors

By:

Deputy

TRINITY COUNTY BOARD OF SUPERVISORS

STAFF REPORT

PROJECT TITLE: Housing Element Program 1.1: 25-foot Height Limit Review

REPORT BY: Mitchell Wexler, Assistant Planner

LOCATION: Weaverville Fire Protection District

ZONING DISTRICT: Multiple-Family Residential (R-3)

BACKGROUND:

In the 2019 Trinity County Housing Element Update, as mentioned under the *Objectives and Programs* section, Program 1.1 requires reviews of the R-3 district. It states that “As part of this program, the County will review and amend its development standards if the 25-foot height limit in the R-3 zone and lack of permitted ‘by right’ uses in the R-2 zone are constraints to the development of multifamily housing.” The current height limit for Trinity County’s Multiple Family District (R-3) is 25 feet. This report shall review this given height limit, and determine if it constrains local land owners and developers.

Residential Zoning Districts		Height Limit
<i>Rural Residential (RR)</i>		40 ft
<i>Single-Family District (R-1)</i>		40 ft
<i>Duplex Residential District (R-2)</i>		40 ft
<i>Multiple Family District (R-3)</i>		25 ft
<i>Residential Office District (R-O)</i>		25 ft
Zoning District	Housing Allowed	Height Limit
<i>Agricultural (A)</i>	Farm Labor Quarters, Servants’ Quarters	40 ft
<i>Agricultural Forest (A-F)</i>	Single Family Dwelling	40 ft
<i>Recreational Development District (R-D-1)</i>	Single Family Dwelling	2 stories but not to exceed 40 ft
<i>Unclassified (UNC)</i>	Single Family Dwelling	40 ft

As shown in the chart above, the R-3 district’s height limit is 15 ft shorter than all but one residential zoning district, including non-residential districts allowing for the construction of single-family residences. This inconsistency has the potential to confuse local land owners and developers and possibly stop projects from being built. To determine if this is a constraint for development within the County, the height limits in the multifamily housing districts of neighboring counties shall be examined, along with height averages based on records of their most recent multiple family development projects.

COUNTY ORDINANCES:

The chart below lists the height limits that neighboring counties' R-3 districts have applied to their developments. The Recent Projects Average (RPA) accounts for the average height of their recent multiple family developments. This information shall demonstrate how the height limit of these counties affects the types of developments passed within each of these counties.

County	Zoning District	Residential Uses Permitted (including Accessory Uses)	RPA	Height
Lake	Multiple-Family Residential District (R-3)	<ul style="list-style-type: none"> 2plex-4plex Apartments up to 20 units/project Residential accessory uses and accessory structures 	34 ft	Max:
				45 ft
				ADU: 20 ft
Plumas	Multiple-Family Residential Zone (M-R)	<ul style="list-style-type: none"> Dwelling units (apartments) and manufactured homes 	N/A	Max:
				35 ft
Mendocino	Multiple Family Residential District (R-3)	<ul style="list-style-type: none"> Family residential; multi-family Accessory uses 	20-25 ft	Max:
				50 ft
Lassen	Multiple Family Residential District (R-3)	<ul style="list-style-type: none"> Multi-family dwelling and groups of up to 4 units Accessory uses and accessory buildings 	N/A	Max:
				45 ft
Calaveras	Multiple Family Residential District (R-3)	<ul style="list-style-type: none"> Single family residence (1 per parcel) MFH meeting density requirements Time-share Residential occupation 	N/A	Max:
				45 ft
Shasta	Multiple Family Residential District (R-3)	<ul style="list-style-type: none"> Multi-family residences Two-family residences Condominiums Accessory buildings & uses commonly found in multifamily or condominium developments 	N/A	Max:
				45 ft

Sources: Lake County, Plumas County, Mendocino County, Lassen County, Calaveras County, and Shasta County Zoning Ordinances

FINDINGS:

Based on the height limits provided, the average maximum allowed height for multifamily residential zoning is 44.16 feet. Despite this average, these counties haven't faced waves of development straddling the limit, nor any notable alterations to the built landscape of their communities. The RPA in Lake County is 34 ft and that in Mendocino County is 20-25 ft. Plumas County, Calaveras County, Shasta County, and Lassen County have no RPA, as there has been no recent multi-family development in any of them. The county's multi-family height limit makes it an outlier among those listed. This information also reveals that there is no practice of maintaining lower height limits for multiple-family residential zoning in these given counties. Given this information, this height limit could be a barrier to the flexibility of local land owners and developers.

BOARD OF SUPERVISORS MEETING ON SEPTEMBER 6, 2023:

On September 6, 2023, meeting item number 4.5 Ordinance: Amendment to R-3/Multi-Family Zoning was presented to the board. An earlier version of this staff report was presented to the board, along with a recommendation that the height limit of R-3 Zoning be amended from 25 feet in height to 45 feet in height. Three communities within the county have R-3/Multi-Family Zoning. These communities are Hayfork, Lewiston, and Weaverville. Each community has its own fire department.

