INITIAL STUDY/NEGATIVE DECLARATION

PREM GEN CORP.

Prepared for: **CALIFORNIA DEPARTMENT OF CANNABIS CONTROL**

Prepared by: **MONTROSE ENVIRONMENTAL SOLUTIONS, INC.**

July 2025

1 Kaiser Plaza, Suite 340
Oakland, CA 94612
www.montrose-env.com

Page left intentionally blank.

TABLE OF CONTENTS

FIGURES

TABLES

APPENDICES

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AFVs	alternative fuel vehicles
ALUCP	Airport Land Use Compatibility Plan
Applicant	Prem Gen Corp
ATCM	Airborne Toxic Control Measures
BMPs	best management practices
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
California Energy Code	Title 24, Part 6, Building Energy Efficiency Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
CALTRANS	California Department of Transportation
Cal/OSHA	California Division of Occupational Safety and Health
CARB	California Air Resources Board
CBC	California Building Code
CCA	Commercial Cannabis Activity Permit
CCR	California Code of Regulations
CDPR	California Department of Pesticide Regulation
CEC	California Energy Commission
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFC	California Fire Code
CNEL	Community noise equivalent level
CUPAs	Certified Unified Program Agencies
CRHR	California Register of Historical Resources
CWA	Clean Water Act
CO	carbon monoxide
dBA	A-weighted decibel
DCC	Department of Cannabis Control
DOC	California Department of Conservation
DTSC	Department of Toxic Substances Control
EPAct	Energy Policy Act
EO	Executive Order
ESA	Endangered Species Act

FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FMMP	Farmland Mapping and Monitoring Program
GSA	groundwater sustainability agencies
GSP	groundwater sustainability plan
HCP	Habitat Conservation Plan
HMBP	Hazardous Materials Business Plan
HMIS	Hazardous Materials Inventory Statement
HMMP	Hazardous Materials Management Plan
IS/ND	Initial Study/Negative Declaration
kW	kilowatt
Ldn	Day-night sound level
Leq	Equivalent sound level
MAUCRSA	Medicinal and Adult-Use Cannabis Regulation and Safety Act
MBTA	Migratory Bird Treaty Act
MCRSA	Medical Cannabis Regulation and Safety Act
MS4s	municipal separate storm sewer systems
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NEHRP	National Earthquake Hazards Reduction Program
NO_2	nitrogen dioxide
NO_X	nitrous oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NTR	National Toxics Rule
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
$PM_{2.5}$	2.5 micrometers or less
PM_{10}	10 micrometers or less
PPV	Peak Particle Velocity
Proposed Project	Prem Gen
RCRA	Resource Conservation and Recovery Act
RMP	risk management plan
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCSD	Stanislaus County Sheriff's Department
SDWA	Safe Drinking Water Act

SGMA	Sustainable Groundwater Management Act
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SMARA	Surface Mining and Reclamation Act
SRA	State Responsibility Area
SWRCB	State Water Resources Control Board
TCPs	Traditional Cultural Properties
TCRs	tribal cultural resources
TPZs	timber protection zones
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VMT	Vehicle Miles Traveled
WDRs	waste discharge requirements
VHFHSZ	Very High Hazard Severity Zones

Page left intentionally blank.

1 INTRODUCTION AND PURPOSE

The California Department of Cannabis Control (DCC) has prepared this Initial Study/Mitigated Negative Declaration (IS/ND) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental impacts of the proposed All Season Organics project (Proposed Project). This document has been prepared in accordance with the requirements of the California Environmental Quality Act of 1970, as amended (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14 [CEQA Guidelines], § 15000 et seq.).

DCC is evaluating the issuance of State licenses for the proposed operation of indoor commercial cannabis cultivation, nursery, and distribution businesses in three phases within three existing 5,000 square-foot warehouses located at 536, 538, and 540 El Roya Avenue on an approximate 1.05-acre parcel in the M (Industrial) zoning district in unincorporated Stanislaus County. Stanislaus County issued a use permit for the Proposed Project in March 2019. Prem Gen Corp (Applicant) has applied to the DCC for annual cultivation and distribution licenses to conduct operations at the project site. DCC is the lead agency under CEQA with respect to the project activity because it has discretionary authority over the approval of the Applicant's State cultivation and distribution licenses.

This chapter describes the intent and scope of this IS/ND, the public involvement process, the organization and scope of the document, and specific impact-related terminology used in the document.

1.1 Intent and Scope of this Document

1.1.1 Scope of the Analysis

This IS/ND has been prepared in accordance with CEQA, under which the Proposed Project is evaluated at a project level (CEQA Guidelines, § 15378). DCC, as the lead agency under CEQA, will consider the Proposed Project's potential environmental impacts when considering whether to approve the project. This IS/ND is an informational document to be used in the planning and decision-making process for the Proposed Project and does not recommend approval or denial of the Proposed Project.

This IS/ND describes the Proposed Project; its environmental setting, including existing conditions and regulatory setting, as necessary; and the potential environmental impacts of the Proposed Project on or with regard to the following topics:

- Aesthetics
- Agriculture/Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Tribal Cultural Resources
- Transportation
- Utilities and Service Systems
- Wildfire

1.1.2 Public Comment Period

Public disclosure and dialogue are priorities under CEQA. CEQA Guidelines sections 15073 and 15105, subdivision (b) require that the lead agency designate a period during the IS/MND process when agencies, organizations and the public can provide comments on the potential impacts of the Proposed Project. Accordingly, DCC is circulating this document for a 30-day public and agency review period. The beginning and ending dates of the comment period are identified in the Notice of Intent to Adopt a Mitigated Negative Declaration.

Comments on this IS/ND can be submitted by mail or email to the following contact:

Kevin Ponce, Senior Environmental Scientist Supervisor
California Department of Cannabis Control
2920 Kilgore Rd. Rancho Cordova, CA 95670-6157
kevin.ponce@cannabis.ca.gov

All comments received before 5:00 p.m. on the date identified for closure of the public comment period in the Notice of Availability will be considered by DCC during its deliberations on whether to approve the Proposed Project.

1.2 Organization of This Document

This IS/ND contains the following components:

Chapter 1, *Introduction*, provides a brief description of the intent and scope of this IS/ND, the public involvement process under CEQA, the organization of the document, and terminology used in this IS/ND.

Chapter 2, *Project Description*, describes the Proposed Project, including its purpose and goals, the project site where the Proposed Project would be constructed and operated, construction methods, operation-related activities, and related permits and approvals.

Chapter 3, *Environmental Checklist*, presents the environmental checklist used to assess the Proposed Project's potential environmental effects, which is based on the model provided in Appendix G of the CEQA Guidelines. This chapter includes brief regulatory environmental setting descriptions for each resource topic, evaluates the Proposed Project's anticipated environmental impacts, and identifies mitigation measures that would be required to reduce potentially significant impacts to a less-than-significant level.

Chapter 4, *Report Preparers*, identifies the individuals who prepared portions of this document.

Chapter 5, *References*, provides a bibliography of printed references, websites, and personal communications used in preparing this IS/ND.

Appendices

Appendix A. Air Quality and Greenhouse Gas Calculations

Appendix B. Special Status Species Desktop Survey Report

1.3 Impact Terminology

This IS/ND uses the following standard terminology to describe the environmental effects of the Proposed Project:

- A finding of *no impact* is made when the analysis concludes that the Proposed Project would not affect the particular environmental resource or issue.
- An impact is considered *less than significant* if the analysis concludes that no substantial adverse change in the environment would result and that no mitigation is needed.
- An impact is considered *less than significant with mitigation* if the analysis concludes that no substantial adverse change in the environment would result with the implementation of the mitigation measures described.
- An impact is considered *potentially significant* if the analysis concludes that a substantial effect on the environment could result.
- Mitigation refers to specific measures or activities that would be adopted by the lead agency to avoid, minimize, rectify, reduce, eliminate, or compensate for an otherwise significant impact.
- A cumulative impact refers to one that can result when a change in the environment would result from the incremental impacts of a project along with other related past, present, or reasonably foreseeable future projects. Significant cumulative impacts might result from impacts that are individually minor but collectively significant. The cumulative impact analysis in this IS/ND focuses on whether the Proposed Project's incremental contribution to significant cumulative impacts caused by the project in combination with past, present, or probable future projects is cumulatively considerable.
- Because the term "significant" has a specific usage in evaluating the impacts under CEQA, it is used to describe only the significance of impacts and is not used in other contexts within this document. Synonyms such as "substantial" are used when not discussing the significance of an environmental impact.

1.4 Regulatory Background

Until 1996, the cultivation, use, and sale of cannabis for any purpose was illegal in the State of California. In 1996, California voters approved Proposition 215, the Compassionate Use Act of 1996, which allowed seriously ill Californians the right to obtain and use cannabis for medical purposes when recommended by a physician. The passage of Senate Bill (SB) 420 (Statutes of 2003) enacted the Medical Marijuana Program Act, which clarified the scope and application of the Compassionate Use Act and established a voluntary program for the issuance of identification cards to qualified patients and established procedures under which a qualified patient with an identification card may use cannabis for medical purposes to protect patients and their caregivers from arrest.

In 2015, the State Legislature enacted the Medical Cannabis Regulation and Safety Act (MCRSA) through a series of three separate bills (Assembly Bill [AB] 266, AB 243, and Senate Bill [SB] 643; former Bus. & Prof. Code, § 19300 et seq.), which established a comprehensive State licensing and regulatory framework for commercial cannabis cultivation, manufacturing, distribution, transportation, testing, and retail sale.

As the State was developing regulations in compliance with MCRSA, California voters in 2016 approved Proposition 64 (Adult Use of Marijuana Act [AUMA]), which legalized the use and possession of non-medicinal cannabis within California by adults 21 years and older. In June 2017, the California State Legislature passed a budget trailer bill, SB 94, which integrated MCRSA with AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). (Bus. & Prof Code, § 26000 et. seq.) MAUCRSA provides the regulatory structure for commercial cannabis activities in California. In December 2017, the licensing authorities began accepting applications for temporary commercial cannabis licensure and on January 1, 2018, the first temporary licenses for medicinal and adult-use cannabis became effective.

On July 12, 2021, the governor signed AB 141 (Chapter 70, statutes of 2021), which consolidated the three former cannabis licensing authorities – the Department of Consumer Affairs' Bureau of Cannabis Control, which was charged with the licensing, regulation, and enforcement of commercial cannabis distribution, retail, microbusinesses, testing laboratories, and temporary cannabis events; the Department of Food and Agriculture's CalCannabis Cultivation Licensing Division, which was responsible for the licensing regulation, and enforcement of commercial cannabis cultivation; and the Department of Public Health's Manufactured Cannabis Safety Branch, which was responsible for the regulation of commercial cannabis manufacturing. DCC inherited all the powers, duties, purposes, functions, responsibility, and jurisdiction of the legacy licensing authorities and serves as the single regulatory and enforcement entity for all licensed and commercial cannabis in California.

Notably, MAUCRSA also recognizes the authority of local governments to regulate cannabis businesses located in their jurisdictions. (See Bus. & Prof Code, § 26032.) Local governments have the authority to impose restrictions and/or requirements on commercial cannabis businesses, or to ban them entirely.

DCC's regulations pertaining to State-licensed cannabis businesses are codified in the California Code of Regulations, title 4, Division 19. These regulations establish a licensing and regulatory program for licensed commercial cannabis cultivation, manufacturing, retail sale, distribution, transport, and laboratory testing of medicinal and adult-use cannabis. The regulations specify a tiered system of license types, and requirements related to the qualifications for state commercial cannabis licensure and conducting cannabis business activities, including environmental protection requirements.

1.5 Environmental Baseline of Analysis

Some of the activities that are described in the Project Description (Chapter 2) are currently ongoing. MAUCRSA authorized DCC to issue "provisional" licenses to applicants that allow for the conduct of commercial cannabis activities prior to the completion of CEQA analysis, provided that applicants submitted a completed application to the DCC and met certain application milestones. MAUCRSA specifies that CEQA "does not apply to the issuance of a [provisional] license pursuant to [Bus. & Prof. Code, § 26050.2] by the department, except as otherwise provided in [Bus & Prof. Code, § 26050.2]." (Bus. & Prof. Code, § 26050.2, subd. (l).)

Consistent with the California State legislature's establishment of provisional licensing under MAUCRSA, there are some projects for which state provisional licensure of legal cannabis activities proceeded prior to DCC becoming the lead agency. Upon issuance of a provisional license from DCC and any additional local approvals, cannabis businesses were able to begin operations, which sometimes included construction of permanent facilities. For the purposes of fully analyzing the impacts of the Proposed Project, this document presents an analysis of all impacts that would result from the development and operation of the legal cannabis activity if DCC approves issuance of

an annual license, while recognizing that some impacts may have already occurred or may be impossible to analyze due to construction, development, and operational activities already undertaken by the Applicant pursuant to local approvals and a provisional state license.

For the Proposed Project, the site was previously used for industrial/commercial activities. As such, the previous activities or operations would have resulted in certain environmental impacts. These activities would be considered to represent existing conditions as the environmental baseline. The impact analysis in this document, therefore, focuses on the increment of change that would result from the development and operation of the cannabis operation since the time of the application for an annual license, and therefore will analyze impacts of both current and future cannabis business development and operations.

Page left intentionally blank.

2 PROJECT DESCRIPTION

2.1 Overview

The California Department of Cannabis Control (DCC) is evaluating the issuance of State licenses for the proposed operation of indoor commercial cannabis cultivation, nursery, and distribution businesses in three phases within three existing 5,000 square-foot warehouses located at 536, 538, and 540 El Roya Avenue on an approximate 1.05-acre parcel in the M (Industrial) zoning district (the Proposed Project). The warehouses have been in commercial cannabis production since 2018, except the warehouse at 538 El Roya Avenue which has been used for storage only since 2023. Previously, 536 El Roya was a window and door company; and 538 and 540 El Roya previously had tenants in various construction trades, including a cabinet shop. The warehouse buildings at 538 and 540 El Roya Avenue would be renovated to current commercial cannabis industry standards.

On June 10, 2018, Applicant Prem Gen Corp (Applicant or Prem Gen) applied to the California Department of Food and Agriculture (CDFA)[1] for an annual nursery license, a medium mixed-light cultivation license, and a distribution license. The California Department of Food and Agriculture issued a State provisional nursery license Applicant for on July 6, 2018, and a State provisional indoor cultivation license on August 16, 2019. DCC issued an annual distribution license on August 19, 2024. The Proposed Project was approved by Stanislaus County on March 19, 2019, and was issued a use permit (Stanislaus County 2019a). On the basis of those state and local approvals, the facility began legal operations. As discussed in Section 1.5, the California Environmental Quality Act (CEQA) baseline for this environmental analysis is the date the Proposed Project applied for annual cultivation and distribution licenses with the State of California, in June 2018. Therefore, facilities and settings described as "existing" in this chapter are intended to refer to items that existed as of that date.

DCC is the lead agency under CEQA with respect to the project activity because it has discretionary authority over the approval of Applicant's state annual cannabis licenses. Because the facility has already received its annual distribution license, no additional CEQA analysis is required for the distribution activities that would take place at the project site. Therefore, this Initial Study/Negative Declaration (IS/ND) does not discuss in detail or analyze the distribution activities that would be co-located with the Proposed Project.

This chapter describes the Proposed Project and discusses its purpose, objectives, location, proposed actions, and necessary permits and approvals.

2.2 Proposed Project Purpose and Objectives

The Proposed Project is the operation of indoor commercial cannabis cultivation, nursery, and distribution operations. The Proposed Project would consist of three phases of operation within three existing 5,000 square-foot warehouses on an approximate 1.05-acre parcel. In Phase I the growing canopy of nursery plants would be approximately 2,731 square feet, consisting of several separate growing areas and one research and development area. Phase 2 would provide an additional 3,268 square feet of indoor canopy space at 540 El Roya Avenue upon

[1] CDFA was the predecessor licensing agency to DCC in California for state commercial cannabis cultivation licenses. In 2021, commercial cannabis regulation and licensing previously under the California Department of Food and Agriculture's CalCannabis Cultivation Licensing Division, the California Department of Public Health's Manufactured Cannabis Safety Branch, and the California Department of Consumer Affairs' Bureau of Cannabis Control, were consolidated into a new agency, the California Department of Cannabis Control.

completion of build out and would include a room for harvesting and processing as well as chemical storage. The processing activities would include the rolling, storing, packaging, and labeling of non-manufactured cannabis products. Phase 3 would include the demolition and re-build of 538 El Roya Avenue. Upon completion, the canopy space and layout of 538 El Roya would be identical to warehouse 540 El Roya, including 3,268 square feet of canopy space with additional rooms for harvesting, processing, and chemical storage (Stanislaus County 2019a).

Specific project objectives are as follows:

- Operate a facility that meets all state and local requirements for licensed commercial cannabis cultivation and business activities, including security and environmental standards required by the State of California;
- Operate a facility that meets all local laws, regulations, and ordinances that may apply to site development and building standards (e.g., building codes, local ordinances); and
- Operate a facility that provides employment to up to eight full-time employees.

2.3 Proposed Project Location and Setting

The Proposed Project site is located at 536, 538, and 540 El Roya Avenue on an approximate 1.05-acre parcel, Assessor's Parcel Number 036-008-033, south of Yosemite Boulevard (Highway [Hwy] 132) in the Modesto area of unincorporated Stanislaus County (**Figure 2.3-1**). Industrial uses surround the property in all directions, legally non-conforming single-family dwellings exist to the west and south of the site, the Modesto Airport is located to the west and the City of Modesto to the west and north. The site is located within the City of Modesto's Local Agency Formation Commission adopted Sphere of Influence **(Figure 2.3-2)**.

The project site and the surrounding single-family dwellings are located in the M (Industrial) zoning district. The intent of the Industrial designation is to provide areas for various forms of light or heavy industrial uses, including, but not limited to, uses such as manufacturing and warehousing.

The residential development near the Proposed Project occurred prior to the establishment of the M zoning district and Stanislaus County considers those residences as non-conforming. Stanislaus County Cannabis Ordinance, Chapter 6.78.120(A)(6) and (7) identifies several setback requirements for commercial cannabis uses, including a setback requirement that cannabis uses must be located a minimum of 200 feet from legal dwellings, if they are located on a separate parcel under different ownership. There are six single-family dwellings located within the 200-foot setback of the Proposed Project site, the closest being approximately 55 feet and the furthest approximately being 184 feet (**Figure 2.3-3**). One of these single-family dwellings is owned by Applicant. The Stanislaus County Board of Supervisors has approved a reduction to the local residential setback requirements (Stanislaus County 2019a), in connection with the revision of its Conditions of Approval to ensure a physical barrier limiting the path of travel between the residentially developed parcel to the south and the Proposed Project, as well blocking the line of sight from the dwellings to the south and west.

The topography of the site is relatively flat. The approximate 1.05-acrea site is developed with three existing 5,000 square-foot warehouses with a separation of approximately 75 feet between each building. The perimeter of the project site is fenced with a seven-foot-tall chain-linked fence on all but the north side, which is a six-foot pre-existing fence. Privacy slats are installed on all sides except the south side facing the street at the project entrance. The project site frontage has been improved with a storm drain basin that includes grass and two palm trees. The

frontage of the project site along El Roya Avenue has a wrought iron gate for entrance and exit. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The project site has been improved with sidewalks, curbs, and gutters at the entrance to the site.

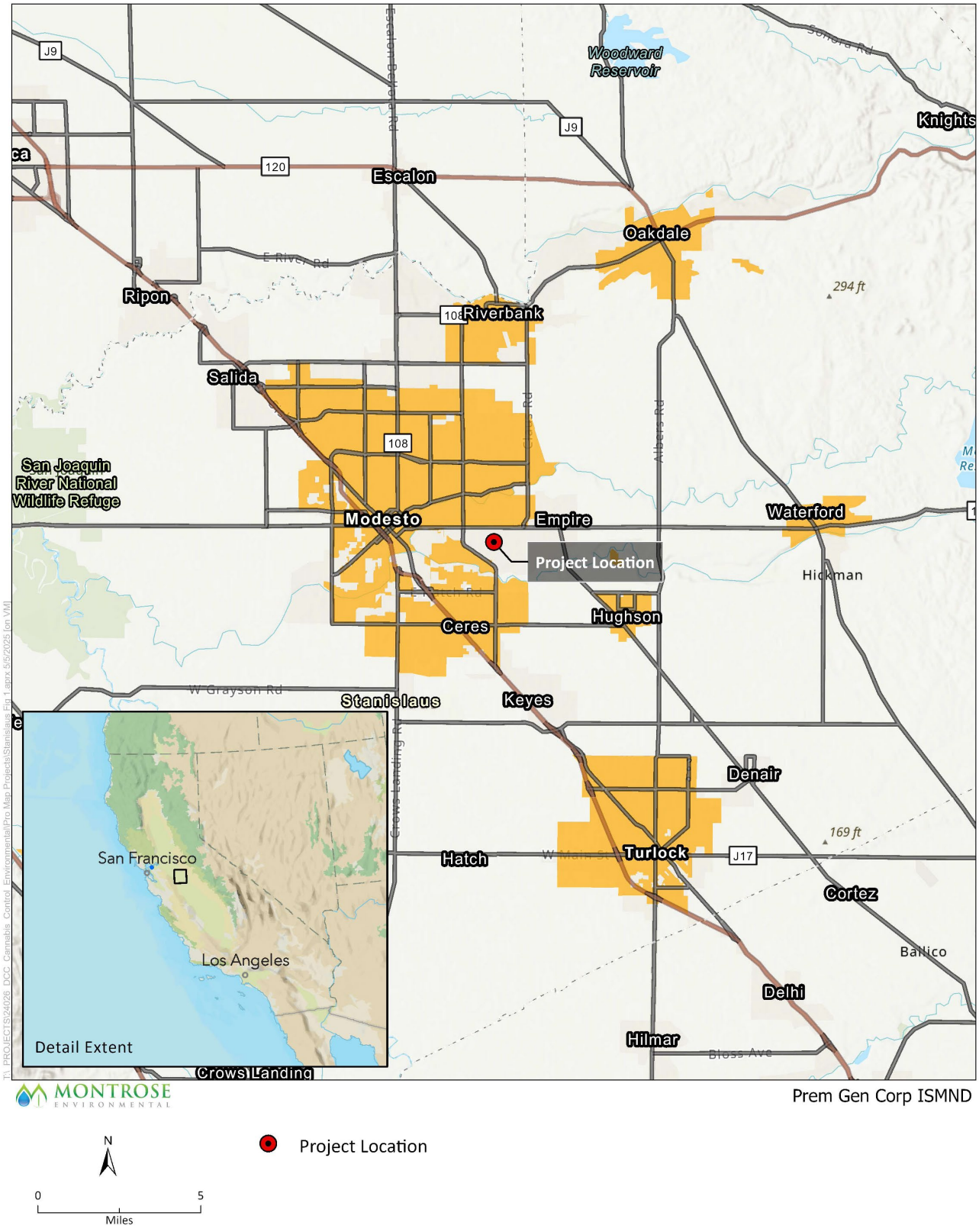
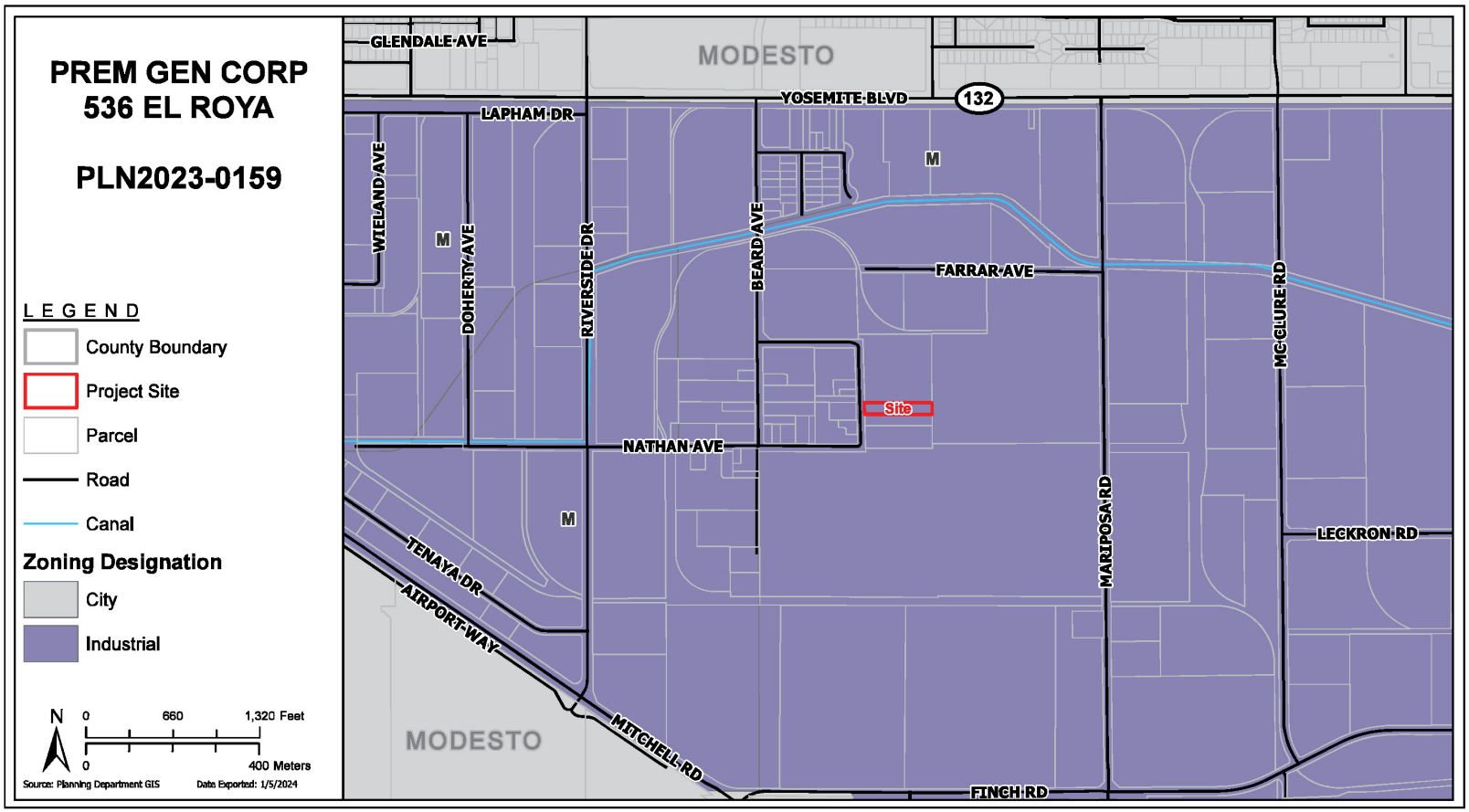
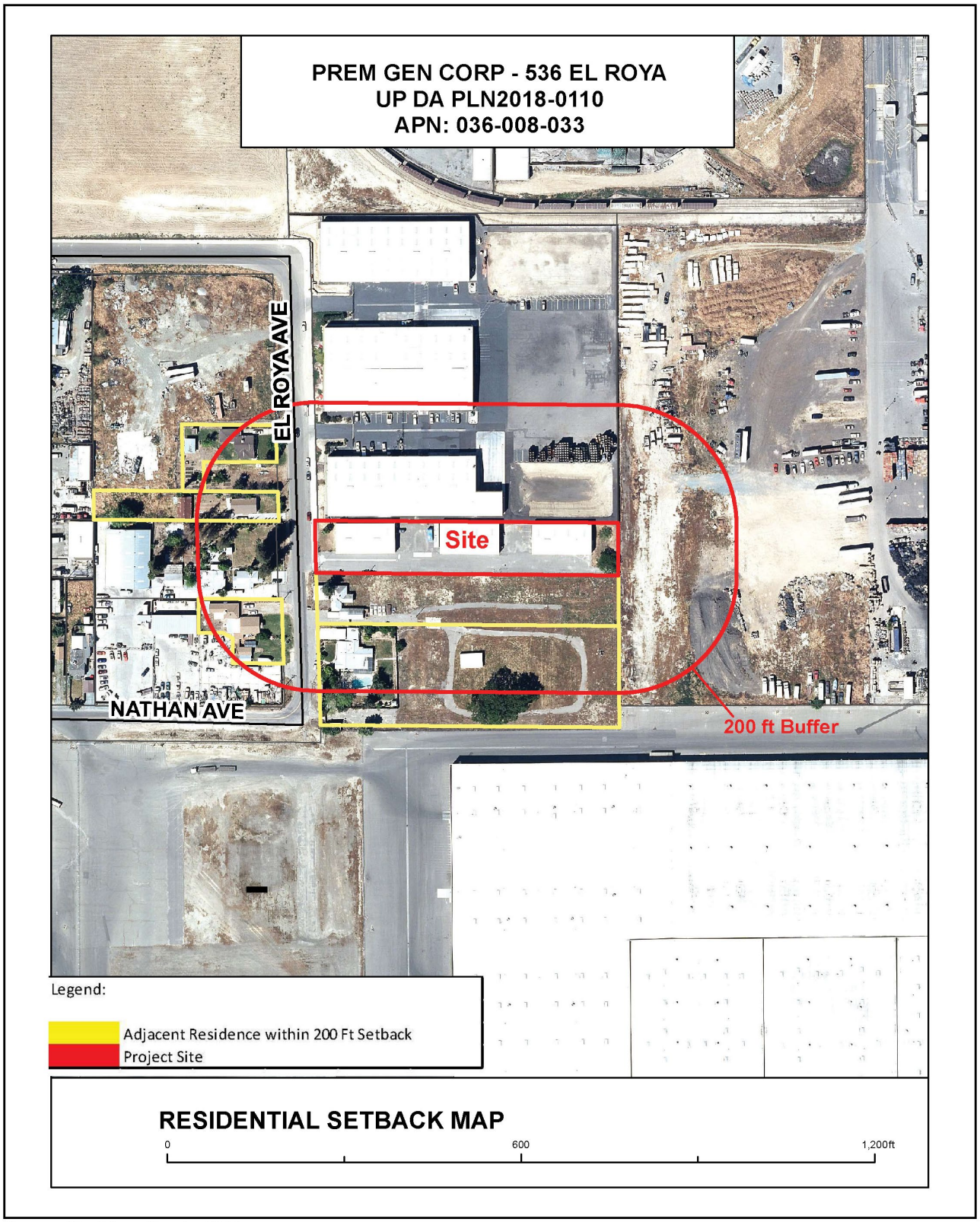


Figure 2.3-1. Proposed Project Vicinity



Source: Stanislaus County Planning Department GIS BOS, 2024

Figure 2.3-2. Proposed Project Location



Source: Stanislaus County, 2019

Figure 2.3-3. Residential Setback

2.4 General Description of Regulated Commercial Cannabis Cultivation Processes and Cannabis Business Activities

This section provides an overview of the types of activities typically associated with commercial cannabis cultivation processes and business activities. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators; cannabis nurseries; and cannabis processing, manufacturing, testing, retail, and distribution facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012, subd. (a).) The applicant would be required to obtain one or more licenses from DCC to operate the Proposed Project, as identified below.

The environmental impact evaluation in Chapter 3, *Environmental Analysis*, of this IS/ND addresses these activities as they apply to the Proposed Project, unless otherwise indicated.

2.4.1 Overview of Cultivation Operations

Commercial cannabis cultivation begins with the selection and planting of cannabis cuttings or seeds. The cuttings or seeds are typically planted in pots with either a growing medium, soil, or an inert material used in hydroponic cultivation methods. Cuttings are preferred over seeds when the cultivator wishes to guarantee the genetics of a plant and ensure the consistency of the cannabis product.

After the plants have developed their first leaves and a root system that extends through the bottom of the growth medium, the cannabis plants are transplanted or repotted to larger pots, where they continue to grow in a vegetative stage (i.e., the period of growth between germination and flowering during which the plant has no observable flowers or buds). During this stage, the plants are given water and nutrients (through compost teas, which are created by steeping compost material in water, or other amendments) and exposed to natural and/or artificial light to maintain the vegetative stage (18 hours of daylight and 6 hours of darkness). Other climate conditions (e.g., temperature, humidity, airflow) are often controlled to meet the plant's growth needs. In addition, once the plants have a healthy root system, older leaves (identified by their pale green or yellow coloring) can be selectively removed (pruned) from the plants to improve airflow, decrease shading, increase light penetration, and allow plants to focus valuable energy on new leaves (rather than on the removed older leaves).

Pest monitoring and, if necessary, pest management activities occur throughout the cultivation period. DCC and DPR regulate the types of pesticides, rodenticides, and herbicides that may be applied to cannabis plants in the cultivation process and regulates the methods by which these chemicals are used.

Once plants reach a desirable size, they are transitioned to the flowering phase, either as a result of natural changes in the period of light (photoperiod) for outdoor cultivation or by altering the light pattern so that the plants are exposed to 12 hours of light and 12 hours of darkness for indoor or mixed-light cultivation. In approximately 6-14 weeks, the flowers will ripen and be ready for harvesting.

Harvesting is the next step in producing the raw cannabis material and occurs when most of the plant's trichomes[2] have changed from clear to either a light amber or cloudy white color. The primary portion of the plant that is harvested is the cannabis flowers, which are generally located at the top of the plant. Flowers are removed using

[2] Trichomes are small resin glands protruding from the buds, leaves, and other areas on the plant. This is the only part of the plant that produces the cannabinoids (i.e., the chemical compounds in cannabis that affect neurotransmitters in the brain). There are multiple types of trichomes on a cannabis plant.

a sharp pair of pruning scissors. Since flowers at the top of the plant may be riper than those lower on the plant, harvesting of the top flowers may precede harvesting of the lower flowers.

Once cannabis plants are harvested, they go through a series of processing steps to become cannabis products. Processing operations may consist of trimming, drying, curing, labeling, and packaging of cannabis, as described in Section 2.4.2 below.

More information is provided below about the various types of cultivation processes.

2.4.1.1 Indoor Cultivation

Indoor cultivation is conducted within buildings without the use of any natural light. The goal of indoor cultivation is to maximize the quantity and quality of cannabis flower buds produced (Arnold 2013). High-intensity lighting is used to stimulate photosynthetic activity and plant growth, and the photoperiod is changed each day to simulate the seasonal changes in daylight that trigger various growth stages of the plant. In some cases, the intensity of light is also changed throughout a particular photoperiod to simulate the changing intensity of the sun throughout the day. Because of the controlled environment, the cultivator can accelerate the rate at which the photoperiod changes compared to the natural seasonal changes in the length of daylight. This causes the plant to progress more rapidly through its vegetative and flowering stages, allowing for multiple harvests over the course of the year. Multiple harvests per year can be accomplished using these methods (Cannabis Candor 2016).

Considerations for indoor cultivation of cannabis include selection of a plant growth medium, ventilation, and climate control of the cultivation space. Many indoor cultivation operations also include propagation; under DCC's regulations, the licensee's cultivation plan would need to identify the nursery areas outside of the canopy where only immature plants are maintained.

2.4.1.2 Nursery Cultivation (Propagation)

Nurseries produce only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis. Nurseries maintain plants in their vegetative stage, the period of growth between germination and flowering during which the plant has no observable flowers or buds. During this stage, plants focus on photosynthesis and accumulating resources that will be needed for flowering and reproduction. While some nurseries propagate from seed, most create clones by taking cuttings from "mother plants." Nurseries may also produce seeds from mature plants. Nursery operations may be entirely indoors or may use a combination of outdoor, indoor, and mixed-light techniques.

The nursery cultivation process generally involves the following steps:

1. **Preparing cutting materials and growth medium** includes sterilizing the tools that are used to remove the cuttings (e.g., razor or sharp scissors) to reduce the possibility of fungi, viruses, or diseases affecting the cuttings, and presoaking the growing medium in pH-balanced water.
2. **Taking cuttings from the mother plant** involves selecting branch tips that have at least three nodes (areas where the leaves come out of an individual stem), cutting off one or two leaves at the nodes (farthest from the branch tip), and making a cut at an approximately 45-degree angle (approximately 0.25 inch below the last node). Branch tips selected typically range from 2 to 6 inches in length.

3. **Treating and planting the cuttings** may involve applying a rooting product (gel or powder) to the tip of the cutting to stimulate root growth. The cutting is then placed in the growth medium (typically rockwool cubes, but possibly other media such as a mix of perlite and peat moss), and multiple cuttings are placed in a plastic tray. Some cultivators may use a layer of perlite between the tray and the growth medium to allow space for roots to grow once they emerge from the growth medium. Metal shelving units can be used to hold multiple trays at one time.
4. **Growing the cuttings until roots are well established** involves daily adjustments to lighting, temperature, and moisture. Once all cuttings and their growth medium have been placed on a tray, the cuttings and (when used) the inside of a humidity dome are misted with water and the humidity dome is placed over the tray. To ensure ideal climate conditions for the cuttings, they are kept at a temperature range of approximately 72-80 degrees Fahrenheit (°F) and remain covered, apart from removing the humidity dome two to three times each day to mist the cuttings and allow fresh air under the dome. The cuttings are watered to prevent the growth medium from drying out. For faster root development, heating pads can be placed underneath the trays, if the temperatures are maintained in the ideal range. The cuttings are typically exposed to bright, but not intense, light for 18-24 hours per day. Fluorescent lighting can be placed within a few inches of the cannabis plants, or more intense lighting can be placed 2-6 feet away from the plants, depending on bulb wattage.
5. **Preparing the rooted cuttings for transport and distribution** is the final step in the cultivation process. Once the cuttings have established roots, a quality assurance/ quality control check is completed to verify the health of the plants, check for the presence of established roots, and inspect for pests. The checked final cuttings are then placed in transport containers for distribution. Nurseries typically distribute plants within two to three days of roots becoming established, although some facilities have reported holding plants for several weeks to meet client needs. Once plants are available for distribution, they are generally provided to licensed retailers or directly to licensed cannabis cultivators.

The total length of time between planting a cutting and distribution of a rooted cannabis plant is approximately 10 days to 3 weeks. Seed production would require a similar length of time to cultivation of flowers, which varies based on the technique (as discussed above).

In addition to the plant propagation activities described above, nurseries may conduct research on cannabis plants. As an example, researchers may conduct projects and tests related to developing plant types with specific genetic properties.

2.4.2 Processing

Once cannabis plants are harvested, they then go through a series of processing steps to become cannabis products. Commercial cannabis processing operations consist of trimming, drying, curing, labeling, and packaging of cannabis. Under DCC's regulations, licensees may conduct processing on the premises of the licensed cultivation site or obtain a separate processing license to perform the activities at a separate facility. A processor may collate harvested cannabis from multiple farms to perform post-harvest processing activities.

Processing techniques also vary based on the end users of the plant. Because cannabinoids are produced only in the trichomes and most cannabinoids are found in these tiny resin-filled glands, these are the core material in many types of cannabis extracts and concentrates. "Kief" is the resin from glandular trichomes from a cannabis

plant. Mature buds ("calyx") also have high cannabinoid content and are the other main parts to be used in cannabis products. Sugar leaves, which are smaller leaves on the flower, are typically used to make edible cannabis products after they are trimmed, dried, and cured. Pistils on the plant are the female reproductive organs and are not used for any products because they do not contain cannabinoids. Except for the fibers in cannabis plant stalks and the corresponding uses as hemp for fabric, rope, and oil, cannabis plant stalks are not considered a usable part of the plant. Fan leaves (the larger, well-known cannabis leaves) have low cannabinoid content and are typically disposed of during plant trimming (VivoSun 2024). However, some growers distribute the remaining plant material after flower removal for manufacturing.

2.4.2.1 Trimming

Trimming involves removal of plant parts that are not useful to prepare the plants for the next step in the production process. The trimming process occurs either immediately after the harvest (wet trim) or during/after the drying process (dry trim) to remove all or most of the sugar leaves that sit between the cannabis buds, along with any other unwanted leaf matter. Trimmers use small scissors appropriate for the delicate process. Trimming machines may also be used. Buds are handled gently and touched as little as possible during the final production processes to avoid removal of cannabinoids from the plant onto anything that may touch them. Sugar leaves may be kept for use in manufactured products. Trimming techniques vary based on whether the flower is intended to be sold as is (in which case the trimming is conducted to maximize the aesthetic quality of the flower) or processed into another product (in which case the trimming is focused on other aspects of the flower, such as odor and chemical composition).

2.4.2.2 Drying

Following harvesting or trimming, flower buds and other cannabis products are dried and then cured. Drying methods may include hanging the flowers or branches from wire or rope lines; hanging them from mobile, self-supporting wire cages; or spreading flower buds onto screens. Screen drying is used for small buds that cannot be hung to dry; it is more labor intensive than the other methods and therefore not preferred. Drying takes place in a dark, well-ventilated environment. Removing extra leaf matter during the trimming stage allows for increased airflow around the flowers and decreased humidity in the drying rooms. Dehumidifiers can be used to lower the drying room's humidity to an optimal humidity level (below 30 percent). Drying can take approximately 5-10 days, depending on the thickness of the plant and length of the stem. At the end of the drying process, buds are clipped from the stems to a preferred size, no more than approximately 3 inches long. The removed stems are discarded and disposed of or used for manufacturing (Marijuana Growers Headquarters 2011).

2.4.2.3 Curing

Curing is a slow, controlled drying of the cannabis product to allow chlorophyll in the plant to naturally degrade, enhancing the cannabinoid content and flavor of the end product. Curing involves placing the buds into uncovered plastic tubs in the drying room, rotating the buds into new uncovered tubs twice a day, covering the bins at night, and repeating this process for about 1 week until the buds are sufficiently dry.

2.4.2.4 Packaging and Labeling

Following curing, the cannabis buds are packaged in an airtight container or plastic bag and stored in a dark area to prevent exposure to air, light, and especially high heat, which can cause the buds to become dry and brittle.

Other packaging activities may include producing pre-rolled cannabis. DCC's regulations establish packaging and labeling requirements for the distribution and transport of all nonmanufactured products produced by cultivation licensees. These packaging requirements are designed to protect the cannabis consumer by preventing contamination, as well as to protect children from accidental ingestion of the cannabis products. Both packages and labels are prohibited from imitating any product commonly marketed to children. Other labeling requirements include identifying the product and the product's weight, providing the Universal Identification number assigned to the product through California's track-and-trace system, and complying with all label size and text requirements (some of which are specified in Business and Professions Code section 26120).

2.4.3 State Cannabis Regulations

DCC is responsible for the licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC's implementing regulations. (Bus. & Prof. Code, § 26012, subd. (a).) DCC has jurisdiction over the issuance of licenses to cultivate, propagate, and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light commercial cannabis cultivators; nurseries; processing; manufacturing; and distribution facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012, subd. (a).) All commercial cannabis businesses within California require a license from DCC for each associated type of business activity.[3]

The State Water Resources Control Board (SWRCB) Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Attachment A, Section 1, General Requirements and Prohibitions), includes a number of requirements for state-licensed cultivation sites. These provisions include best management practices for cultivation businesses related to the protection of water quality.

The California Department of Pesticide Regulation (CDPR) oversees state pesticide laws, including pesticide labeling, and is vested by EPA to enforce federal pesticide laws in California. CDPR also oversees the activities of the County Agricultural Commissioners related to enforcement of pesticide regulations and related environmental laws and regulations locally. These regulations include permitting requirements and limitations on the use of "restricted" pesticides (pesticides considered to be dangerous to human health or the environment if not used correctly) and non-restricted pesticides that may require permitting or must be handled consistent with the pesticide's specifications. Pesticides legal for use on commercial cannabis must have active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis (CDPR 2021).