Of these three communities with multifamily zoning, only Weaverville's Fire Department has the ladders that

Item Number:**Meeting Date: March 5, 2024**

reach the needed height for an adequate emergency response for a 45-ft tall building. This has led to safety concerns from the Fire Chiefs Association. As a result, at one of their recent monthly meetings, they voted against recommending changing the height limit for R-3/Multi-Family Zoning from 25 ft to 45 ft.

This issue was discussed by the Board of Supervisors. In order to match the safety needs of the community while allowing for more opportunities for housing, the Board reached a decision. Through the conversation, a decision was made to allow for the 45-foot height to be implemented within the Weaverville Fire Department boundaries, as this department has a ladder that reaches the required heights for access. The board voted unanimously in favor of this position.

BOARD OF SUPERVISORS MEETING ON NOVEMBER 7, 2023:

On November 7, 2023, meeting item number 4.10: Introduce and waive the reading of an ordinance amending Trinity County Code section 17.18.060 pertaining to R-3/Multi-Family Zoning was presented to the board. An earlier version of this staff report was presented to the board, along with a recommendation that the height limit of R-3 Zoning be amended from 25 feet in height to 45 feet in height within the boundaries of the Weaverville Fire Protection District.

The Board of Supervisors discussed this item, and made a decision to allow for the 45-foot height to be implemented within the Weaverville Fire Protection District. This changed the minimum allowed height limit within that envelope. The Board passed this decision with a vote of 5-0.

ENVIRONMENTAL EVALUATION:

With regard to this amendment to Trinity County Code section 17.18.060 pertaining to R-3/Multi-Family Zoning, the CEQA Code Section 15061(b)(3), the Common-Sense Exemption, applies. This section of CEQA states the following:

15061. REVIEW FOR EXEMPTION

- (a) Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.
- (b) A project is exempt from CEQA if:
 - (1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
 - (2) The project is exempt pursuant to a categorical exemption (see Article 19, Commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
 - (3) The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
 - (4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
 - (5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.
- (c) Each public agency should include in its implementing procedures a listing of the projects often handled by the agency that the agency has determined to be exempt. This listing should be used in preliminary review.
- (d) After determining that a project is exempt, the agency may prepare a Notice of Exemption as provided in Section 15062. Although the notice may be kept with the project application at this time, the notice shall not be filed with the Office of Planning and Research or the county clerk until the project has been approved.
- (e) When a non-elected official or decision-making body of a local lead agency decides that a project is exempt from CEQA, and the public agency approves or determines to carry out the project, the decision that the project is exempt may be appealed to the local lead agency's elected decision-making body, if one exists. A local lead agency may establish procedures governing such appeals.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080, 21080.9,

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21080.10, 21084, 21108, 21151, 21152, and 21159.21, Public Resources Code; Muzzy Ranch Co. v. Solano County Airport Land Use Commission (2007) 41 Cal. 4th 372, *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68.

Because this project does not have the potential to cause a significant effect on the environment, this amendment is not subject to CEQA.

STAFF RECOMMENDATION:

Staff recommends that the Board of Supervisors:

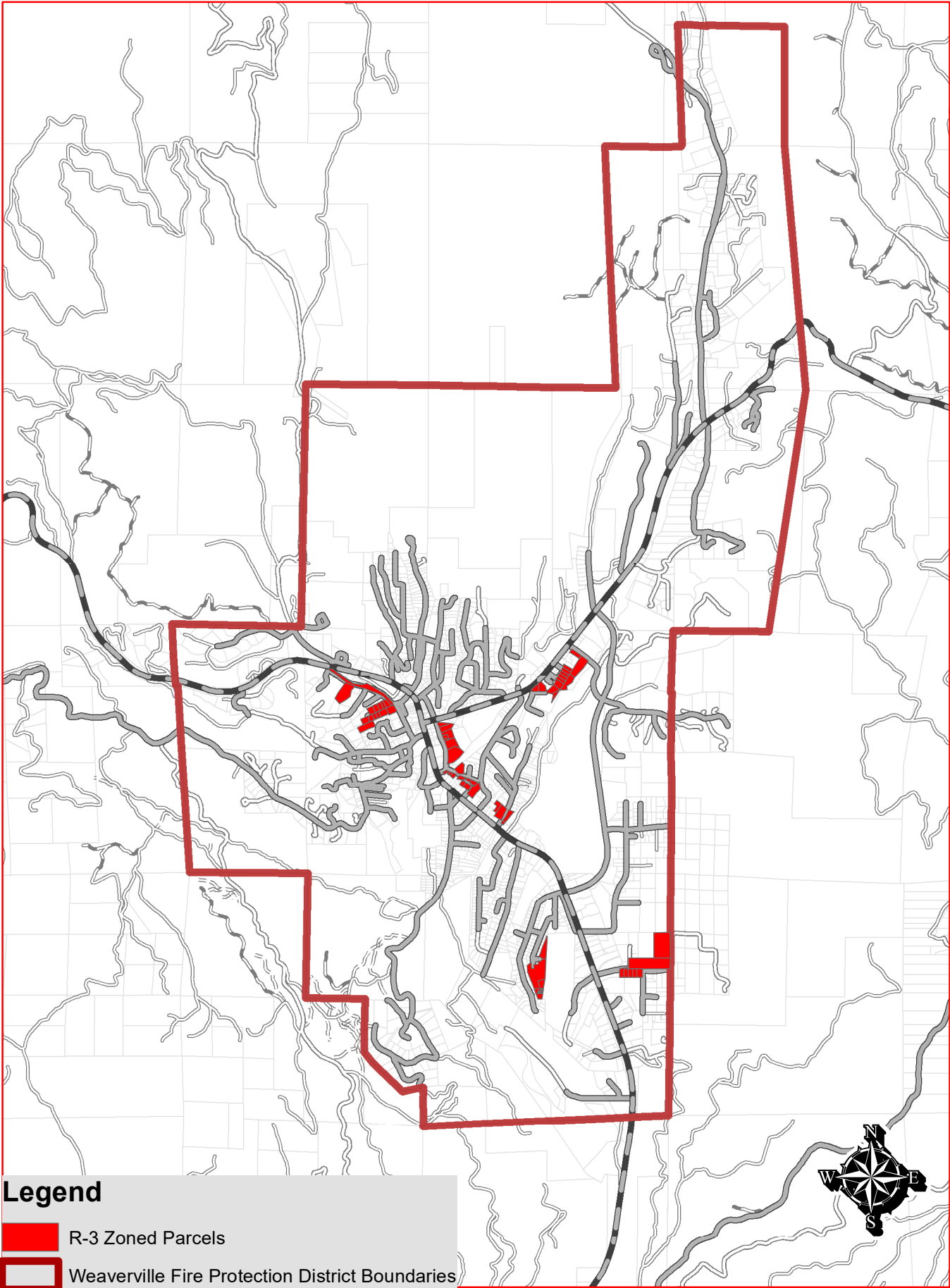
1. Find the project to be Categorically Exempt from CEQA pursuant to Section 15061(b)(3), thereby determining that no further environmental consideration is necessary; and
2. Adopt the Ordinance amending Section 17.18.060 of the Trinity County Code section to change the height limit from 25 feet to 45 feet within the boundaries of the Weaverville Fire Protection District.

ALTERNATIVES

The alternatives to raising the height limit for R3 development include:

1. Wait until the comprehensive zoning ordinance update to modify the height limits in the R-3 district
2. Do not amend the height limit of the R3 zoning district

R-3 Height Amendment Parcels



Legend



R-3 Zoned Parcels

Weaverville Fire Protection District Boundaries

3,400 1,700 0 3,400 Feet

March 5, 2024 Page 004 of 000

17.18.060 Building height.

The maximum building height shall be twenty-five feet, or forty-five feet if the parcel is located within the Weaverville Fire Protection District.

ORDINANCE NO. XXXX

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING SECTION 18 OF TRINITY COUNTY ZONING ORDINANCE –
BUILDING HEIGHT**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

Section I: The County hereby amends the following sections of Chapter 17, Section 18.060 of the Trinity County Zoning Code:

TCC (§) Section 17.18.060: The maximum building height shall be twenty-five feet.

Section II: The County hereby adds the following sections to Chapter 17, Section 18 of the Trinity County Zoning Code to read as follows:

TCC (§) Section 17.18.060: The maximum building height shall be twenty-five feet, or forty-five feet if the parcel is located within the Weaverville Fire Protection District.

Section III: The County finds that the amendments to Chapter 17.18.060 of the Trinity County Code is not subject to California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

Section IV: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 5th day of March, and passed and enacted this ____ day of _____, ____ by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

AYES: Supervisors
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

RIC LEUTWYLER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

Ordinance No. XXXX

DATE

Page 2 of 2

ATTEST:

TRENT TUTHILL

Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret E. Long, County Counsel

TRINITY COUNTY
Item Report 6.1

Meeting Date: 3/5/2024

Department:
Clerk of the Board

Contact:

Phone:

6.1 Closed Session 54954.5(e): Public Employee Appointment

Requested Action:

Government Code Section 54954.5(e) - Public Employee Appointment: County Counsel.

TRINITY COUNTY
Item Report 6.2

Meeting Date: 3/5/2024

Department:
Clerk of the Board

Contact:

Phone:

Closed Session 54954.5(c): Anticipated Litigation

Requested Action:

Government Code Section 54954.5(c) - Conference with Legal Counsel - Anticipated Litigation
No. of Cases: 1: FTF Farms of Trinity Forests