2.4.4 Local Cannabis Ordinances and Regulations

Commercial cannabis activities were added to the Stanislaus County Code on December 5, 2017. The County adopted two separate ordinance amendments addressing commercial cannabis activities: Title 21, the Stanislaus County Zoning Ordinance, which specifies the zoning districts where each commercial cannabis activity may be permitted, subject to the discretionary review process; and Chapter 6.78 of the County Code, which regulates the cultivation, manufacturing, processing, storing, laboratory testing, labeling, transportation, destruction, delivery,

[3] For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: https://cannabis.ca.gov/cannabis-laws/dcc-regulations/.

and sale of medicinal and adult-use cannabis and cannabis products. All cannabis businesses in Stanislaus County must obtain and renew annually a Commercial Cannabis Activity Permit (CCA) permit in order to operate.

Refer to Section 3, Environmental Checklist for "Local Laws, Regulations, and Policies" pertaining to specific environmental resources.

2.4.5 Site Specific Approval

The site is zoned M (Industrial), pursuant to Section 21.60.030 of the Stanislaus County Zoning Ordinance. Commercial cannabis retail (storefront or non-storefront), manufacturing (volatile or non-volatile), testing labs, distribution, and cultivation or nursery activities (mixed-light or indoor) are permitted in the M zoning district subject to the approval of a use permit. The Stanislaus County Board of Supervisors approved Development Agreement Application Number on March 19, 2019, for PLN2023-0159 for Use Permit Number PLN2018-0110 (Stanislaus County 2019a).

The use permit allows the Applicant to occupy all three buildings on the project site at full buildout; however, the Applicant currently has only commenced operations in two of the three buildings, utilizing 536 El Roya Avenue for nursery activities and 540 El Roya Avenue for cultivation. Utilization of 538 El Roya Avenue for additional cultivation space may still take place in the future, as permitted under the Use Permit and the proposed DA. While the Use Permit allows the applicant to distribute commercial cannabis to third parties, it has not commenced this activity and does not have any plans to begin. (Stanislaus County 2024).

2.4.6 Conditions of Approval

The Stanislaus County Board of Supervisors found that the Proposed Project is consistent with both the Title 21, Zoning and Title 22, Development Agreement Ordinances and conforms to the requirements of Chapter 6.78 of the County Code. In addition, the Proposed Project would be required to comply with a number of Conditions of Approval (Stanislaus County 2019a). These conditions include the preparation and submittal of a security plan, the installation of shielded light fixtures, the installation of a seven-foot-tall opaque fence, the preparation and submittal of a grading and drainage plan, the preparation and submittal of a landscaping plan, and compliance with all state and local laws and regulations.

2.5 Proposed Project Characteristics

This section describes the facilities and operation activities that would be part of the Proposed Project.

2.5.1 Proposed Project Facilities

The Proposed Project consists of operation of indoor commercial cannabis cultivation, nursery, and distribution operations. The Proposed Project consists of three phases of operation within three existing 5,000 square-foot warehouses on an approximate 1.05-acre parcel. Each of the three warehouses contains office space, a restroom, and changing facilities for employees. Hours of operation are Monday through Friday, 7:00 a.m. to 3:00 p.m. and Saturday and Sunday, 9:00 a.m. to 1:00 p.m. Operations currently employ six employees, full buildout would include a maximum of eight employees (Stanislaus County 2019b).

While the use permits allow the Applicant to occupy all the three buildings on the project site at full buildout, the Applicant currently conducts operations in two of the three buildings, utilizing 536 El Roya Avenue for nursery activities and 540 El Roya Avenue for cultivation; 538 El Roya Avenue is currently utilized for storage only.

Utilization of 538 El Roya Avenue for additional cultivation space may still take place in the future as permitted under the Use Permit and the DA.

2.5.1.1 Cultivation and Nursery Facilities

Phase 1

Phase I would utilize the existing warehouse located at 536 El Roya Avenue and would grow cannabis nursery plants for adult and medical uses, which are immature non-flowering cannabis clones, for sale to licensed cultivators and retailers. The nursery portion of the operation would also include maintenance of genetic stock in the form of mother plants, from which the clones are derived, as well as the limited cultivation of mature flowering plants as part of the research and development of cannabis plant genetics, allowing for plant selection and breeding. However, the flower produced in this process would not be distributed into the commercial market.

The growing canopy of nursery plants would be approximately 2,731 square feet consisting of several separate growing areas and one research and development area. Other areas of the warehouse would be used for storage, office, loading, and walkways. The nursery would cultivate and maintain 25 to 30 different strains of cannabis. The facility would be equipped with interior locks, motion detectors, door buzzers, and cameras (**Figure 2.5-1, Proposed Project Site Plan**).

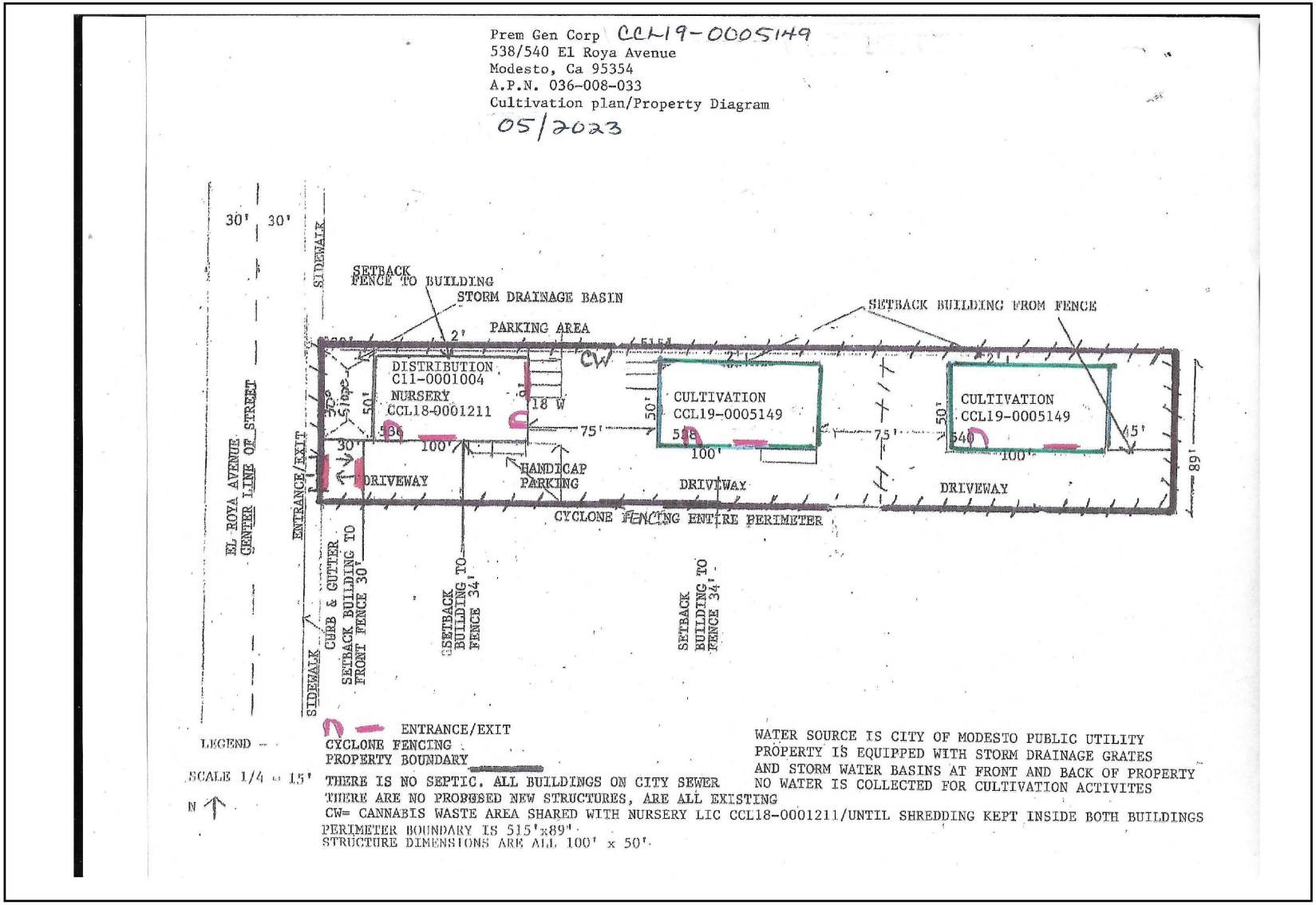
Phase 2

Phase 2 would utilize the existing warehouse building at 540 El Roya Avenue for indoor cannabis cultivation. The 540 El Roya site would also be renovated to current commercial cannabis industry standards. The cultivation operation would include cultivating flowering cannabis plants, including the planting, growing, harvesting, drying, curing, grading and trimming of the cannabis plants, indoors for sale to licensed distributors and retailers. Phase 2 would include up to 3,268 square feet of cultivation canopy space and include a room for harvesting and processing. The processing activities includes the rolling, storing, packaging, and labeling of non-manufactured cannabis products (**Figure 2.5-1, Proposed Project Site Plan**).

Phase 3

Phase 3 would include the demolition and rebuild of the warehouse at 538 El Roya Avenue. Upon completion, the canopy space and lay-out would be identical to building at 540 El Roya with 3,268 square feet of canopy space with additional rooms for harvesting, processing, and chemical storage.

At full project buildout the nursery growing canopy would be 2,731 square feet and the indoor cultivation canopy would be 6,592 square feet. (**Figure 2.5-1, Proposed Project Site Plan**).



Source: Prem Gen Corp, 2023

Figure 2.5-1. Proposed Project Site Plan

2.5.1.2 Distribution and Warehouse Facilities

The Proposed Project's processing activities includes the rolling, storing, packaging and labeling of non-manufactured cannabis products and would be located in warehouses onsite. Vehicles would enter and exit the Project site via the main project entrance on El Roya Avenue. Parking and loading areas would be provided onsite in the existing paved parking areas onsite.

2.5.2 Project Site Development

2.5.2.1 Utilities

The Proposed Project site has existing access to utilities, including water, sewer, electricity, and communications infrastructure. Overhead electricity lines on the site are connected to the existing power grid and would be used to supply power to the site. **Table 2.5-1** lists anticipated utility service agencies that would serve the Proposed Project.

Table 2.5-1. Local Utility Agencies Serving the Project Area

Utility Service	Utility Agency
Water Supply	City of Modesto Public Utility
Sanitary Sewer	City of Modesto
Electrical Service	Modesto Irrigation District
Fire Protection Service	Stanislaus County Fire Protection District
Police Protection Service	Stanislaus County Sherriff's Department

Water Supply

Currently, the facility's monthly average water usage is 94,248 gallons per month with 50 percent used for nursery operations and 50 percent used for cultivation. Anticipated usage at full build out would add an additional 56,548 gallons of water per month for a total usage of 150,976 gallons per month.

Water entering the facility is filtered using a reverse osmosis system. The reverse osmosis systems utilized are Axeon Model R1-2140. In the nursery process, water is filtered and stored in five (5) 500-gallon tanks corresponding to each growing area. Filtered water is distributed by hose, by room to water plants. In the cultivation process, water is filtered and stored in four (4) 500-gallon tanks. The tanks are plumbed to each room where water is distributed. All nutrients and fertilizers are added into water tanks for distribution.

Plants are currently hand-watered providing adequate supply for plants with minimal run-off or waste. Any drainage from plants is directed to the City sewer via plumbing and discharge pipes. Reverse osmosis wastewater is also discharged to the City sewer system.

Sewer System

The project site is served by the City's municipal sewer system; there is no septic onsite. The Proposed Project would discharge all hydroponic/industrial wastewaters generated to a community sewer system consistent with the sewer system's requirements (CVRWQCB 2018). Discharge to the City sewer system from a reverse osmosis system is approximately 23,000 gallons per month for the nursery and 23,000 gallons per month for cultivation, roughly half the Proposed Project's total usage.

Electrical

The Proposed Project facilities are connected to existing overhead electricity lines on the site, which are connected to the existing power grid and would be used to supply power to the site. Existing electrical use is 2,252.78 kilowatts (kW) per day and 67,583.53854 kW per month.

The Proposed Project is estimated to use 4,055,012 kW hours per year; 15 percent of electrical demand would come from the nursery operations and 85 percent of the energy would be used for the cultivation operations.

Each warehouse would contain high intensity lighting to stimulate photosynthetic activity and plant growth. Currently, there are sixty (60) Luxx 1000-watt HPS lights, forty (40) ion 640-watt LED lights, and twenty (20) Think-grow 720-watt LED model H lights in use for the nursery operation at 536 El Roya Avenue. There are seventy-two (72) 1000-watt Gavita pro HPS lights in use for the cultivation operation at 540 El Roya Avenue. At full buildout the facility would have four hundred sixteen (416) 1000-watt Gavita SL2 1000-e HPS lights in the cultivation process, and seventy-two (72) 400-watt Nema L7-15P LED lights in the nursery operation. At full buildout, the total wattage is estimated at 444,000 watts.

The Proposed Project includes a power load upgrade from the current 400-amp power load to an 800-amp power load, in order to power nursery and cultivation operations.

Communications

Existing communication lines (e.g., telephone, cable, and Internet) serve the project site. Existing communications infrastructure is sufficient to serve the Proposed Project.

2.5.2.2 Stormwater Drainage

The project site is developed with three existing 5,000 square-foot warehouses with a separation of approximately 75 feet between each building. The project site frontage has been improved with a storm drain basin that includes grass and two palm trees. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The project site has been improved with sidewalks, curbs, and gutters at the entrance to the site.

The site is primarily developed with impervious surfaces; the existing pervious areas would remain unchanged, including a storm drain basin that includes grass and two palm trees; no water would be collected from outdoor stormwater facilities or used for cultivation or nursery activities. The Proposed Project would not make any changes to the stormwater drainage system at the existing site.

2.5.2.3 Site Access and Circulation

Vehicles would enter and exit using the existing entrance on El Roya Avenue. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. Section 21.76.060 of the Zoning Code requires one space for each employee plus three additional spaces. There are currently 20 parking spaces onsite. There are sufficient parking areas to provide parking for employees and visitors to the site. No changes to site access or parking would be made as part of the Proposed Project.

2.5.2.4 Other Site Elements

The following site elements would support the operations of the Proposed Project.

Staffing

Phase I would include up to six employees, full buildout would include a maximum of eight employees. This would include operations staff and administration. Hours of operation would be Monday through Friday, 7:00 a.m. to 3:00 p.m. and Saturday and Sunday, 9:00 a.m. to 1:00 p.m.

Deliveries

At full buildout, operation of the Proposed Project would consist of an estimated four to six deliveries per month to other licensed entities, with an additional two trips per week for supplies. Vendor deliveries would consist of cultivation and maintenance equipment and materials (e.g., soil and soil amendments, equipment, fertilizers, chemicals, and fuel), deliveries of office supplies and other equipment. It is estimated that two deliveries per week to the facility with soil, amendments, nutrients and assorted cultivation materials and four to six outgoing deliveries per month containing clones and cannabis.

Project facilities would also receive shipments from outside vendors of non-cannabis materials one to two times per week. The Applicant has one company vehicle with trips made between operating hours of 8:00 a.m. and 4:30 p.m., Monday through Friday and supplies trips are also made in the mornings. There would be up to eight trips per month at full operation buildout (Edwards 2022).

Waste Storage

Waste generated as a result of cultivation activities (e.g., plant matter, soils, containers) would be processed and stored on site, in accordance with state law. Solid waste generated would be stored on site in an industrial dumpster that would be emptied once a week by Gilton Solid Waste. All cannabis waste would be composted and destroyed on site and then self-hauled to Gilton Solid Waste physical location as green waste (Prem Gen 2021).

Hazardous Materials Storage

There are thirty-two (32) 50-pound CO^2 tanks in the warehouse at 538 El Roya Avenue and thirty-two (32) 50-pound CO^2 tanks in the warehouse at 540 El Roya Avenue, which are stored in the chemical and pesticide storage area of each building. There are no other hazardous materials stored on site in dedicated hazardous materials storage rooms within each warehouse building.

Loading Bays

The project floor plan designates one area for loading and unloading of materials in the existing warehouse at 536 and 540 El Roya Avenue. The loading area is currently paved with asphalt (Stanislaus County 2019b).

Emergency Backup Generators

Each existing warehouse building would be powered with electric power, via a connection to overhead power lines operated by Modesto Irrigation District. Each of these buildings would have an electrical room which would contain a transfer switch for a hookup to a generator that would only be used for emergencies as defined by CARB regulations. Temporary generators would be stored in the warehouse.

Licensed cultivators using generators rated at 50 horsepower and greater must comply with the Airborne Toxic Control Measure for stationary or portable engine generators by obtaining a Portable Equipment Registration Certificate from the California Air Resources Board, for a portable engine generator. For a portable or stationary

engine, a Permit to Operate or other proof of engine registration would need to be obtained from the San Joaquin Valley Air Pollution Control District.

Landscaping and Irrigation

The Proposed Project would include landscaping at the entry of the facility within the existing storm drainage basin. This area would contain drought tolerant plants, rocks, and a drip-irrigation system. It would also provide additional trees and shade (Edwards 2022).

2.5.2.5 Ancillary Improvements

Fencing

The perimeter of the project site is fenced with a seven-foot-tall chain-linked fence on all but the north side which is a six-foot pre-existing fence shared with the neighboring business and approved by the City Planning Commission. Privacy slats are installed on all sides except the south side facing the street at the project entrance. Project frontage is also improved with a wrought iron gate for entrance and exit. In accordance with the Project Conditions of Approval, the entire southern property line, excluding the 15-foot front yard building setback area along El Roya Avenue, has been improved with an opaque fence, made of uniform material, at least seven feet in height that provides one hundred percent privacy slats. Solid fencing and/or gating has been provided in the area between the most western building and the southern fence to provide for a consistent seven-foot-tall visual block of any on-site activities.

Security Lighting

Perimeter exterior lighting would be installed throughout the site and at all exterior doors for safety and security purposes. Lighting would be located around the site and along the site perimeter in accordance with state and local security protocols but would be directed downward to minimize off-site glare.

Security Cameras

The project site is equipped with 24-hour video surveillance cameras, infrared motion sensors, advanced security lighting, and a burglar alarm system to deter and prevent unauthorized entry into the facility and deter potential criminal activity. A two-license plate reader camera is also located at the project entrance.

2.6 Permits and Approvals

CEQA defines a responsible agency as “a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.” (Pub. Resources Code, § 21069.) A trustee agency is “a state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California.” (Pub. Resources Code, § 21070.) Responsible agencies for the Proposed Project are California Department of Transportation (Caltrans), Central Valley Regional Water Quality Control Board, San Joaquin Valley Air Pollution Control District, and Stanislaus County.

The Proposed Project would require permits and/or approvals from various state and local regulatory agencies. The permits and regulatory compliance requirements for the Proposed Project are described in **Table 2.6-1**.

Table 2.6-1. Applicable Permit and Regulatory Requirements

Regulatory Agency	Law/Regulation	Purpose	Permit/Authorization Type
California Department of Cannabis Control	Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)	State licensing of commercial cannabis cultivation, distribution, transportation, and manufacturing	Cannabis License
San Joaquin Valley Air Pollution Control District	Regulation 3, Permits; Rule 3.1, Permits Required	Stationary Source Permits for Emergency Generator, Refueling Station, Storage Tanks	Permit to Construct and Permit to Operate (for generators or pumps if larger than 50 horsepower)
Stanislaus County	General Plan, zoning ordinance, development requirements	Establish requirements related to building, landscaping, and other construction- and design-related activities; establish sewer connections and drainage plans; establish water supply	Regulatory Use Permit; Development Agreement, Special Use Permit; Building (includes grading), Electrical, Plumbing, and Mechanical Permits; Landscaping and Erosion Control Requirements; Construction permits

Page left intentionally blank.

3 ENVIRONMENTAL CHECKLIST

This chapter of the Initial Study/Mitigated Negative Declaration (IS/ND) assesses the environmental impacts of the Proposed Project based on the environmental checklist provided in Appendix G of the California Environmental Quality Act (CEQA) Guidelines. The environmental resources and potential environmental impacts of the Proposed Project are described in the individual subsections below. Each section includes a discussion of the rationale used to determine the significance level of the Proposed Project's environmental impact for each checklist question. For environmental impacts that have the potential to be significant, mitigation measures are identified that would reduce the severity of the impact to a less-than-significant level.

Title	*Content*
1. Project Title	Prem Gen Corp
2. Lead Agency Name and Address	California Department of Cannabis Control, 2920 Kilgore Rd. Rancho Cordova, CA 95670-6157
3. Contact Person, Phone Number and Email	Kevin Ponce, Senior Environmental Scientist Supervisor, (916) 247-1659, kevin.ponce@cannabis.ca.gov
4. Project Location and Assessor's parcel number (APN)	536, 538, 540 El Roya Avenue, Modesto Area, Stanislaus County 036-008-033
5. Property Owner(s)	DeAnn Edwards
6. General Plan Designation	Industrial
7. Zoning	M (Industrial)
8. Description of Project	The Proposed Project is the operation of indoor commercial cannabis cultivation, nursery, and distribution operations. The Proposed Project would consist of three phases of operation within three existing 5,000 square-foot warehouses on an approximate 1.05-acre parcel. In Phase I the growing canopy of nursery plants would be approximately 2,731 square feet, consisting of several separate growing areas and one research and development area. Phase 2 would provide an additional 3,268 square feet of indoor canopy space at 540 El Roya Avenue upon completion of build out and would include a room for harvesting and processing as well as chemical storage. The processing activities would include the rolling, storing, packaging, and labeling of non-manufactured cannabis products. Phase 3 would include the demolition and re-build of 538 El Roya Avenue. Upon completion, the canopy space and lay-out would be identical to warehouse 540 El Roya at 3,268

	square feet canopy space with additional rooms for harvesting, processing, and chemical storage.
9. Surrounding Land Uses and Setting	Industrial uses surround the property in all directions, legally non-conforming single-family dwellings exist to the west and south of the site, the Modesto Airport is located to the west and the City of Modesto to the west and north.
10. Other Public Agencies whose Approval or Input May Be Needed	Stanislaus County San Joaquin Valley Air Pollution Control District
11. Native American Consultation	An email request was made to the Native American Heritage Commission (NAHC) on November 25, 2024, to review its files for the presence of recorded sacred sites on the project area. The NAHC responded on December 3, 2024. The results of the Sacred Lands database review were negative for any sacred sites within the project area. On January 9, 2025, letters were sent to the 12 tribal contacts provided by the NAHC. The letters requested any additional information regarding tribal resources and to notify the Department of Cannabis Control (DCC) if they wished to initiate consultation regarding the Project actions. To date, no responses have been received. As planning proceeds, DCC will continue to consult with interested tribal representatives regarding the Proposed Project and incorporate their concerns into project planning and mitigation as warranted.

Environmental Factors Potentially Affected

The environmental factors checked below would potentially be affected by the Proposed Project, as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agriculture and Forestry Resources
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Energy
- ☐ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards and Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation
- ☐ Tribal Cultural Resources
- ☐ Utilities/Service Systems
- ☐ Wildfire
- ☐ Mandatory Findings of Significance

Determination

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of sources of information cited in this document, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site.

On the basis of this initial evaluation:

☒ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.

☐ I find that the Proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Kevin Ponce Digitally signed by Kevin Ponce Date: 2025.07.15 19:32:30 -07'00' Date 7/15/2025

Kevin Ponce
Environmental Program Manager
Department of Cannabis Control

3.1 Aesthetics

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

3.1.1 Regulatory Setting

3.1.1.1 Federal Laws, Regulations, and Policies

The Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic, and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System. The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. § 1271 et seq., as amended) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

Each river or river segment in the National Wild and Scenic Rivers System is administered with the goal of protecting and enhancing the values that caused it to be eligible for inclusion in the system. Designated rivers need not include the entire river and may include tributaries.

3.1.1.2 State Laws, Regulations, and Policies

California Scenic Highway Program

The California Department of Transportation (Caltrans) manages the State Scenic Highway Program. California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment (Caltrans 2024). The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, sections 260 through 263.

A highway may be designated as scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Caltrans manages and maintains a listing of officially designated State Scenic Highways.

DCC Commercial Cannabis Business Regulations

DCC regulations implementing the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) include environmental protection measures requiring that all outdoor lighting be downward facing and shielded to minimize the visual effects of the presence of lighting (Cal. Code Regs., tit. 4, § 16304, subd. (a)(6)), and that lighting for mixed-light operations must be shielded between sunset and sunrise to minimize nighttime glare (Cal. Code Regs., tit. 4, § 16304, subd. (a)(7)).

3.1.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

Chapter 6.78.080 Commercial Cannabis Cultivation

D. Visibility. In no case, shall cannabis plants be visible from off site, including transfer. No visual markers indicating that cannabis is cultivated on the site shall be visible from off site. All greenhouse cultivation activities shall be fully enclosed by an opaque fence, made of uniform material, at least seven feet in height. The fence must be adequately secured by a locked gate to prevent unauthorized entry. The fence design and construction material shall be approved by the County.

E. Enclosure. All commercial cannabis cultivation operations shall occur within a greenhouse or fully enclosed building. If conducted within a greenhouse, supplemental lighting shall not exceed twenty-five watts per square foot to be used up to one hour before sunrise or after sunset, unless the greenhouse or facility is equipped with light-blocking measures to ensure that no light escapes.

F. Outdoor Cultivation. No outdoor commercial cannabis cultivation is allowed within the unincorporated areas of the County of Stanislaus.

3.1.2 Environmental Setting

3.1.2.1 Visual Character and Quality of the Site

The Proposed Project is located in an industrial area within the City of Modesto’s Sphere of Influence. The site is visually defined by the existing low-density development including neighboring industrial uses, single-family dwellings to the west and south, and the nearby Modesto Airport.

3.1.2.2 Light and Glare

Existing sources of light and glare within the Project area include security lighting, light spillage from windows and open doors, and light from vehicles. Sources of glare include reflections from glass and metal surfaces on buildings and vehicles in the area.

3.1.2.3 Scenic Highways and Corridors

There are no designated scenic highways or federal scenic byways in the project area and the closest officially designated route is approximately 17 miles to the south-west of the project site (Caltrans 2018).

3.1.2.4 Viewer Groups and Sensitivity

The primary viewers of the site would be passing motorists, employees of neighboring businesses, and local residents.

Due to proximity and duration of time spent in the area, it is expected that local residents would be most sensitive to changes to the viewshed, nearby employees would be somewhat less sensitive, and when taking into consideration the speed of travel for passing motorists, it is expected that they would be least sensitive to changes to the viewshed.

3.1.3 Discussion of Checklist Responses

a. Cause Adverse Effects on Scenic Vistas (No Impact)

A scenic vista is generally considered a view of an area that has remarkable scenery or a natural or cultural resource that is indigenous to the area. Presently, there are no designated scenic vistas on or near the project site. In addition, the Proposed Project is being conducted within a previously constructed building. Therefore, the Proposed Project would not have an adverse effect on a scenic vista. There would be **no impact**.

b. Damage Scenic Resources, Including, but not Limited to, Trees, Rock Outcroppings, and Historic Buildings within a State Scenic Highway (No Impact)

There are no eligible or officially designated California Scenic Highways near the project site (Caltrans 2018). The nearest officially designated route is State Route 5 (SR-5), approximately 17 miles to the south-west of the project site. Therefore, the Proposed Project would have **no impact** on scenic resources within a state scenic highway.

c. In Non-urbanized areas, Substantially Degrade the Existing Visual Character or Quality of Public Views of the Site and its Surroundings (Less than Significant Impact)

The project site is in an urban area. As the Proposed Project is entirely enclosed within existing or rebuilt warehouses, the project construction and operations would not impact scenic quality. Finally, the seven-foot-tall opaque fencing installed on site in accordance with the County cannabis ordinance § 6.78.080 would obstruct views from public roads and rights of way. Therefore, the impact would be **less than significant**.

d. Create New Sources of Substantial Light or Glare (Less than Significant Impact)

Construction required as part of the Proposed Project could be a source of light and glare. However, any visual effects resulting from construction would be temporary, and would be largely contained by the existing warehouse and screened from view by the existing buildings in the area.

DCC cannabis regulations require that outdoor lighting be shielded and directed downward. (Cal. Code Regs., tit. 4, § 16304, subd. (a)(6).) The Proposed Project has installed a lighting security system for use during project operation, installed in accordance with state and local law. As the lights would be directed downward this would reduce light trespass off site. Therefore, the impact would be **less than significant**.

3.2 Agriculture and Forestry Resources

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
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?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

3.2.1 Regulatory Setting

3.2.1.1 Federal Laws, Regulations, and Policies

No federal regulations are applicable to agricultural or forestry resources in relation to the Proposed Project.

3.2.1.2 State Laws, Regulations, and Policies

Farmland Mapping and Monitoring Program

The California Department of Conservation (DOC) established the Farmland Mapping and Monitoring Program (FMMP) in 1982 as a nonregulatory program to provide a consistent and impartial analysis of agricultural land use and land use changes throughout California. Creation of the FMMP was supported by the California State Legislature and a broad coalition of building, business, government, and conservation interests. The first Important Farmland maps, produced in 1984, covered 30.3 million acres in 38 counties. This is an ongoing data set; DOC collects data every two years to assist in understanding changes in agricultural land in the state. Data

now span more than 32 years and have expanded to 49.1 million acres as modern soil surveys have been completed by the U.S. Department of Agriculture. The FMMP now maps agricultural and urban land use for nearly 98 percent of California's privately held land (DOC 2024a).

The FMMP has developed categorical definitions of Important Farmland that incorporate the land's suitability for agricultural production rather than solely relying on the physical and chemical characteristics of the soil. The FMMP includes data on the location of agricultural land, land use changes from agriculture to urban development, and soil quality. Land that is identified as Important Farmland is mapped as one of the following four categories (DOC 2024b):

- **Prime Farmland.** Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields. Prime Farmland must have been used for irrigated agricultural production at some time during the four years before the FMMP's mapping date.
- **Farmland of Statewide Importance.** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Farmland of Statewide Importance must have been used for irrigated agricultural production at some time during the four years before the FMMP's mapping date.
- **Unique Farmland.** Farmland of lesser quality soils used for the production of the state's leading agricultural crops. These lands usually are irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones. Unique Farmland must have been cropped at some time during the four years before the FMMP's mapping date.
- **Farmland of Local Importance.** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965, better known as the Williamson Act, is California's primary program to protect agricultural land. The Williamson Act discourages premature and unnecessary conversion of agricultural land to urban uses. The legislation benefits landowners by allowing them to enter into long-term contracts (10 or 20 years) with the State of California to keep agricultural land in production. In return, the State reduces property taxes based on a complex calculation tied to agricultural income. The State implements the Williamson Act when a city or county creates an agricultural preserve. The purpose of an agricultural preserve is the long-term conservation of agricultural and open space lands; the lands are restricted to agricultural, open space, or recreational uses in exchange for reduced property tax assessments. After a preserve is established, the landowner enters into a contract with a city or county. The landowner and any successors-in-interest are obligated to adhere to the contract's enforceable restrictions unless the contract is rescinded or cancelled.

Forest Land, Timberland, and the Taxation Reform Act

Forest land is defined as native tree cover greater than 10 percent that allows for the management of timber, aesthetics, fish and wildlife, recreation, and other public benefits. (Pub. Resources Code § 12220, subd. (g)). A subset of forest land, timberland, is defined under the Forest Practice Act as all non-federal land that is available for, and capable of, growing a crop of trees of commercial species, as designated by the Board of Forestry. (Pub.

Resources Code, § 4526; Cal. Code Regs., tit. 14, § 895.1.) A "crop of trees" includes any number of trees that may be harvested commercially. (Cal. Code Regs., tit. 14, § 895.1.)

The Forest Taxation Reform Act, enacted in 1976, provides guidelines that allow cities and counties with qualifying timberland to adopt timber protection zones (TPZs). Government Code section 51104, subdivision (g) defines TPZs as areas zoned in accordance with Sections 51112 and 51113 for the purposes of growing and harvesting timber, or for growing and harvesting timber and compatible uses. TPZs are privately owned land or land acquired for State Forest purposes. When a TPZ is established, a private landowner agrees to commit the land to forest production for at least 10 years. In return, the approving jurisdiction grants the landowner a property tax reduction. The California Department of Forestry and Fire Protection (CAL FIRE) has regulatory authority over timber harvest and timberland conversion decisions in TPZs.

California Department of Forestry and Fire Protection

The California Forest Practice Act, adopted in 1973, requires owners of non-federal timberland to apply for a Timberland Conversion Permit from the Director of the California Department of Forestry and Fire Protection for the conversion of timberland to another use. CAL FIRE may grant exemptions for conversions of less than 3 acres. To qualify for an exemption from CAL FIRE, applicants must comply with applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and other implementing ordinances of the local jurisdiction. The Forest Practice Act and implementing regulations also govern the removal of "commercial" timber species from areas of pending new construction (CAL FIRE 2020).

3.2.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

21.20.45 Uses on Lands Subject to Williamson Contract

A. As required by Government Code Section 51238.1, the planning commission and/or board of supervisors shall find that uses requiring use permits that are approved on lands under California Land Conservation Contracts (Williamson Act Contracts) shall be consistent with all of the following principles of compatibility:

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.

2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

6.78.080 Commercial Cannabis Cultivation

C. Commercial cannabis cultivation operations shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

G. Commercial cannabis cultivation activities in the A-2 zoning district shall be limited to cultivation, nursery, or distribution (limited to permitted commercial cannabis product grown on-site) within the following type of structure:

1. Greenhouse.

2. Accessory storage buildings may be utilized provided the following criteria is met:

a. The building must meet the requirements of Section 6.78.120(B).

b. No more than ten thousand square feet of cultivation or nursery canopy shall be allowed.

H. The cumulative total canopy size of cannabis cultivated at the cultivation site shall not exceed thecanopy size authorized under the county's Commercial Cannabis Activity (CCA) permit or state permit, whichever is least.

I. Commercial cannabis cultivation activities shall not be considered agriculture for the purpose of the county's right-to-farm policy or sphere of influence policy.

3.2.2 Environmental Setting

The Proposed Project is located in an urban area. It is classified by the DOC as being "Urban and Built-Up Land" and does not include Important farmland (DOC 2022a). The Proposed Project is not identified as being under a Williamson Act contract, and in Stanislaus County only land in a designated agricultural preserve, including lands in the A-2 Agricultural Zone, can be enrolled in a Williamson Act Contract (DOC 2022b).

3.2.3 Discussion of Checklist Responses

a, e. Convert Farmland to Non-Agriculture Use, or Result in Conflicts with or Loss of Agricultural or Forest Lands (No Impact)

According to DOC, the project site and staging areas do not occur on lands designated as Prime, Unique, or Farmland of Statewide Importance (DOC 2022a). The Proposed Project is taking place on land which has been fully built up since approximately 2002. Therefore, construction and operation would not convert any existing agricultural use or result in a loss of agricultural or forest lands. There would be **no impact**.

b-c. Conflict with Existing Zoning for Agriculture Use, Williamson Act Contract, or Existing Zoning for Forest Land or Timber Land (No Impact)

The project site is classified as Industrial under both zoning and land use regulations by Stanislaus County (Stanislaus County 2016; Stanislaus County 2025), and is not classified as being for agricultural use. Therefore, the Proposed Project would not conflict with existing agricultural zoning.

The project site is not enrolled under a Williamson Act Contract. Therefore, there would be no conflict with a Williamson Act Contract.

According to Public Resources Code Section 4526, "timberland" is defined as non-federal land which is both available and capable of growing a commercial crop of trees to produce lumber and other forest products. There is no forestland or timberland zoning designation which applies to the project site, no commercial trees are grown on the project site, and the site has been fully developed since approximately 2002. Therefore, there would be no conflict with forest or timberland zoned land. There would be **no impact**.

d. Result in the Loss of Forest Land or Conversion of Forest Land to Non-forest Use (No Impact)

The Proposed Project would not affect forest land or convert forest land to non-forest use. Therefore, there would be **no impact**.

3.3 Air Quality

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
When available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

3.3.1 Regulatory Setting

3.3.1.1 Federal and State Laws, Regulations, and Policies

The Clean Air Act is implemented by the U.S. Environmental Protection Agency (USEPA) and sets ambient air limits, the National Ambient Air Quality Standards (NAAQS), for six criteria pollutants: particulate matter of aerodynamic radius of 10 micrometers or less (PM10), particulate matter of aerodynamic radius of 2.5 micrometers or less (PM2.5), carbon monoxide (CO), nitrogen dioxide (NO_2), ground-level ozone, and lead. Of these criteria pollutants, particulate matter and ground-level ozone pose the greatest threats to human health. Ground level ozone is caused by emissions of ozone precursor, nitrous oxides (NO_X) and reactive organic gases (ROG).

The California Air Resources Board (CARB) sets the California Ambient Air Quality Standards (CAAQS), standards for criteria pollutants in California that are more stringent than the NAAQS and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. The Proposed Project is located within the San Joaquin Valley Air Basin (SJVAB), which is comprised of the San Joaquin Valley Air Pollution Control District (SJVAPCD) and includes San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare Counties and the San Joaquin Valley Air Basin portion of Kern County. The SJVAPCD manages air quality within Stainslaus County portion of the SJVAB for attainment and permitting purposes.

Table 3.3-1 shows the current attainment status in Stanislaus County for the state and federal ambient air quality standards. The area is designated as nonattainment for the state PM_{10} standard.

Table 3.3-1. Attainment Status of the State and Federal Ambient Air Quality Standards

Contaminant	Averaging Time	Concentration	State Standards Attainment Status[1]	Federal Standards Attainment Status[2]
Ozone (O_3)	1-hour	0.09 ppm	N (Severe)	See footnote 3
Ozone (O_3)	8-hour	0.070 ppm	N	
Ozone (O_3)	8-hour	0.070 ppm		N (Extreme)
Carbon Monoxide (CO)	1-hour	20 ppm	U/A	
Carbon Monoxide (CO)	1-hour	35 ppm		U/A
Carbon Monoxide (CO)	8-hour	9.0 ppm	U/A	U/A
Nitrogen Dioxide (NO_2)	1-hour	0.18 ppm	A	
Nitrogen Dioxide (NO_2)	1-hour	0.100 ppm[5]		U/A
Nitrogen Dioxide (NO_2)	Annual arithmetic mean	0.030 ppm	A	
Nitrogen Dioxide (NO_2)		0.053 ppm		U/A
Sulfur Dioxide (SO_2)	1-hour	0.25 ppm	A	
Sulfur Dioxide (SO_2)	1-hour	0.075 ppm		U/A
Sulfur Dioxide (SO_2)	24-hour	0.04 ppm	A	
Sulfur Dioxide (SO_2)	24-hour	0.14 ppm		U/A
Sulfur Dioxide (SO_2)	Annual arithmetic mean	0.030 ppm		U/A
Particulate Matter (PM10)	24-hour	50 µg/m^3	N	
Particulate Matter (PM10)	24-hour	150 µg/m^3		A
Particulate Matter (PM10)	Annual arithmetic mean	20 µg/m^3	N	
Fine Particulate Matter (PM2.5)	24-hour	35 µg/m^3		N (Moderate)
Fine Particulate Matter (PM2.5)	Annual arithmetic mean[7]	12 µg/m^3	N	
		9 µg/m^3		N (Moderate)
Sulfates	24-hour	25 µg/m^3	A	
Lead (Pb)[6]	30-day average	1.5 µg/m^3	A	
Hydrogen Sulfide (H2S)	1-hour	0.03 ppm	U	
Vinyl Chloride[6] (chloroethene)	24-hour	0.010 ppm	A	

Contaminant	Averaging Time	Concentration	State Standards Attainment Status[1]	Federal Standards Attainment Status[2]
Visibility-Reducing Particles	8-hour (10:00 to 18:00 PST)	See footnote 4	U	

A – attainment
N – non-attainment
U – unclassified

ppm – parts per million
µg/m^3 – micrograms per cubic meter
PST – Pacific Standard Time

Notes:

1. California standards for ozone, carbon monoxide, sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM_{10}, and visibility-reducing particles are values that are not to be exceeded. The standards for sulfates, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour, or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements that are excluded include those that the CARB determines would occur less than once per year on average.
2. National standards shown are the "primary standards" designed to protect public health. National air quality standards are set by USEPA at levels determined to be protective of public health with an adequate margin of safety. National standards other than for ozone, particulates, and those based on annual averages are not to be exceeded more than once per year. The 1-hour ozone standard is attained if, during the most recent 3-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.075 ppm (75 parts per billion) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m^3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m^3. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met by spatially averaging annual averages across officially designated clusters of sites and then determining if the 3-year average of these annual averages falls below the standard.
3. The national 1-hour ozone standard was revoked by USEPA on June 15, 2005. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 ppm to 0.070 ppm. An area meets the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. This table provides the attainment statuses for the 2015 standard of 0.070 ppm.
4. Statewide Visibility-Reducing Particle Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
5. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average of nitrogen dioxide at each monitoring station within an area must not exceed 0.100 ppm (effective January 22, 2010).
6. CARB has identified lead and vinyl chloride as toxic air contaminants with no threshold level of exposure below which there are no adverse health effects determined.
7. On February 7, 2024 the USEPA strengthened the NAAQS for the annual PM2.5 to 9.0 micrograms per cubic meter. New designations for this standard will be available within two years of issuing the revised NAAQS. It is anticipated that Stanislaus County would not meet the new standard.

Source: SJVAPCD 2025, USEPA 2024a

USEPA and CARB regulate various stationary sources, area sources, and mobile sources. USEPA has regulations involving performance standards for specific sources that may release toxic air contaminants (TACs), known at the federal level as hazardous air pollutants (HAPs). In addition, USEPA has regulations involving emission criteria for off-road sources such as emergency generators, construction equipment, and vehicles. CARB is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB also establishes passenger vehicle fuel specifications. Airborne Toxic Control Measures (ATCMs), including the following relevant measures, are implemented to address sources of TACs:

- ATCM for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater
- ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling
- ATCM to Reduce Particulate Emissions from Diesel-Fueled Engines – Standards for Non-vehicular Diesel Fuel
- ATCM for Stationary Compression Ignition Engine

CARB has several vehicle fleet regulations that cover fossil-fueled equipment operated at a facility. These regulations require owners of equipment and vehicle fleets to meet fleet-wide specified engine emission levels over time. Obligations include equipment registration, equipment labeling, and reporting requirements. These regulations include the following fleet rules:

- In-Use Off-Road Disel-Fueled Fleets Regulation
- Portable Equipment Registration Program (PERP)
- Large Spark-Ignition Engine Fleet Requirements Regulation
- Small Off-Road Engines Regulation
- Advanced Clean Truck Regulation
- Advanced Clean Fleet Regulation
- Advanced Clean Cars Program

The Clean Air Act allows California to seek a waiver of the preemption which prohibits states from enacting emission standards for new motor vehicles. EPA must grant a waiver, however, before California's rules may be enforced. At this time, California has withdrawn its request for a waiver for the Advance Clean Fleet Regulation. CARB is not enforcing the existing portions of the Advanced Clean Fleets Regulation that require a federal waiver or authorization, such as the portions of the Advanced Clean Fleets Regulation that apply to high priority and drayage fleets. However, not all elements of the Advanced Clean Fleets Regulation require a federal waiver or authorization. The state and local government fleets portion of the Advanced Clean Fleets Regulation remains unaffected.

3.3.1.2 Local Laws, Regulations, and Policies

San Joaquin Valley Air Pollution Control District

Stanislaus County is located within in the San Joaquin Valley Air Basin (SJVAB) and is subject to the San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements and regulations. SJVAPCD is responsible for

establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws and for ensuring that NAAQS and CAAQS are met. SJVAPCD has developed several air quality plans to address pollutants and improve air quality in the region. The SJVAPCD's most recent air quality plans are listed below. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB.

2024 Plan for the 2012 Annual PM2.5 Standard: The District adopted the 2024 Plan for the 2012 Annual $PM_{2.5}$ Standard on June 20, 2024. This Plan addresses the EPA federal 2012 annual PM2.5 standard of 12 µg/m³ (SJVAPCD 2024).

2006 PM_{10} Plan: The District adopted the 2006 PM_{10} Plan in February 2006. This plan addresses the PM_{10} NAAQS (SJVAPCD 2006).

2022 Plan for the 2015 8-Hour Ozone Standard: The District adopted the 2022 Plan for the 2015 8-Hour Ozone Standard on December 15, 2022. This Plan satisfies Clean Air Act requirements and ensures expeditious attainment of the 70 parts per billion 8-hour ozone standard (SJVAPCD 2022).

Regulation VIII (Fugitive Dust Prohibitions). Regulation VIII (Rules 8011-8081). This regulation is a series of rules designed to reduce particulate emissions generated by human activity, including construction and demolition activities, carryout and trackout, paved and unpaved roads, bulk material handling and storage, unpaved vehicle/traffic areas, open space areas, etc.

Rule 4102 (Nuisance). Applies to any source operation that emits or may emit air contaminants or other materials.

Rule 4601 (Architectural Coatings). Limits volatile organic compounds from architectural coatings.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). This rule applies to the manufacture and use of cutback, slow cure, and emulsified asphalt during paving and maintenance operations.

Rule 9510 (Indirect Source Review - ISR). Requires developers of larger residential, commercial, recreational, and industrial projects to reduce smog-forming and particulate emissions from their projects' baselines. If project emissions still exceed the minimum baseline reductions, a project's developer will be required to mitigate the difference by paying an off-site fee to the District, which would then be used to fund clean-air projects. For projects subject to this rule, the ISR rule requires developers to mitigate and/or offset emissions sufficient to achieve: (1) 20-percent reduction of construction equipment exhaust NOx; (2) 45-percent reduction of construction equipment exhaust PM10; (3) 33-percent reduction of operational NOx over 10 years; and (4) 50-percent reduction of operational PM10 over 10 years. SJVAPCD ISR applications must be filed "no later than applying for a final discretionary approval with a public agency."

The SJVAPCD has outlined CEQA thresholds of significance in its Guidance for Assessing and Mitigating Air Quality Impacts (SJVPACD 2015). **Table 3.3-2** outlines the thresholds of significance established for air quality impacts for both construction and operation. Projects with emissions below these thresholds would be considered less than significant.

Table 3.3-2. SJVAPCD Air Quality CEQA Significance Thresholds

Pollutant/Precursor	Construction Emissions (tons/year)	Operational Emissions – Permitted Equipment and Activities (tons/year)	Operational Emissions – Non-Permitted Equipment and Activities (tons/year)
CO	100	100	100
NOx	10	10	10
ROG	10	10	10
SOx	27	27	27
PM10	15	15	15
PM2.5	15	15	15

Stanislaus County Ordinances

Title 6.78 Commercial Cannabis Activities

6.78.120 General Operational Standards

D. **Odor Control.** Odor Control devices and techniques shall be incorporated into all commercial cannabis activities to ensure that odors from cannabis are not detectable off-site. Commercial cannabis activities shall provide a sufficient odor absorbing ventilation and exhaust system so that cannabis odors are not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as a commercial cannabis activity. As such, the permittees shall install and maintain an exhaust air filtration system or other similar equipment with odor control that prevents internal odors from being emitted externally.

1. In no case shall untreated air be vented outside of any building used to conduct a commercial cannabis activity.

2. The devices and techniques to be used to control odor shall be reviewed and approved by a certified professional approved by the county and an audit of the devices and techniques to be used shall be conducted within thirty days of the commercial cannabis activity being conducted upon issuance of a CCA permit.

6.78.110 Commercial Cannabis Distribution

D. **Air Quality.** Distributors shall to the extent practicable use zero emissions vehicles in their transportation fleet.

3.3.2 Environmental Setting

Air pollution in the SJVAB can be attributed to both human-related (anthropogenic) and natural (non-anthropogenic) activities that produce emissions. Air pollution from significant anthropogenic activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. Activities that tend to increase mobile activity include increases in population, increases in general traffic activity (including automobiles, trucks, aircraft, and rail), urban sprawl (which will increase commuter driving distances), and general local land management practices as they pertain to modes of commuter transportation. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air.

The San Joaquin Valley's (SJV's) topography and meteorology provide ideal conditions for trapping air pollution for long periods of time and producing harmful levels of air pollutants, including ozone and particulate matter. Low precipitation levels, cloudless days, high temperatures, and light winds during the summer in the SJV are conducive to high ozone levels resulting from the photochemical reaction of nitrogen oxides (NOx) and volatile organic compounds (VOC). Inversion layers in the atmosphere during the winter can trap emissions of directly emitted PM2.5 (particulate matter that is 2.5 microns or less in diameter) and PM2.5 precursors (such as NOx and sulfur dioxide [SO_2]) within the SJV for several days, accumulating to unhealthy levels.

As shown in Table 3.3-1, the SJVAB is in non-attainment of the federal (extreme) and state ozone standards as well as the federal (moderate) and state PM2.5 standards as well as the state PM10 standards.

The project site is surrounded by existing agriculture operations and farmland. There are residences located on the adjacent parcels 50 feet and 375 feet away. The nearest schools, daycares, and other types of sensitive receptors are located more than a mile away.

3.3.2.1 Air Pollutants

Several air pollutants of concern would be associated with Proposed Project activities. These air pollutants are discussed briefly below. Two main categories of air pollutants are described: criteria air pollutants and toxic air contaminants (TACs). Criteria air pollutants are air pollutants with national and/or state air quality standards that define allowable concentrations of these substances in the ambient (or background) air. TACs are air pollutants that may lead to serious illness or increased mortality, even when present in relatively low concentrations.

3.3.2.2 Carbon Monoxide

Carbon monoxide (CO) is an odorless, colorless gas that is highly toxic. CO is formed by the incomplete combustion of fuels and is emitted directly into the air. Ambient CO concentrations normally are considered a local effect and typically correspond closely to the spatial and temporal distribution of vehicular traffic. CO concentrations are also influenced by wind speed and atmospheric mixing. Under inversion conditions (when a low layer of warm air, along with its pollutants, is held in place by a higher layer of cool air), CO concentrations may be distributed more uniformly over an area to some distance from vehicular sources. CO binds with hemoglobin, the oxygen-carrying protein in blood, and thereby reduces the blood's capacity to carry oxygen to the heart, brain, and other parts of the body. At high concentrations, CO can cause heart difficulties in people with chronic diseases, impair mental abilities, and cause death.

3.3.2.3 Ozone

Ozone (O_3) is a reactive gas that, in the troposphere (the lowest region of the atmosphere), is a product of the photochemical process involving the sun's energy. It is a secondary pollutant that is formed when nitrogen oxides and reactive organic gases react in the presence of sunlight. Ozone at the Earth's surface causes numerous adverse health effects and is a criteria pollutant. It is a major component of smog. In the stratosphere, ozone exists naturally and shields the Earth from harmful incoming ultraviolet radiation. High concentrations of ground-level ozone can adversely affect the human respiratory system and aggravate cardiovascular disease and many respiratory ailments. Ozone also damages natural ecosystems such as forests and foothill natural communities, agricultural crops, and some human-made materials (e.g., rubber, paint, and plastics).

3.3.2.4 Nitrogen Oxides

Nitrogen oxides (NOx) are a family of gaseous nitrogen compounds that are precursors to the formation of ozone and particulate matter. The major component of NOX, nitrogen dioxide (NO_2), is a reddish-brown gas that is toxic at high concentrations. NOx results primarily from the combustion of fossil fuels under high temperature and pressure. On-road and off-road motor vehicles and fuel combustion (use of natural gas for heating, cooking, and industrial use) are the major sources of this air pollutant.

3.3.2.5 Reactive Organic Gases

Reactive organic gases (ROG) consist of hydrocarbon compounds that exist in the ambient air. ROG contributes to the formation of smog and/or may itself be toxic. ROG emissions are a primary precursor to the formation of ozone. Sources of ROG include consumer products, paints, trees that emit ROGs, and the combustion of fossil fuels.

3.3.2.6 Particulate Matter

Particulate matter (PM) is a complex mixture of extremely small particles and liquid droplets. PM is made up of various components, including acids, organic chemicals, metals, and soil or dust particles. The size of particles is directly linked to the potential for causing health problems. PM particles that are smaller than 10 micrometers in diameter, called PM10, are of most concern because these particles pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. PM10 particles are typically found near roadways and industrial operations that generate dust. PM10 particles are deposited in the thoracic region of the lungs. Fine particles, called PM2.5, are particles less than 2.5 micrometers in diameter and are found in smoke and haze. PM2.5 particles penetrate deeply into the thoracic and alveolar regions of the lungs.

3.3.2.7 Sulfur Dioxide

Sulfur dioxide (SO_2) is a colorless, irritating gas with a “rotten egg” smell formed primarily by the combustion of sulfur-containing fossil fuels. Suspended SO_2 particles contribute to poor visibility in the SFBAAB and are a component of PM10.

3.3.2.8 Lead

Lead is a metal that is a natural constituent of air, water, and the biosphere. Lead is neither created nor destroyed in the environment, so it essentially persists forever. There is no known safe exposure level to lead. The health effects of lead poisoning include loss of appetite, weakness, apathy, and miscarriage. Lead poisoning can also cause lesions of the neuromuscular system, circulatory system, brain, and gastrointestinal tract and can reduce mental capacity.

Gasoline-powered automobile engines were a major source of airborne lead due to the use of leaded fuels. The use of leaded fuel has been mostly phased out since 1996, which has resulted in dramatic reductions in ambient concentrations of lead. Because lead persists in the environment forever, however, areas near busy highways continue to have high levels of lead in dust and soil.

3.3.2.9 Hydrogen Sulfide

Hydrogen sulfide (H_2S) is associated with geothermal activity, oil and gas production, refining, sewage treatment plant operations, and confined animal feeding operations. H_2S is extremely hazardous in high concentrations and can cause death.

3.3.2.10 Sulfates

Sulfates are the fully oxidized, ionic form of sulfur. Sulfates occur in combination with metal and/or hydrogen ions. In California, emissions of sulfur compounds result primarily from the combustion of petroleum-derived fuels (e.g., gasoline and diesel fuel) that contain sulfur. This sulfur is oxidized to SO_2 during the combustion process and subsequently converted to sulfate compounds in the atmosphere. The conversion of SO_2 to sulfates takes place comparatively rapidly and completely in urban areas of California due to regional meteorological features. CARB's sulfate standard is designed to prevent aggravation of respiratory symptoms. Effects of sulfate exposure at levels above the standard include a decrease in ventilatory function, aggravation of asthmatic symptoms, and an increased risk of cardiopulmonary disease. Sulfates are particularly effective in degrading visibility, and because they are usually acidic, can harm ecosystems and damage materials and property.

3.3.2.11 Vinyl Chloride

Vinyl chloride is a colorless gas that does not occur naturally. It is formed when other substances, such as trichloroethane, trichloroethylene, and tetrachloroethylene, are broken down. Vinyl chloride is used to make polyvinyl chloride for a variety of plastic products, including pipes, wire and cable coatings, and packaging materials.

3.3.2.12 Toxic Air Contaminants

Hundreds of different types of toxic air contaminants exist, with varying degrees of toxicity. Many TACs are confirmed or suspected carcinogens or are known or suspected to cause birth defects or neurological damage. For some chemicals, such as carcinogens, no thresholds exist below which exposure can be considered risk-free. Examples of TAC sources in the Proposed Project area include fossil fuel combustion sources, industrial processes, and gas stations.

Sources of TACs include stationary sources, area-wide sources, and mobile sources. The United States Environmental Protection Agency (USEPA) maintains a list of 187 TACs, also known as hazardous air pollutants. These hazardous air pollutants are also included on CARB's list of TACs. According to the California Almanac of Emissions and Air Quality (CARB 2013), many researchers consider diesel particulate matter (DPM) to be a primary contributor to health risk from TACs because particles in diesel exhaust carry a mixture of many harmful organic compounds and metals, rather than being a single substance as are other TACs. Unlike many TACs, outdoor DPM is not monitored by CARB because no routine measurement method has been identified. However, using the CARB emission inventory's PM10 database, ambient PM10 monitoring data, and results from several studies, CARB has made preliminary estimates of DPM concentrations throughout the state (CARB 2013).

Valley Fever

Coccidioidomycosis, often referred to as San Joaquin Valley Fever or Valley Fever, is one of the most studied and oldest known fungal infections. Valley Fever varies with the season and most commonly affects people who live in hot dry areas with alkaline soil. This disease affects both humans and animals and is caused by inhalation of

arthroconidia (spores) of the fungus *Coccidioides immitis* (CI). CI spores are found in the top few inches of soil and the existence of the fungus in most soil areas is temporary. The cocci fungus lives as a saprophyte (an organism, especially a fungus or bacterium, which grows on and derives its nourishment from dead or decaying organic matter) in dry, alkaline soil. When weather and moisture conditions are favorable, the fungus "blooms" and forms many tiny spores that lie dormant in the soil until they are stirred up by wind, vehicles, excavation, or other ground-disturbing activities and become airborne. Agricultural workers, construction workers, and other people who are outdoors and are exposed to wind, dust, and disturbed topsoil are at an elevated risk of contracting Valley Fever (CDPH 2025a).

Most people exposed to the CI spores will not develop the disease. Of 100 people who are infected with Valley Fever, approximately 40 will exhibit some symptoms and two to four will have the more serious disseminated forms of the disease. After recovery, nearly all, including the asymptomatic, develop a life-long immunity to the disease.

The Proposed Project is located in an area designated as "suspected endemic" for Valley Fever. In 2023 the number of new cases were reported in Stanislaus County for a total of 120 cases or a case rate of 21.9 cases per 100,000 people (CDPH 2025b). Project construction activities could encounter and disperse CI spores and create the potential for additional Valley Fever infections.

3.3.2.13 Odors

Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, headache). The ability to detect odors varies considerably among the population and overall is subjective. People may have different reactions to the same odor. An odor that is offensive to one person may be acceptable to another (e.g., roasting coffee). An unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is known as odor fatigue; a person can become desensitized to almost any odor, after which recognition occurs only with an alteration in the intensity.

Quality and intensity are two properties present in any odor. The quality of an odor indicates the nature of the smell experience. For instance, if a person describes an odor as flowery or sweet, then the person is describing the quality of the odor. Intensity refers to the strength of the odor. For example, a person may use the word "strong" to describe the intensity of an odor. Odor intensity depends on the concentration in the air. When an odor sample is progressively diluted, the odor concentration decreases. As this occurs, the odor intensity weakens and eventually becomes so low that the detection or recognition of the odor is quite difficult. At some point during dilution, the concentration of the odor reaches a level that is no longer detectable.

3.3.3 Discussion of Checklist Responses

a. Conflict with or obstruct implementation of the applicable air quality plan (Less than Significant Impact)

A project is deemed inconsistent with air quality plans if it would result in population and/or employment growth that exceeds growth estimates included in the applicable air quality plan, which, in turn, would generate emissions not accounted for in the applicable air quality plan emissions budget. Therefore, projects need to be evaluated to determine whether they would generate population and employment growth and, if so, whether that growth

would exceed the growth rates included in the relevant air quality plans. SJVAPCD's ozone, PM10 and PM2.5 plans demonstrate how the SJVAB will achieve attainment with the ambient air quality standards. These plans focus on protecting public health and outlines strategies it will implement to reduce pollution levels for these criteria pollutants. The Proposed Project would not lead to a substantial increase in jobs; therefore, the Proposed Project is consistent with air quality plans. SJVAPCD also considers if a project would exceed any of its CEQA thresholds of significance as being inconsistent with their air quality plans. As discussed in part b. below, the Proposed Project does not exceed any of the thresholds of significance for emissions or health impacts.

The Proposed Project would follow all federal, state, and local regulations related to stationary and area sources of air pollutants. In addition, construction will follow local air district regulations and best management practices described above for fugitive dust. Therefore, because the Proposed Project would be consistent with the applicable general plan policies and would comply with all applicable regulations for sources of air pollutants, the Proposed Project would have a **less-than-significant impact** and would not obstruct or conflict with applicable air quality plans.

b. Cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area (Less than Significant Impact)

As shown in Table 3.3-1, the project site is in a region that is designated in non-attainment for ozone, PM_{10}, and $PM_{2.5}$. It is assumed that projects that conform to the General Plan and do not have mass emissions exceeding the screening level significance thresholds would not create a cumulatively considerable net increase in emissions. During construction of the Proposed Project, the combustion of fossil fuels for operation of fossil fueled construction equipment, material hauling, and worker trips would result in construction-related criteria air pollutant emissions. During project operations there would be some worker trips and other vehicle trips for waste removal and product delivery. Other operation emissions would be for maintaining the landscaping. These emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.29 using information from the Project Description along with default assumptions for the project site acreage being developed, which is the area that would be impacted during construction. The Proposed Project's criteria air pollutant emissions during construction are shown in **Table 3.3-3**. CalEEMod modeling results for the Proposed Project are provided in **Appendix A**. Implementation of BMPs to control fugitive dust will be implemented.

Table 3.3-3. Criteria Pollutant Emissions during Construction and Operation

Year	ROG	NOx	CO	SO_2	PM10	PM2.5
Total Construction Emissions, 2025 (tons)	0.31	1.02	1.27	<0.005	0.11	0.06
Threshold	10	10	100	27	15	15
Above Threshold?	No	No	No	No	No	No
Operational Emissions, Annual (tons/year)	0.53	.07	0.51	<0.005	0.01	<0.005
Threshold	10	10	100	27	15	15
Above Threshold?	No	No	No	No	No	No

Notes: ROG = reactive organic gases; CO = carbon monoxide; NOX = oxides of nitrogen; PM10 = particulate matter 10 microns or less in diameter; PM2.5 = fine particulate matter 2.5 microns or less in diameter; SO2 = sulfur dioxide

Source: CalEEMod modeling results are provided in Appendix A.

Operational criteria air pollutant emissions would be generated by fossil-fueled equipment and motor vehicles. These will be minimal trips by workers to conduct routine operation and maintenance activities. It is anticipated that these worker and operation trips would result in an insignificant amount of criteria air pollutants and would be substantially below the threshold of significance.

Mass emissions from both construction and operations are lower than the mass emission level significance thresholds. Therefore, the impact of emissions during construction and operations would be considered **less than significant** and the proposed project would not contribute substantially to an air quality violation.

c. Expose sensitive receptors to substantial pollutant concentrations (Less than Significant Impact)

During project construction, diesel particulate matter (DPM) and gasoline fuel combustion emissions that are classified as TACs could be emitted from construction equipment. Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically operating within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations.

Similarly, during project operation there will be only a few vehicle trips and use of equipment that combusts fossil fuel. The primary operations of the commercial cannabis operations are enclosed and would not release any substantial amounts of criteria or toxic air pollutants into the ambient air. Chronic and cancer-related health effects estimated over short periods are uncertain. Cancer potency factors are based on animal lifetime studies or worker studies with long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from exposure that would last only a small fraction of a lifetime. Some studies indicate that the dose rate may change the potency of a given dose of a carcinogenic chemical. In other words, a dose delivered over a short period may have a different potency than the same dose delivered over a lifetime (California Office of Environmental Health Hazard Assessment [OEHHA] 2015). Furthermore, construction impacts are most severe adjacent to the construction area and decrease rapidly with increasing distance. Concentrations of mobile-source DPM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (CARB 2005).

Given the short duration of construction and minimal use of fossil fueled equipment during operations, the fact that TAC concentrations would quickly be reduced away from the active construction and operation site, the relatively large distances to sensitive receptors, and the uncertainties in modeling such emissions, the Proposed Project's effect on nearby sensitive receptors due to construction-related air pollutant emissions would be **less than significant**.

The potential for Valley Fever cases associated with Proposed Project construction is high given that Stanislaus County has some of the highest incidence rates in the state. The Proposed Project's exposure to Coccidioidomycosis spores could potentially expose sensitive receptors to substantial pollutant concentrations. Because the Proposed Project would include only reconstruction of an existing warehouse with minimal ground disturbance, impacts related to Valley Fever would be **less than significant**.

d. Result in other emissions affecting a substantial number of people (Less than Significant Impact)

Operational activities would generate odors associated with vehicle exhaust. These odors would be short-lived and would occur intermittently. Vehicle idling at the site would be minimized to the extent feasible and so would not be likely to cause odor issues for nearby sensitive receptors.

Odor control devices are required for all commercial cannabis operations which will ensure that there are no significant impacts of odors from the commercial cannabis activities. Impacts related to potential generation of objectionable odors are thus expected to be **less than significant**.

3.4 Biological Resources

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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 CDFW or USFWS?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state HCP?	☐	☐	☐	☒

3.4.1 Regulatory Setting

3.4.1.1 Federal Laws, Regulations, and Policies

Endangered Species Act

The Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.; 50 C.F.R. Parts 17 and 222) provides for conservation of species that are endangered or threatened throughout all or a substantial portion of their range, as well as protection of the habitats on which they depend. The U.S. Fish and Wildlife Service (USFWS) and the National

Marine Fisheries Service share responsibility for implementing the ESA. In general, USFWS manages terrestrial and freshwater species, whereas Marine Fisheries Service manages marine and anadromous species.

Section 9 of the ESA and its implementing regulations prohibit the "take" of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term "take" to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct". (16 U.S.C. § 1532.) Section 7 of the ESA (16 U.S.C. § 1531 et seq.) outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats. Section 10(a)(1)(B) of the ESA provides a process by which non-federal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in "take" of endangered or threatened species, subject to specific conditions. A habitat conservation plan (HCP) must accompany an application for an incidental take permit.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S.C., Chapter 7, Subchapter II) protects migratory birds. Most actions that result in take, or the permanent or temporary possession of, a migratory bird constitute violations of the MBTA. The MBTA also prohibits destruction of occupied nests. USFWS is responsible for overseeing compliance with the MBTA.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. § 668; 50 C.F.R. Part 22) prohibits take of bald and golden eagles and their occupied and unoccupied nests. USFWS administers the Bald and Golden Eagle Protection Act.

Clean Water Act

Clean Water Act (CWA) Section 404 regulates the discharge of dredged and fill materials into waters of the U.S., which include all navigable waters, their tributaries, and some isolated waters, as well as some wetlands adjacent to the aforementioned waters. (33 C.F.R. § 328.3.) Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial waterbodies such as swimming pools, vernal pools, and water-filled depressions. (33 C.F.R. Part 328.) Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of U.S. Army Corps of Engineers (USACE) under the provisions of the CWA Section 404. Construction activities involving placement of fill into jurisdictional waters of the U.S. are regulated by USACE through permit requirements. No USACE permit is effective in the absence of state water quality certification pursuant to Section 401 of the CWA.

Section 401 of the CWA requires an evaluation of water quality when a proposed activity requiring a federal license or permit could result in a discharge to waters of the U.S. In California, the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs) issue water quality certifications. Each RWQCB is responsible for implementing Section 401 in compliance with the CWA and its water quality control plan (also known as a Basin Plan). Applicants for a federal license or permit to conduct activities that may result in the discharge to waters of the U.S. (including wetlands or vernal pools) must also obtain a Section 401 water quality certification to ensure that any such discharge will comply with the applicable provisions of the CWA.

3.4.1.2 State Laws, Regulations, and Policies

California Fish and Game Code

The California Fish and Game Code (Fish & Game Code) includes various statutes that protect biological resources, including the Native Plant Protection Act of 1977 (NPPA) and the California Endangered Species Act (CESA). The Native Plant Protection Act (Fish & G. Code, §§ 1900-1913) authorizes the Fish and Game Commission to designate plants as endangered or rare and prohibits take of any such plants, except as authorized in limited circumstances.

CESA (Fish & G. Code, §§ 2050–2098 prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under CESA as endangered or threatened. Section 2080 of the Fish & G. Code prohibits the take of any species that is state listed as endangered or threatened or designated as a candidate for such listing. The California Department of Fish and Wildlife may issue an incidental take permit authorizing the take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions.

Fish and Game Code sections 3503 and 3513 protect native and migratory birds, including their active or inactive nests and eggs, from all forms of take. In addition, sections 3511, 4700, 5050, and 5515 identify species that are fully protected from all forms of take. Section 3511 lists fully protected birds, section 5515 lists fully protected fish, section 4700 lists fully protected mammals, and section 5050 lists fully protected amphibians.

DCC Commercial Cannabis Business Regulations

The following DCC commercial cannabis regulations are applicable to the Proposed Project:

- California Business and Professions Code section 26060.1, subdivision (b)(3) requires all cultivators to comply with section 1602 of the Fish and Game Code or receive written verification from CDFW that a Lake and Streambed Alteration Agreement is not required.
- DCC regulations implementing MAUCRSA include environmental protection measures requiring that all outdoor lighting be downward facing and shielded to minimize the visual effects of the presence of lighting (Cal Code Regs., tit. 4, § 16304, subd. (a)(6)), and that lighting for mixed-light operations must be shielded between sunset and sunrise to minimize nighttime glare (Cal. Code Regs., tit. 4, § 16304, subd. (a)(7)).
- California Code of Regulations, title 4, section 16307, subdivision (a) requires all cultivators to comply with all California Department of Pesticide Regulation (CDPR) laws and regulations.
- California Code of Regulations, title 4, section 16307, subdivision (b) contains protocols to reduce potential effects from pesticide use including: comply with all label requirements, store chemicals in a secure building, containing leaks and spills, applying the minimum amount necessary to control the target pest, and preventing off-site drift.

3.4.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

6.78.080 Commercial Cannabis Cultivation

B. Documentation of all pesticides used by the permittee shall be presented to the Stanislaus County Agricultural Commissioner, and all pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.

C. Commercial cannabis cultivation operations shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

E. Enclosure. All commercial cannabis cultivation operations shall occur within a greenhouse or fully enclosed building. If conducted within a greenhouse, supplemental lighting shall not exceed twenty-five watts per square foot to be used up to one hour before sunrise or after sunset, unless the greenhouse or facility is equipped with light-blocking measures to ensure that no light escapes.

3.4.2 Environmental Setting

The project site is located on approximately 1.05-acre parcel in the M (Industrial) zoning district, in unincorporated Stanislaus County, California. The project site is completely developed with three existing 5,000 square-foot warehouses. Project site frontage includes a storm drain basin with grass and two palm trees. The Proposed Project involves the operation of indoor commercial cannabis cultivation, nursery, and distribution businesses within existing structures on the developed parcel. Phase 3 of the Proposed Project would include the demolition and re-build of 538 El Roya Avenue.

3.4.2.1 Special-status Species

Definitions and Methods of Assessment

For the purposes of this assessment, special-status plant and wildlife species refers to those species that meet one or more of the following criteria:

- Species that are listed as threatened or endangered under the ESA (50 C.F.R. Part 17.12 for listed plants, 50 C.F.R. Part 17.11 for listed animals);
- Species that are candidates for possible future listing as threatened or endangered under the ESA (76 Federal Register [Fed. Reg.] 66370);
- Species that are listed or proposed for listing by the State of California as threatened or endangered under CESA (Cal Code Regs., tit. 14, § 670.5);
- Plants listed as rare under the California Native Plant Protection Act of 1977 (Fish & G. Code, § 1900 et seq.); California Rare Plant Rank (CRPR) List 1 and 2 species;
- Species that meet the definitions of rare or endangered under CEQA (CEQA Guidelines, § 15380); or
- Animals fully protected in California (Fish & G. Code, §§ 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

A Special-Status Species Desktop Review Memo (Desktop Review) (Mesa Biological 2024) generated a list of eight special-status plant species and 30 special-status wildlife species as known or having the potential to occur within the vicinity of the Proposed Project. (**Appendix A**.) Each of these species were assessed to determine the potential to occur on the project site. Special-status plant and animal species with the potential to occur in the project area were identified through a review of the following resources:

- USFWS list of federally listed endangered and threatened species that occur within the vicinity of the Proposed Project (USFWS 2024);

- California Natural Diversity Database queries for the U.S. Geological Survey (USGS) 7.5-minute quadrangle containing the project area and the quadrangles immediately adjacent to it: Colusa, Moulton Weir, Sanborn Slough, Pennington, Meridian, Sutter Buttes, Arbuckle, Grimes, and Tisdale Weir (CDFW 2024); and
- California Native Plant Society's *Inventory of Rare and Endangered Plants of California* (CNPS 2024) and CRPR listing.

The potential for special-status species to occur in areas affected by the Proposed Project was evaluated according to the following criteria:

None: indicates that the area contains a complete lack of suitable habitat, the local range for the species is restricted, and/or the species is extirpated in this region.

Not Expected: indicates situations where suitable habitat or key habitat elements may be present but may be of poor quality or isolated from the nearest extant occurrences. Habitat suitability refers to factors such as elevation, soil chemistry and type, vegetation communities, microhabitats, and degraded/substantially altered habitats.

Possible: indicates the presence of suitable habitat or key habitat elements that potentially support the species.

Present: indicates that either the target species was observed directly or its presence was confirmed by field investigations or in previous studies in the area.

Threatened, Endangered, and Special-status Species

Based on the review and site characteristics of the project site, no special-status plant and wildlife species are anticipated to occur within the project site, due to the project site being located on previously disturbed land surrounded by commercial and industrial buildings. From its developed nature and having previous significant historical alteration of the natural landscape, the site lacks native habitat, with no natural vegetation or ecological features that would typically support special-status wildlife and plant species known to occur in the vicinity of the project site. No critical habitat is present within the footprint of the Proposed Project.

The Desktop Review Memo (**Appendix A**) provides figures showing the California Natural Diversity Database occurrences of special-status plant species and special-status wildlife within a 5-mile radius of the project site. (Mesa Biological 2024.) Wildlife species that are possible or known to be present, or not expected are discussed further below; species with no suitable habitat are not discussed further.

3.4.2.2 Wetlands and Other Waters

The project site does not contain any streams, rivers, or other water features.

3.4.3 Discussion of Checklist Responses

a. Have a Substantial Adverse Effect, Either Directly or Through Habitat Modifications, on any Species Identified as a Candidate, Sensitive, or Special-Status Species (No Impact)

Based on the results of the Desktop Review that was completed for the Proposed Project, no special-status plant or wildlife species are anticipated to occur within the project site as it is located on land surrounded by commercial and industrial buildings. (Mesa Biological 2024.) Due to its developed nature, the site lacks native habitat, with no

natural vegetation or ecological features that would typically support special-status wildlife and plant species known to occur in the vicinity of the project site. Operational activities would take place almost exclusively within enclosed warehouses and therefore would not impact special-status species. Based on the Desktop Review completed for the Proposed Project, no substantial adverse effect to any special-status plant and wildlife species would occur. Therefore, there would be **no impact** on special-status species.

b. Have a Substantial Adverse Effect on any Riparian Habitat or Other Sensitive Natural Community (No Impact)

Based on the Desktop Review completed for the Proposed Project, habitat on site is limited to landscaped and developed areas, which is not considered a sensitive natural community. No riparian habitat is present. Therefore, there would be **no impact** on these resources.

c. Have a Substantial Adverse Effect on State or Federally Protected Wetlands (No Impact)

No state or federally protected wetlands are present on the project site; therefore, there would be **no impact** on these resources.

d. Interfere Substantially with Wildlife Movement, Established Wildlife Corridors, or the Use of Native Wildlife Nursery Sites (No Impact)

The project site is not located within an established wildlife corridor or a native wildlife nursery site. The project site is located at the south of Hwy 132 in the Modesto area in Stanislaus County. The project site and the surrounding single-family dwellings are located in the M (Industrial) zoning district.

As previously discussed, the project site is surrounded by commercial and industrial buildings. Due to its developed nature, the site lacks aquatic habitat and native habitat, with no natural vegetation or ecological features that would typically support special-status wildlife and plant species known to occur in the vicinity of the Proposed Project. There would be **no impact** associated with the movement of native resident or migratory wildlife species or wildlife corridors.

e. Conflict with Local Policies or Ordinances Protecting Biological Resources (No Impact)

The Proposed Project does not involve the removal of any trees, nor are there any substantial conflicts with the County's local policies and ordinances pertaining to biological resources. Therefore, there would be **no impact**.

f. Conflict with the Provisions of an Adopted HCP, Natural Community Conservation Plan, or Other Approved Local, Regional, or State HCP (No Impact)

The project site is not within the covered plan area of any adopted HCP or natural community conservation plan. There would be **no impact** related to conflicts with an adopted HCP or or natural community conservation plan.

3.5 Cultural Resources

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

3.5.1 Regulatory Setting

3.5.1.1 Federal Laws, Regulations, and Policies

The Proposed Project does not require any federal permits, and it is not located on federal lands; therefore, federal laws do not apply to the Proposed Project. The following laws are provided for context only.

National Historic Preservation Act

Projects that require federal permits, receive federal funding, or are located on federal lands must comply with 54 U.S. Code section 306108, formally and more commonly known as Section 106 of the National Historic Preservation Act (NHPA). To comply with Section 106, a federal agency must "take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places [NRHP]." The implementing regulations for Section 106 are found in 36 C.F.R. Part 800, as amended (2004).

The implementing regulations of the NHPA require that cultural resources be evaluated for NRHP eligibility if they cannot be avoided by an undertaking or project. To determine if a site, district, structure, object, and/or building is significant, the NRHP Criteria for Evaluation are applied. A resource is significant and considered a historic property when it:

A. Is associated with events that have made a significant contribution to the broad patterns of our history; or

B. Is associated with the lives of persons significant in our past; or

C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

D. Yields, or may be likely to yield, information important in prehistory or history.

In addition, 36 C.F.R. section 60.4 requires that, to be considered significant and historic, resources must also exhibit the quality of significance in American history, architecture, archaeology, engineering, or culture and must possess integrity of location, design, setting, materials, workmanship, feeling, and association.

Other "criteria considerations" need to be applied to religious properties, properties that are less than 50 years old, a resource no longer situated in its original location, a birthplace or grave of a historical figure, a cemetery, a reconstructed building, and commemorative properties. These types of properties are typically not eligible for NRHP inclusion unless the criteria for evaluation and criteria considerations are met.

For archaeological sites evaluated under criterion D, "integrity" requires that the site remain sufficiently intact to convey the expected information to address specific important research questions.

Traditional cultural properties (TCPs) are locations of cultural value that are historic properties. A place of cultural value is eligible as a TCP "because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community" (Parker and King 1990, rev. 1998). A TCP must be a tangible property, meaning that it must be a place with a referenced location, and it must have been continually a part of the community's cultural practices and beliefs for the past 50 years or more.

3.5.1.2 State Laws, Regulations, and Policies

CEQA and CEQA Guidelines

Section 21083.2 of CEQA requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined in CEQA as an archaeological artifact, object, or site about which it can be clearly demonstrated that there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Although not specifically inclusive of paleontological resources, these criteria may also help to define "a unique paleontological resource or site." (Pub. Resources Code, § 21083.2.)

Measures to avoid, conserve, preserve, or mitigate significant effects on these resources are also provided under CEQA section 21083.2. (Pub. Resources Code, § 21083.2.)

Section 15064.5 of the CEQA Guidelines notes that "a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Substantial adverse changes include physical changes to the historic resource or to its immediate surroundings, such that the significance of the historic resource would be materially impaired. Lead agencies are expected to identify potentially feasible measures to mitigate significant adverse changes in the significance of a historic resource before they approve such projects. Historical resources are those that are:

- listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (Pub. Resources Code, § 5024.1, subd. (e));
- included in a local register of historic resources (Pub. Resources Code, § 5020.1, subd. (k)) or identified as significant in an historic resource survey meeting the requirements of Public Resources Code, § 5024.1, subd. (g); or
- determined by a lead agency to be historically significant.

CEQA Guidelines section 15064.5 also prescribes the processes and procedures found under Health and Safety Code section 7050.5 and Public Resources Code section 5097.95 for addressing the existence of, or probable likelihood of, Native American human remains, as well as the unexpected discovery of any human remains within the project site. This includes consultation with the appropriate Native American tribes.

CEQA Guidelines section 15126.4 provides further guidance about minimizing effects to historical resources through the application of mitigation measures. Mitigation measures must be legally binding and fully enforceable.

The lead agency having jurisdiction over a project is also responsible to ensure that paleontological resources are protected in compliance with CEQA and other applicable statutes. Paleontological and historical resource management is also addressed in Public Resources Code section 5097.5, "Archaeological, Paleontological, and Historical Sites." This statute defines as a misdemeanor any unauthorized disturbance or removal of a fossil site or remains on public land and specifies that state agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. This statute would apply to any construction or other related project impacts that would occur on state-owned or state-managed lands.

California Register of Historical Resources

Public Resources Code section 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR includes all properties listed as or determined to be eligible for listing in the NRHP, including properties evaluated under section 106 of the National Historic Preservation Act. The criteria for listing are similar to those of the NRHP. Criteria for listing in the CRHR include resources that:

1. Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Are associated with the lives of persons important in our past;
3. Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

3.5.1.3 Local Laws, Regulations, and Policies

No local laws, regulations, or policies apply to the Proposed Project.

3.5.2 Environmental Setting

3.5.2.1 Pre-Contact Setting

Like many parts of California, archaeologists are still in the process of building a basic archaeological record for the Central Valley. Much of the record is unknown, and evidence of the early occupations dating more than 3,000 years ago is especially lacking. However, broad outlines of California prehistory are best captured by an integrative scheme that proposes three basic prehistoric periods: Paleoindian, Archaic, and Emergent. The Archaic is further subdivided into the Lower, Middle, and Upper periods, and the Emergent into Lower and Upper (sometimes referred to as Phase 1 and Phase 2) divisions. Each period is characterized by a generally prevailing economic, cultural, and environmental condition. However, each geographical region is expected to have a different pattern of prehistoric culture and culture change. The dating of these various periods continues to be refined; those presented below are largely derived from *The Central Valley: A View from the Catbird's Seat* (Rosenthal et al. 2010). The pre-contact Native American archaeological periods are listed in **Table 3.5-1**.

Table 3.5-1. Pre-Contact Native American Archaeological Periods of the Central Valley

Archaeological Period	Age Years Before Present	Characteristics
Paleoindian Period: Western Clovis Tradition	> 10,550 years	Opportunistic hunters and foragers; possibly hunted Pleistocene megafauna. Low population. Fluted projectile points (darts), flaked stone crescents.
Lower Archaic Period: Borax Lake Pattern	10,550 – 7550 years	Hunters and foragers. Low population. Wide-stemmed projectile points; hand stones and milling stones; use of obsidian.
Middle Archaic Period: Windmiller	7550 – 2550 years	Introduction of dietary specializations focused on acorns, deer, and freshwater and anadromous fisheries. Establishment of villages with cemeteries. Expanded material culture, including basketry, use of marine shell for beads and ornaments; continued use of hand stones and milling stones; a variety of dart forms such as notched, stemmed, thick leaf or lozenge, and narrow concave.
Upper Archaic Period: Berkeley Pattern	2550 – 1000 years	Increased cultural diversity represented by distinct regional specializations; increased populations; more complex social structure. Introduction of mortars and pestles for acorn processing; expanded bone tool industry; diamond-shaped and stemmed projectile points.
Emergent Period: Augustine Pattern – Phase 1	1000 – 600 years	Increased sedentism and populations. Coalescence of long-distance, integrative trade spheres, and the introduction of the bow and arrow that replaced the dart as the favored hunting implement. Increased use of fishing and acorns.
Emergent Period: Augustine Pattern – Phase 2	600 – 200 years	Continuation and intensification of Phase 1 traits; considered representative of Native American cultures encountered by the first non-native colonists. Small corner-notched and triangular points, clam disc beads, magnesite cylinders, bedrock mortars,

The Paleo-Indian Period was a time when the Central Valley was sparsely populated by groups who were highly mobile, hunted large game, and frequented the shores of late Pleistocene lakes and sloughs. By the Lower Archaic Period, seasonal plants had become more important for subsistence, and populations tended to settle in places for longer periods of time and in larger groups. As time progressed, populations grew denser and more sedentary, tools became more diverse and complex, and social structure became more stratified. The people living in the Project area during the Emergent Period represent the tribes encountered by the first colonists who arrived in the early to mid-1800s.

3.5.2.2 Ethnography

"Yokuts" is a term applied to a large and diverse number of people inhabiting the San Joaquin Valley and Sierra Nevada foothills of Central California. The Northern Valley Yokuts inhabited a 40- to 60-mile-wide area straddling the San Joaquin River, south of the Mokelumne River, east of the Diablo Range, and north of the sharp bend that the San Joaquin River takes to the northeast; the Project area is within the territory of the Northern Valley Yokuts. The Southern Valley Yokuts inhabited the San Joaquin Valley south of the bend in the river. Although they were divided geographically and ecologically, they have a common linguistic heritage (Wallace 1978:462).

The Northern Valley tribes closely resembled the Yokuts groups to the south, although there were some cultural differences. The northerners had greater access to salmon and acorns, two important dietary resources, than the Southern Yokuts, and some of their religious practices reflected the influences of groups to their north, such as the Miwok. While inhumation was the usual practice in the southern valley, the Northern Valley Yokuts either cremated their dead or buried them in a flexed position (Wallace 1978:464, 468). A chief headed the tribal villages, which averaged around 300 people. Family houses were round or oval, sunken, with a conically shaped pole frame, and covered with tule mats. Each village also had a lodge for dances and other community functions, as well as a sweathouse (Wallace 1978:462-464).

The Northern Valley Yokuts built their riverside villages on mounds along the water's edge to avoid the spring floods, which were a result of heavy Sierra Nevada snow melts. Living beside rivers and streams provided plentiful river perch, Sacramento pike, salmon, and sturgeon. Hunting provided waterfowl such as geese and ducks as well as terrestrial animals such as antelope, elk, and brown bear, although by all indications, fish constituted a majority of the diet. The surrounding woodland, grasslands, and marshes provided acorns, tule root, and seeds.

Tools used by the Northern Valley Yokuts included bone harpoon tips for fishing, stone sinkers for nets, chert projectile points for hunting, mortars and pestles, scrapers, knives, and bone awl tools to procure and process food. Marine shells, procured from coastal tribes, were manufactured into necklaces and other adornments, and marine shell beads sometimes accompanied the deceased. Tule reed rafts were used to navigate the waterways for fishing and fowling. The Yokuts also constructed a range of intricate baskets for a variety of purposes, including storing, cooking, eating, winnowing, hopper mortars, the transport of food materials, and ritual. Very little is known of the Northern Valley Yokuts' clothing, but drawings of their tattoos show that they served not only as a decoration but also as a form of identity (Wallace 1978).

The Diablo Range served as a natural barrier against heavy recruitment by the Spanish missions during the first decades of their arrival. However, by the early 19th century, Spanish, and later, Mexican missionaries began to explore the inner valleys in search of potential neophytes. The Yokuts initially resisted recruitment and California

Indians from a variety of tribes sought refuge among the Yokuts after fleeing the missions. Still, their presence is documented at Mission Santa Clara, with entries of Northern Valley Yokuts beginning in 1811 and lasting until 1834 and the secularization of the missions. Although Mission Santa Clara housed the largest number of Northern Yokuts, missions San Juan Baptista and San Jose also had significant populations (Milliken et al. 2009).

In 1828, a Northern Yokuts man from Mission San Jose, Estanislao Cucunuchi, led a revolt with other mission Indians after failing to return back to the mission after a winter visit to their home on the lower Stanislaus River. According to Milliken et al. (Milliken et al. 2009), the group included "Christian Indian people from a number of other Stanislaus, Tuolumne, and San Joaquin River Delta Yokuts groups, fugitives from both Mission San Jose and Mission Santa Clara. Quickly branded rebels, they repulsed initial attempts of the Mexican military to force them back to the missions. The revolt ended in June of 1829 with a significant Mexican military victory on the Stanislaus River by Mariano Guadalupe Vallejo." Significantly, Estanislao Cucunuchi has been memorialized by having a river and county named after him.

In addition to missionization, introduced diseases, genocide, destruction of traditional resources from cattle grazing and forced relocation took a heavy toll on the Northern Yokuts. Despite decades of hardship, many individuals who can trace their ancestry to the Northern Valley Yokuts continue to live and thrive in the Central Valley and throughout California and the United States.

3.5.2.3 History

The first Spanish expedition entered the San Joaquin Valley in 1806 under the leadership of Gabriel Moraga, to identify new prospective locations for establishing missions. Traveling north through the region, Moraga's party toiled through a treeless plain. Coming suddenly upon a clear stream, they named the area El Río de Nuestra Senora Guadalupe. Moraga explored the region again in the fall of 1808 (Kyle et al. 2002). He made a third excursion into area in 1810, this time to capture Native Americans who had been conscripted to work in the Spanish missions and who had run away.

After Mexico gained its independence from Spain in 1822, two additional expedition forces entered the area; however, the purposes of their campaigns were no longer exploratory. Soldiers were sent into the Central Valley to recover stolen animals and capture Indians who had escaped the missions.

American explorers also began to enter the region during the Mexican period. In both 1827 and 1828, Jedediah Smith entered the San Joaquin Valley via the Tejon Pass and trapped beavers along the San Joaquin, Kings, and other rivers and streams that flowed from the Sierra. Smith was followed by fellow trappers such as Peter Ogden, Ewing Young, Kit Carson, and Joseph Walker.

The first permanent European settlement in Stanislaus County occurred when five land grants were issued by the Mexican government in 1843-44. Ranchers grazed cattle in the rich grasslands of the San Joaquin valley and engaged in the hide and tallow trade. Three of the land grants, Rancho Orestimba y Las Garzas, Rancho Pescadero and Rancho Del Puerto were located on the west side of the San Joaquin River, and Rancho Del Rio Estanislao and Rancho Thompson on the north side of the Stanislaus River (ereferencedesk 2024). The Project area does not appear to be located within the boundaries of any of the previously mentioned Mexican land grants.

The first Anglo-Americans to settle in territory that would become Stanislaus County was a small group of Mormons who established a small colony on the banks of the Stanislaus River near its confluence with the San Joaquin River in 1846. Called Stanislaus City, or New Hope, the group fenced about 80 acres to define their

community and commenced to grow wheat and other vegetables. The community apparently dissolved shortly thereafter (ereferencedesk 2024; Tinkham 1921).

Americans started to arrive in large numbers during the Gold Rush, both as miners seeking gold and as agricultural entrepreneurs who recognized the opportunity to raise livestock or grow food for the gold seekers. As early as 1849, the town of Adamsville was founded on the south bank of the Tuolumne River just east of present-day Modesto. It became the first county seat of Stanislaus County in 1854, after the County was created out of a portion of Tuolumne County, but was replaced by Empire, a short distance upriver, soon thereafter. Later, the county seat changed to La Grange, then to Knight's Ferry, finally settling on Modesto in 1871 (Kyle et al. 2002).

Although gold was mined in Stanislaus County (Western Mining History 2022), the project region has always been primarily a ranching and farming region. Early on cattle and sheep were a major focus, but farmers began growing grain. Modesto acted as a commercial and transportation center during California's wheat boom from the early 1860s to 1893. Modesto itself was founded in 1870 by the Central Pacific Railroad as a railroad shipping center and was incorporated on August 6, 1884. The city and its importance grew substantially due to the railroad until the Panic of 1893, which substantially affected Modesto due to crash of wheat prices. The Modesto Irrigation District's canal system was completed in 1904, and farmers began planting fruit and nut orchards in lieu of grains (City of Modesto 2024).

Irrigation resulted in a boom in both population and prosperity for the City of Modesto. Food processing and packaging operations began operating in Modesto in the mid 1920s, and the E & J Gallo Winery, which is currently the largest winery in the world, was opened during this period. The strength of these industries, in addition to agriculture, helped Modesto weather the Great Depression. Local food processing plants provided canned and processed goods for the United States' war efforts during World War II (City of Modesto 2024).

Modesto experienced rapid growth after WWII, and the City continued to expand. By 1980, Modesto had grown to 107,000 residents and currently has a population of approximately 220,000. Today, agriculture and manufacturing continue to be the basis of Modesto's economy (City of Modesto 2024).

Cultural Resources Studies

Archival Research and Results

A record search was requested at the Northwest Information Center to determine whether any portions of the Project area had been previously surveyed for cultural resources and to identify the presence of any previously recorded cultural resources within the project area, as well as a 0.25-mile buffer (the search radius). The records search was received on November 6, 2024.

Other sources of information reviewed included, but were not limited to, the current listings of properties on the National Register of Historic Places, California Historical Landmarks, California Register of Historical Resources, California Points of Historical Interest, as listed in the Office of Historic Preservation's (OHP's) Historic Property Directory, and the Built Environment Resource Directory (BERD) for Stanislaus County (OHP 2024). No resources have been previously recorded within the project area or within the search radius, according to the CCIC results.

According to the record search results, no previous studies have boundaries that intersect the project area. One previous study (ST-04655) intersects the search radius, specifically at the intersection of Beard Avenue and Nathan Avenue. This study encompassed less than 1 acre and did not identify any cultural resources.

Historic Map and Aerial Imagery Review

Archival research also included a review of Historic General Land Office map from 1854 and a 1906 map of Stanislaus County. No development is observed on the 1854 map in the vicinity of the Project area, and the course of the Tuolumne River resembles that of the present day. A creek named Dry Creek is observed north of the project area, and this creek does not appear on present-day maps. The 1906 map of Stanislaus County shows the project area in a parcel of land belonging to Ann E. Beard and a canal labeled Lateral No. 1 is also depicted in the vicinity of the project area. This canal still exists in the same alignment today.

Research also included a review of historic USGS 7.5-minute topographic quadrangles associated with the Proposed Project area (USGS 2024). Maps examined included the 1916, 1953, 1963, 1969, 2012, 2015, 2018 and 2021 editions of the Riverbank topographic quadrangle. The previously mentioned canal is labeled Lateral No. 2 on the 1916 map, and an unimproved road and a few houses are also observed in the vicinity of the Project area, as well as the railroad to the north. El Roya Avenue is first observed on a 1939 map of Modesto East, as well as multiple buildings in the Project area and Modesto Airport to the southwest. Orchards are observed in the project area on the 1953 and 1969 Riverbank quadrangle maps. Railroad line extensions are first observed adjacent to the project area on the 2015 Riverbank map.

A review of historic aerial photographs (NETRonline 2024, Google Earth 2024) revealed similar levels of development as the USGS maps. The oldest available imagery (1957) shows a few houses and orchards in the project area. A warehouse replaced the houses and orchards sometime between 1985 and 1998, and the surrounding area also became increasingly urbanized during this period. Two additional warehouses appear to have been built in the project area between 1998 and 2002. The railroad extension adjacent to the project area appears to have been installed by 1984 or 1985 but is not clearly visible until imagery from 2002. The project area appears relatively unchanged since 2002.

Native American Outreach

An email request was made to the Native American Heritage Commission (NAHC) on November 6, 2024, to review its files for the presence of recorded sacred sites on the project area. The NAHC responded on November 13, 2024. The results of the Sacred Lands database review were negative for any sacred sites within the project area.

On January 9, 2025, letters were sent to the eight tribal contacts provided by the NAHC. The letters requested any additional information regarding tribal resources and to notify DCC if they wished to initiate consultation regarding the project actions. To date, no responses have been received. As planning proceeds, DCC will continue to consult with interested tribal representatives regarding the Proposed Project and incorporate their concerns into project planning and mitigation as warranted. Coordination with tribes is described further in Section 3.18, “Tribal Cultural Resources.”

3.5.3 Discussion of Checklist Responses

a. Cause a Substantial Adverse Change in the Significance of a Historical Resource (No Impact)

A cultural resource review was conducted to address the responsibilities of CEQA, as codified in Public Resource Code sections 5097 and its implementing guidelines 21082 and 21083.2. As stated above, no historical resources were identified within the project areas or within the search radius. No historic resources that are part of the built

environment or archaeological in nature were identified for the Proposed Project, and all project activities are occurring within existing warehouses. Therefore, there would be **no impact** on historic resources (built environment).

b. Cause a Substantial Adverse Change in the Significance of an Archaeological Resource (No Impact)

As discussed above, no archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, have been identified within the project areas. Additionally, no ground disturbance or construction is expected to occur as a result of the Proposed Project as all project activities are occurring within existing warehouses and the project area is fully developed. As such, no impacts to known archaeological resources are expected to result from project activities and there is no possibility of an accidental discovery of archaeological remains. There would be **no impact**.

c. Disturb any Human Remains, Including those Interred outside of Dedicated Cemeteries (No Impact)

Given that the Proposed Project is occurring within a fully developed area and all project activities are located within existing warehouses, the discovery of human remains is not anticipated during the implementation of the Proposed Project. As such**,** there would be **no impact**.

3.6 Energy

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

3.6.1 Regulatory Setting

3.6.1.1 Federal Laws, Regulations, and Policies

Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Pursuant to this act, the National Highway Traffic and Safety Administration, part of the US Department of Transportation (DOT), is responsible for revising fuel economy standards and establishing new vehicle economy standards.

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturers' compliance with the government's fuel economy standards. Compliance with the CAFE standards is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the country. The US Environmental Protection Agency calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. Based on information generated under the CAFE program, DOT is authorized to assess penalties for noncompliance.

Energy Policy Act of 1992 and 2005

The Energy Policy Act (EPAct) of 1992 was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. EPAct requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in EPAct. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The EPAct of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

3.6.1.2 State Laws, Regulations, and Policies

Warren-Alquist Act

The 1975 Warren-Alquist Act (Pub. Resources Code, § 25000 et seq.), established the California Energy Resources Conservation and Development Commission, now known as the California Energy Commission (CEC). The act established state policy to reduce wasteful, uneconomical, and unnecessary uses of energy by employing a range of measures. The California Public Utilities Commission regulates privately owned utilities in the energy, rail, telecommunications, and water fields.

State of California Energy Action Plan

The California Public Utilities Commission and California Energy Commission are responsible for preparing the state energy plan, which identifies emerging trends related to energy supply, demand, and conservation; public health and safety; and the maintenance of a healthy economy (CPUC and CEC 2008). The current plan is the 2003 California Energy Action Plan (2008 update). The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, as well as the encouragement of urban design that reduces vehicle miles traveled (VMT) and accommodates pedestrian and bicycle access.

Assembly Bill 2076: Reducing Dependence on Petroleum

Pursuant to Assembly Bill (AB) 2076 (Chapter 936, Statutes of 2000), CEC and the California Air Resources Board (CARB) prepared and adopted a joint agency report in 2003, Reducing California's Petroleum Dependence. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT (CEC and CARB 2003). A performance-based goal of AB 2076 was to reduce petroleum demand to 15 percent below 2003 demand by 2030.

Integrated Energy Policy Report

SB 1389 (Chapter 568, Statutes of 2002) required CEC to "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The Energy Commission shall use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety." (Pub. Resources Code, §25301, subd. (a).) This work culminated in the Integrated Energy Policy Report (IEPR).

CEC adopts an IEPR every two years and an update every other year. The 2023 IEPR is the most recent IEPR. The 2023 IEPR provides a summary of priority energy issues currently facing the state, outlining strategies and recommendations to further the state's goal of ensuring reliable, affordable, and environmentally responsible energy sources. The report contains an assessment of major energy trends and issues in California's electricity, natural gas, and transportation fuel sectors. The report provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state's economy; and protect public health and safety. Topics covered in the 2023 IEPR include building decarbonization, coordination between state energy agencies, decarbonizing the state's natural gas system, increasing transportation

efficiencies, and improving energy reliability. The IEPR also presents an assessment of the California Energy Demand Forecast (CEC 2023).

Renewables Portfolio Standard

The state passed legislation referred to as the Renewables Portfolio Standard (RPS), which requires increasing the use of renewable energy to produce electricity for consumers. California utilities are required to generate 33 percent of their electricity from renewables by 2020 (SB X1-2, Chapter 1, Statutes of 2011), 52 percent by 2027 (SB 100, Chapter 312, Statutes of 2018), 60 percent by 2030 (also SB 100, Chapter 312, Statutes of 2018), and 100 percent by 2045 (also SB 100, Chapter 312, Statutes of 2018). On September 16, 2022, SB 1020 (Chapter 361, Statutes of 2022) was signed into law. This bill supersedes the goals of SB 100 by requiring that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035; 95 percent by December 31, 2040; and 100 percent by December 31, 2045, and supply 100 percent of electricity procured to serve all state agencies by December 31, 2035.

Senate Bill 350: Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350, Chapter 547, Statutes of 2015)) requires that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased to 50 percent by December 31, 2030. It also establishes energy efficiency targets that achieve statewide, cumulative doubling of the energy efficiency savings in electricity and natural gas end uses by the end of 2030.

Assembly Bill 1007: State Alternative Fuels Plan

AB 1007 (Chapter 371, Statues of 2005) required CEC to prepare a state plan to increase the use of alternative fuels in California. CEC prepared the State Alternative Fuels Plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan presents strategies and actions California must take to increase the use of alternative nonpetroleum fuels in a manner that minimizes the costs to California and maximizes the economic benefits of in-state production. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuel use, reduce greenhouse gas (GHG) emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

California Building Energy Efficiency Standards (Title 24, Part 6 and Part 11)

The energy consumption of new residential and non-residential buildings in California is regulated by the state's Title 24, Part 6, Building Energy Efficiency Standards (California Energy Code). CEC updates the California Energy Code every three years with more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions. The current Energy Code will require builders to use more energy efficient building technologies for compliance with increased restrictions on allowable energy use. The core focus of the building standards has been efficiency, but the 2019 Energy Code ventured into on-site generation by requiring solar photovoltaic systems on new homes, providing significant GHG savings. The 2022 California Energy Code advances the on-site energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump technology and use, establishing electric-ready requirements when natural gas is installed, expanding solar photovoltaic system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. CEC estimates that the 2022 California Energy Code will save consumers $1.5 billion

and reduce GHG emissions by 10 million metric tons of carbon dioxide-equivalent emissions over the next 30 years.

The California Green Building Standards Code, known as CALGreen, was added to Title 24 as Part 11, first in 2009 as a voluntary code. It became mandatory effective January 1, 2011 (as part of the 2010 California Building Standards Code). The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened sections pertaining to electric vehicle and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the CALGreen Code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by state agencies for meeting the requirements of Executive Order (EO) B-18-12.

AB 1279 and 2022: Scoping Plan for Achieving Carbon Neutrality

On September 16, 2022, the state legislature passed AB 1279 (Chapter 337, Statutes of 2022), which codified the stringent emission targets for the state of achieving carbon neutrality and an 85 percent reduction in 1990 emissions level by 2045. CARB released the Final 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) on November 16, 2022, as also directed by AB 1279 (CARB 2022). The 2022 Scoping Plan traces the pathway for the state to achieve its carbon neutrality goal and an 85 percent reduction in 1990 emissions goal by 2045. CARB adopted the 2022 Scoping Plan on December 16, 2022.

California Energy Efficiency Action Plan

The 2019 California Energy Efficiency Action Plan (CEC 2019) has three primary goals for the state: double energy efficiency savings by 2030 relative to a 2015 base year (per SB 350, Chapter 547, Statutes of 2015), expand energy efficiency in low-income and disadvantaged communities, and reduce GHG emissions from buildings. This plan provides guiding principles and recommendations related to how the state would achieve those goals. These recommendations include:

- Identifying funding sources that support energy efficiency programs,
- Identifying opportunities to improve energy efficiency through data analysis,
- Using program designs to encourage increased energy efficiency on the consumer end,
- Improving energy efficiency through workforce education and training, and
- Supporting rulemaking and programs that incorporate energy demand flexibility and building decarbonization.

The 2021 Energy Efficiency Action Plan, the most recent version, was covered in two documents, 1) The 2021 California Building Decarbonization Assessment, and 2) The final 2021 Integrated Energy Policy Report Volume I Building Decarbonization (CEC 2021).

DCC Commercial Cannabis Business Regulations

DCC regulations include the following requirements regarding energy use for commercial cannabis cultivation businesses.

Section 16305 Renewable Energy Requirements

(a) Beginning January 1, 2023, all holders of indoor, tier 2 mixed-light license types of any size, and all holders of nursery licenses using indoor or tier 2 mixed-light techniques shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program in division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

(b) If a licensed cultivator's average weighted greenhouse gas emission intensity, as calculated and reported upon license renewal pursuant to section 15020, is greater than the local utility provider's greenhouse gas emission intensity, the licensee shall obtain carbon offsets to cover the excess in carbon emissions from the previous annual licensed period. The carbon offsets shall be purchased from one or more of the following recognized voluntary carbon registries:

(1) American Carbon Registry;

(2) Climate Action Reserve; or

(3) Verified Carbon Standard.

Beginning January 1, 2023, DCC cultivation and microbusiness licensees authorized to engage in indoor, tier 2 mixed-light cultivation, or nursery using indoor or tier 2 mixed-light techniques, are required to report total electricity for each power source used to the DCC upon license renewal and comply with the renewable energy requirements.

Section 16306: Generator Requirements

(a) For the purposes of this section, “generator” means a stationary or portable compression ignition engine, also known as a diesel engine, as defined in Title 17, California Code of Regulations, section 93115.4.

(b) Licensed cultivators using generators rated at fifty (50) horsepower and greater shall demonstrate compliance with the Airborne Toxic Control Measure for stationary or portable engines, as applicable, established in title 17, California Code of Regulations, sections 93115-93116.5. Compliance shall be demonstrated by providing a copy of one of the following to DCC upon request:

(1) For portable engines, a Portable Equipment Registration Certificate provided by the California Air Resources Board; or

(2) For portable or stationary engines, a Permit to Operate or other proof of engine registration, obtained from the Local Air District with jurisdiction over the licensed premises.

(c) Licensed cultivators using generators rated below fifty (50) horsepower shall comply with the following by 2023:

(1) Either subsection (1)(A) or (1)(B):

(A) Meet the “emergency” definition for portable engines in title 17, California Code of Regulations, section 93116.2(a)(12), or the “emergency use” definition for stationary engines in title 17, California Code of Regulations, section 93115.4(a)(30); or

(B) Operate eighty (80) hours or less in a calendar year; and

(2) Either subsection (2)(A) or (2)(B):

(A) Meet Tier 3 with Level 3 diesel particulate filter requirements in title 13, California Code of Regulations, sections 2700-2711; or

(B) Meet Tier 4 requirements, or current engine requirements if more stringent, in title 40, Code of Federal Regulations, chapter I, subchapter U, part 1039, subpart B, section 1039.101.

(d) All generators used by licensed cultivators shall be equipped with non-resettable hour-meters. If a generator does not come equipped with a non-resettable hour-meter, an aftermarket non-resettable hour-meter shall be installed.

3.6.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

6.78.080 Commercial Cannabis Cultivation

C. Commercial cannabis cultivation operations shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

[…]

2. Energy Conservation Measures. Commercial cannabis cultivation operations shall include adequate measures to address the projected energy demand for cannabis cultivation at the site.

E. Enclosure. All commercial cannabis cultivation operations shall occur within a greenhouse or fully enclosed building. If conducted within a greenhouse, supplemental lighting shall not exceed twenty-five watts per square foot to be used up to one hour before sunrise or after sunset, unless the greenhouse or facility is equipped with light-blocking measures to ensure that no light escapes.

16.65.010 California Energy Code and appendices adopted

The California Energy Code, as published by the International Code Council, 2022 Edition, and Appendices 1-A and 1-B is adopted by reference and incorporated in this chapter as if fully set forth herein and shall be referred to as the energy code of the County. A copy of said code shall be kept and maintained by the building official for use and examination by the public.

16.80.010 California Green Building Standards Code as adopted

Except as hereafter changed or modified, the 2022 California Green Building Standards Code is adopted by reference and incorporated in this chapter as if fully set forth herein and shall be referred to as the California Green Building Standards Code of the County. A copy of said code shall be kept and maintained by the building official for use and examination by the public.

3.6.2 Environmental Setting

The Proposed Project is connected to the existing electrical grid. The project site recevies power from the Modesto Irrigation District (MID). MID is fully compliant with state renewable energy regulations (CEC 2024). TID receives 28.4 percent of its power from renewables, and 19.4 percent from hydroelectric power (MID 2024).

3.6.3 Discussion of Checklist Responses

a. Result in Potentially Significant Environmental Impact due to Wasteful, Inefficient, Or Unnecessary Consumption of Energy Resources (Less than Significant Impact)

Project construction would require the use of fossil fuels, electricity, and natural gas for construction vehicles and equipment. Proposed energy use during construction would be short term and limited in scale and would not result in unnecessary, wasteful, or inefficient energy consumption. Further, the Proposed Project would be required to comply with state and local diesel-idling restrictions and the use of alternative fuels as applicable to ensure avoidance of unnecessary, wasteful, and inefficient energy consumption during construction; therefore, energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources, and construction-related impacts would be less than significant

energy use would include lighting for commercial cannabis cultivation, lighting for the processing and office area, irrigation, carbon scrubbers, heating and cooling, and security equipment. DCC regulations require cultivation operations that use indoor or tier 2 mixed-light techniques ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program in Division 1, Part 1, Chapter 2.3, Article 16 (commencing with section 399.11) of the Public Utilities Code. The Proposed Project receives power from MID, which is fully compliant with the California Renewables Portfolio Standard Program (CEC 2024).

Compliance with state requirements would ensure that the Proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with applicable energy policies. Therefore, the impact would be **less than significant**.

b. Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency (No Impact)

The Proposed Project receives energy from the MID, which is fully compliant with local and state energy efficiency regulations (CEC 2024). In addition, the Proposed Project would comply with local and state energy efficiency regulations for commercial cannabis cultivation. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and there would be **no impact**.

3.7 Geology, Soils, and Seismicity

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
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 Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the 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?	☐	☐	☐	☒
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

3.7.1 Regulatory Setting

3.7.1.1 Federal Laws, Regulations, and Policies

National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) established the National Earthquake Hazards Reduction Program (NEHRP), which is a long-term earthquake risk reduction program to better understand, predict, and mitigate risks associated with seismic events. The following four federal agencies are responsible for coordinating activities under NEHRP:

- USGS;
- National Science Foundation (NSF);
- Federal Emergency Management Agency (FEMA); and
- National Institute of Standards and Technology.

Since its inception, NEHRP has shifted its focus from earthquake prediction to hazard reduction. Nevertheless, the four basic NEHRP goals remain unchanged (NEHRP 2021):

- Develop effective practices and policies for earthquake loss reduction and accelerate their implementation;
- Improve techniques for reducing earthquake vulnerabilities of facilities and systems;
- Improve earthquake hazards identification and risk assessment methods, and their use; and
- Improve the understanding of earthquakes and their effects.

Implementation of NEHRP objectives is accomplished primarily through original research, publications, and recommendations and guidelines for state, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

3.7.1.2 State Laws, Regulations, and Policies

Alquist–Priolo Earthquake Fault Zoning Act

The Alquist–Priolo Earthquake Fault Zoning Act (Alquist–Priolo Act) (Pub. Resources Code, § 2621 et seq.) was passed to reduce the risk to life and property from surface faulting in California. The Alquist–Priolo Act prohibits construction of most types of structures intended for human occupancy on the surface traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones). It also defines criteria for identifying active faults, giving legal weight to terms such as “active,” and establishes a process for reviewing building proposals situated in and adjacent to earthquake fault zones. Under the Alquist–Priolo Act, faults are zoned, and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” Before a project can be permitted, cities and counties require completion of a geologic investigation to demonstrate that the proposed buildings would not be constructed across active faults.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (Pub. Resources Code §§ 2690–2699.6) establishes statewide minimum public safety standards for mitigation of earthquake hazards. While the Alquist–Priolo Act addresses surface fault

rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other seismic hazards; cities and counties are required to regulate development within mapped seismic hazard zones. In addition, the act addresses not only seismically induced hazards but also expansive soils, settlement, and slope stability. Under the Seismic Hazards Mapping Act, cities and counties may withhold the development permits for a site within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans.

California Building Standards Code

Title 24 of the California Code of Regulations, also known as the California Building Standards Code (CBC), specifies standards for geologic and seismic hazards other than surface faulting. These codes are administered and updated by the California Building Standards Commission. CBC specifies criteria for open excavation, seismic design, and load-bearing capacity directly related to construction in California.

Paleontological Resources

Paleontological resources are classified as non-renewable scientific resources and are protected by state statute. (Pub. Resources Code, § 5097.5.) No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earthmoving on state or private land on a project site.

3.7.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

The County has adopted the CBC, § 16.05.010 California Building Code and appendices adopted, as published by the International Code Council. The CBC is updated every three years in compliance with state law. The 2022 edition of the California Building Standards Code became effective on January 1, 2023.

Stanislaus County updates its building code every three years, when the CBC is updated. It may also update the code at other times when building code updates occur.

6.78.080 Commercial Cannabis Cultivation

C. Commercial cannabis cultivation operations shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

3.7.2 Environmental Setting

3.7.2.1 Geology

The project site is located in the Modesto area in unincorporated Stanislaus County. The county spans three geomorphic provinces: the Great Valley, the Coast Ranges, and the Sierra Nevada. The largest area of the county is in the San Joaquin Valley portion of the Great Valley geomorphic province, which is in the flat, lowland center of the county; a narrow band on the eastern edge of the county is the Sierra Nevada foothills of the Sierra Nevada

geomorphic province; and a broad band on the west side of the county is the steeper Coast Ranges geomorphic province (Stanislaus County 2016a).

The project area is situated at the northern end of the San Joaquin Valley, a deep, structurally controlled trough that is bounded on the north by the Sacramento Valley, on the east by the Sierra Nevada, on the south by the San Emigdio and Tehachapi Mountains, and on the west by the Coast Ranges uplift (City of Modesto 2019).

Modesto is situated primarily on alluvial fan deposits of Pleistocene age, but limited areas in the southeastern portion of Modesto are within the active floodplains of the Tuolumne River and Dry Creek and are underlain by younger (Holocene) alluvium. To the west of the city, the central portion of the Coast Ranges uplift is predominantly formed by exposed Franciscan Complex rocks of Jurassic through early Tertiary age. The range front to the west consists of a narrow belt of marine and nonmarine sedimentary rocks of post-Franciscan Tertiary age (City of Modesto 2019).

To the east of Modesto, the exposed ridges and slopes of the Sierra Nevada are composed primarily of Mesozoic and plutonic rocks, flanked along the valley margin by deeply dissected exposures of marine and nonmarine sedimentary rocks of Tertiary age (City of Modesto 2019).

3.7.2.2 Soils

Soils in the Modesto area range from hardpan soils on older alluvial fans and terraces to deep, highly fertile soils on younger alluvial fans (City of Modesto 2019). Four soil associations are mapped as occurring in the project area:

- San Joaquin–Madera association: consist of hardpan soils on moderately old fans and terraces. These soils are typically well-drained sandy loams, loams, and clay loams with very slow permeability, slight erosion hazard, and very slow to slow runoff (City of Modesto 2019). Soils of the older Pleistocene fans and terraces are typically above the area's active drainages and are not subject to flooding or active alluvial deposition.
- Hanford-Tujunga association: occur on young alluvial fans and in actively flooded bottomlands in the vicinity of the Stanislaus and Tuolumne Rivers. These soils consist of well-drained sandy loams and fine sandy loams and are characterized by moderately rapid to very rapid permeability, slight erosion hazard, and very slow runoff.
- Modesto-Chualar association: are restricted to the outer margins of the Stanislaus River fan and the inter-fan areas between the Stanislaus and Tuolumne Rivers. These soils are generally moderately well-drained sandy to clay loams with very slow to slow permeability, slight erosion hazard, and very slow runoff.
- Dinuba-Hanford association: comprises moderately deep to deep soils on fans of the Stanislaus and Tuolumne Rivers. These soils are generally imperfectly drained, moderately deep to deep sandy loams that exhibit a moderate permeability, slight erosion hazard, and very slow runoff.

3.7.2.3 Seismicity

According to the County's General Plan Safety Element, several known faults exist within Stanislaus County. They are located in the western portion of the County and in the Diablo Range located west of I-5. These faults could cause ground shaking of an intensity approaching "X" (10) on the Modified Mercalli Scale, which could result in damage to most structures. The existence of unreinforced masonry buildings could cause severe loss of life and

economic dislocation in an earthquake. However, with exception of the Diablo Grande community, most development in the unincorporated County is not located near the areas of greatest shaking potential (Stanislaus County 2016b).

The area west of I-5 (Diablo Range) is noted for unstable geologic formations that are susceptible to landslide. A portion of the southern part of this area includes the Ortigalita Fault, part of which is designated as an Alquist-Priolo Earthquake Fault Zone. This prohibits most construction without a geologic study (Stanislaus County 2016b).

The project site is not located within an Alquist-Priolo Earthquake Fault Zone. (City of Modesto 2019).

Ground Shaking

Unlike surface rupture, ground shaking is not confined to the trace of a fault, but rather propagates into the surrounding areas during an earthquake. The intensity of ground shaking typically diminishes with distance from the fault, but ground shaking may be locally amplified and/or prolonged by some types of substrate materials.

The ground-shaking hazard in the County ranges from moderate to low. The ground-shaking hazard is highest in the western portion of the County in the Diablo Range of the Coast Ranges and becomes progressively less eastward across the County (Stanislaus County 2016a).

Liquefaction and Differential Settlement

According to the County's General Plan EIR, there is potential for liquefaction in the County. The portion of the County most susceptible to liquefaction is the western margin of the valley because of the combination of young geologic units (Quaternary fan deposits and Dos Palos Alluvium) and potential for strong ground shaking. In addition, where groundwater is shallow liquefaction has the potential to occur. Other parts of the valley also have young geologic units and shallow groundwater conditions, but the ground-shaking hazard is lower.

The potential for liquefaction to occur in the Modesto area has not yet been evaluated by the State of California under the Seismic Hazards Mapping Act. However, much of the substrate in the in this area consists of young, unconsolidated alluvial and fluvial (river) deposits, and groundwater data from wells in Modesto show the depth to groundwater as ranging from approximately 11.7 to 62.5 feet, based on measurements taken in November 2006. Such soil and groundwater conditions may present a liquefaction hazard in portions of the Modesto area (City of Modesto 2019).

Landslide, Slope Failure, and Lateral Spreading

The potential for landslides in the County varies greatly. The greatest risk of landslides is in the western portion of the County in the steep Diablo Range. While the California Geological Survey has not designated any part of the county as a Zone of Required Investigation for landslide hazard, two factors make slope instability (both seismically and non-seismically induced) a concern in this area: 1). the steep topography and 2). the potential for moderate ground shaking (Stanislaus County 2016a).

Lateral spread is a pervasive type of liquefaction-induced ground failure that occurs on gentle slopes or near free-faces, such as river channels. Resulting horizontal displacements can reach up to several meters, and can be considerably damaging to foundations, bridges, roadways, pipelines, etc. (Stanislaus County 2016a).

The project area is not located in the Diablo Range or near riverbanks, and is relatively level, therefore, the project site is not subject to landslides, slope failure, or lateral spreading.

3.7.2.4 Paleontological Resources

The approximate 1.05-acre project site is developed with three existing 5,000 square-foot warehouses; the driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The site is located in the M (Industrial) zoning district in unincorporated Stanislaus County. The site is not recognized as a unique paleontological or a unique geologic feature.

3.7.3 Discussion of Checklist Responses

a. Directly or Indirectly Cause Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death Involving:

i. Seismic-Related Rupture of a Known Earthquake Fault (No Impact)

There are no known active faults underlying the project site, nor are there any known active faults located adjacent to the project site. The only active fault reported in Stanislaus County is the Tesla-Ortigalita fault, which is located approximately 20 miles west of Modesto (Stanislaus County 2016a). Based on the absence of any documented active or potentially active faults that cross or come near the project site, the Proposed Project is not anticipated to expose people of structures to potential substantial adverse effects, including loss, injury, or death related to the rupture of a known earthquake fault. In addition, the Proposed Project is located in an existing building and would not include any building modifications that would affect the risk of loss, injury, or death as the result of a seismic-related rupture of a known fault. Therefore, there would be **no impact** related to fault rupture.

ii. Strong Seismic Ground Shaking (No Impact)

As with most of California, the project site is in a seismically active region. The Tesla-Ortigalita fault is the only active fault in Stanislaus County, located approximately 20 miles west of Modesto. The project site, like much of California, could be subject to moderate to strong ground shaking in the event of a major earthquake.

The project site is developed with three existing 5,000 square-foot warehouses in a developed industrial area. The project site is located in the M (Industrial) zoning district and is primarily surrounded by other industrial uses and non-conforming single-family dwelling uses. In the event that strong seismic shaking were to occur, the potential to expose the public to injury would be similar to existing conditions. There would be **no impact**.

iii. Seismic-Related Ground Failure, Including Liquefaction (No Impact)

Liquefaction is the process in which soils and sediments lose shear strength and fail during seismic ground shaking. The vibration caused by an earthquake can increase pore pressure in saturated materials. If the pore pressure is raised to be equivalent to the load pressure, this causes a temporary loss of shear strength, allowing the material to flow as a fluid. This temporary condition can result in severe settlement of foundations and slope failure. The susceptibility of an area to liquefaction is determined largely by the depth to groundwater and the properties (e.g., texture and density) of the soil and sediment within and above the groundwater. The sediments most

susceptible to liquefaction are saturated, unconsolidated sand and silt soils (particularly Quaternary age units) with low plasticity within 50 feet of the ground surface (Stanislaus County 2016a).

According to the Stanislaus County General Plan Draft EIR, there is potential for liquefaction in the county. The portion of the county most susceptible to liquefaction is located the western boundary of the valley due to the combination of young geologic units (Quaternary fan deposits and Dos Palos Alluvium) and potential for strong ground shaking; combined with areas where groundwater is shallow. Other parts of the valley also have young geologic units and shallow groundwater conditions, but the ground-shaking hazard is lower. The geologic units in the Coast Ranges and Sierra Nevada foothills are likely not susceptible to liquefaction because they are older and more consolidated or because they are igneous. In addition, shallow groundwater is not likely to be present in the steeper terrain.

Since the project area may be subject to moderate to strong seismic ground shaking during seismic events, there is a risk of seismically related ground failure, including liquefaction. However, according to the California Department of Conservation, Seismic Hazards Program: Liquefaction Zones, the project site and area are not mapped as being within a liquefaction zone (DOC 2025); therefore, the potential for liquefaction is relatively low.

In addition, the Proposed Project is located in an existing building and would not include any structural building modifications or ground disturbance. Because there would be no structural changes, the project conditions would be the same as existing conditions. There would be **no impact**.

iv. Landslides (No Impact)

The project site and surrounding areas are relatively flat and do not contain any steep slopes or other features that could result in landslide or mudflow hazards. As such, the project site is considered unlikely to be susceptible to landslides and would not expose people or structures to substantial adverse effects involving landslides. In addition, the project conditions at full build out would be the same as existing conditions, as they would relate to landslides. Therefore, there would be **no impact** related to landslides.

b. Result in Substantial Soil Erosion or the Loss of Topsoil (No Impact)

The project site is completely developed with three existing 5,000 square-foot warehouses. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The project site frontage has been improved with a storm drain basin that includes grass and two palm trees. The frontage of the project site along El Roya Avenue has been improved with sidewalks, curbs, gutters, and a wrought iron gate for entrance and exit.

As part of the Proposed Project, the warehouse buildings at 538 and 540 El Roya Avenue would be renovated to current commercial cannabis industry standards. Phase 3 would include the demolition and rebuild of the warehouse at 538 El Roya Avenue. Construction activities would not require extensive ground-disturbing activities and no vegetation clearing would occur. The rebuilt warehouse would also be surrounded by asphalt, same as the existing condition. The Proposed Project would not result in substantial soil erosion or the loss of topsoil. There would be **no impact** related to soil erosion.

c. Be Located on a Geologic Unit or Soil that is Unstable or that Would Become Unstable as a Result of the Proposed Project and Potentially Result in an On-site or Off-site Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse (No Impact)

The project site is not located in an area subject to on- or off-site landslides or liquefaction. The DOC has not mapped the project site as susceptible to liquefaction or lateral spreading. Because the project site is located in a seismically active area and has the potential to be subjected to strong ground shaking which could contribute to unstable soil conditions in the project area. The Proposed Project would be designed and engineered in compliance with current County Codes and would comply with seismic safety provisions of the most recent CBC. The CBC contains provisions for earthquake safety based on factors of occupancy type, the types of soil and rock on-site, and the strength of ground shaking with specified probability occurring at a site.

In addition, the Proposed Project is located in an existing building and would not include any structural building modifications or ground disturbance. Because there would be no structural changes, the project conditions would be the same as existing conditions. There would be **no impact**.

d. Be Located on Expansive Soil, Creating Substantial Direct or Indirect Risks to Life or Property (No Impact)

Expansive soils occur in the county, and structures built on expansive soils would be subject to the expansion and contraction of these soils, which could cause structural damage if the subsoil, drainage, and foundation are not properly engineered. However, soil sampling and treatment procedures for expansive soils, as well as other soil-related issues, are addressed by the CBC. There would be **no impact**.

e. Have Soils Incapable of Adequately Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems in Areas where Sewers are not Available for the Disposal of Wastewater (No Impact)

The project site is connected to the City of Modesto municipal sewer system; there is no septic onsite and none are proposed as part of the Proposed Project. No changes to the existing sanitary waste system operations would occur such that septic tanks or alternative wastewater systems would be required. There would be **no impact**.

f. Directly or Indirectly Destroy a Unique Paleontological Resource or Site or Unique Geological Feature (No Impact)

The project site has previously been disturbed and is currently entirely developed with three existing 5,000 square-foot warehouses, driveway, parking area, and asphalt surrounds the existing structures. The site has also been improved with sidewalks, curbs, and gutters at the entrance to the site. Based on previous disturbance of the project site, the Proposed Project, including the demolition and re-build of 538 El Roya Avenue in Phase 3, would not be anticipated to directly or indirectly destroy a unique paleontological resource or site or unique geological feature that would otherwise require protection or avoidance. There would be **no impact** on a unique paleontological resource or site or unique geological feature.

3.8 Greenhouse Gas Emissions

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.8.1 Regulatory Setting

3.8.1.1 Federal Laws, Regulations, and Policies

In 1975, Congress enacted the Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the USEPA and National Highway Traffic Safety Administration (NHTSA) are responsible for establishing additional vehicle standards. The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Compliance with the CAFE standards is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the country. The USEPA calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. Based on information generated under the CAFE program, the Department of Transportation (DOT) is authorized to assess penalties for noncompliance.

In June 2024, the NHTSA announced the final rule for model years 2027 through 2031. The final rule established standards that require an industry-wide fleet wide average of approximately 50.4 miles per gallon (mpg) in 2031 for all passenger cars and light trucks, and an industry fleet-wide average of roughly 2.851 gallons per 100 miles in 2035 for heavy-duty pickup trucks and vans. The CAFE standards will increase at a rate of 2 percent per year for passenger cars in years 2027 through 2031 and 2 percent per year for light trucks in model years 2029 through 2031. The final heavy duty pickup trucks and vans fuel efficiency standards increase at a rate of 10 percent per year in years 2030-2032 and 8 percent per year in years 2033-2035 (NHTSA 2024).

3.8.1.2 State Laws, Regulations, and Policies

Assembly Bill 32 and Senate Bill 32 – California Global Warming Solutions Act

In September 2006, then-Governor Schwarzenegger signed the California Global Warming Solutions Act (Assembly Bill [AB] 32). AB 32 (Health & Saf. Code, Division 25.5) regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 required that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction was intended to be accomplished by enforcing a statewide cap on GHG emissions that was phased in starting in 2012. To effectively implement the

cap, AB 32 directed CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

In 2016, Senate Bill (SB) 32 and its companion bill AB 197 amended California Health and Safety Code, section 38500 et seq. and established a new GHG reduction target of 40 percent below 1990 levels by 2030, and 85 percent below 1990 levels for anthropogenic emission by 2045, with an aspirational goal of carbon neutrality by 2045. The bills also include provisions to ensure the benefits of state climate policies reach into disadvantaged communities.

2022 Scoping Plan for Achieving Carbon Neutrality

A specific requirement of AB 32 was to prepare a Climate Change Scoping Plan for achieving the maximum technologically feasible and cost-effective GHG emission reduction by 2020. CARB developed and approved the initial Scoping Plan in 2008, outlining the regulations, market-based approaches, voluntary measures, policies, and other emission reduction programs that would be needed to meet the 2020 statewide GHG emission limit and initiate the transformations needed to achieve the state's long-range climate objectives (CARB 2009).

Most recently, CARB approved the 2022 *Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) in December 2022. The 2022 Scoping Plan outlines the proposed framework of action for achieving the 2045 GHG target of an 85 percent reduction in anthropogenic GHG emissions relative to 1990 levels; the update also adds carbon neutrality as a science-based guide for California's climate work (CARB 2022). The 2022 Scoping Plan outlines how carbon neutrality can be achieved to reduce GHGs to meet the emission targets by reducing anthropogenic (human-caused) emissions and expanding actions to capture and store carbon. New to the 2022 Scoping Plan is a commitment to incorporate and quantify natural and working lands as a key component to GHG reductions and actions around capture and storage of carbon. The 2022 Scoping Plan strategy for meeting the state's 2030 GHG target incorporates the full range of legislative actions and state-developed plans that have relevance to the year 2030. The 2022 Scoping Plan is heading toward the 2045 anthropogenic target of 85 percent below 1990 levels and an aspirational goal of carbon neutrality, including the following reductions in key sectors:

> The transportation sector targets reductions based on the technology of vehicles and associated refueling infrastructure for those vehicles; the fuel used as the energy source to power vehicles and the facilities that produce them; and vehicle miles traveled (VMT), which relates to development patterns and available transportation options.
>
> The electricity grid sector has a target of 38 million metric tons of carbon dioxide equivalents ($MMTCO_2e$) in 2030 and 30 $MMTCO_2e$ in 2035, which includes a goal of generating 20 gigawatts of offshore wind by 2045 and specifies that the increased demand for electrification occurs without new fossil gas–fired resources.
>
> Natural and working lands sectors include targets to conserve natural working lands and coastal waters, and to implement actions to accelerate natural removal of carbon and improve resilience to climate change.

In the 2022 Scoping Plan, CARB recommends statewide targets of no more than 226 $MMTCO_2e$ from AB 32 GHG inventory sector emissions. For the 2045 scenario in the 2022 Scoping Plan, maximum GHG emissions from AB 32 inventory sector emissions are 65 $MMTCO_2e$.

Appendix D of the 2022 Scoping Plan provides guidance for GHG analyses in local agency CEQA documents. The guidance is focused on land use plans and projects, but some of it can also apply to water and infrastructure projects. In particular, Section 3.2.2 of the Scoping Plan generally endorses a net-zero threshold of significance, while noting that it may not be feasible or appropriate for every project. Also, Section 4.1 of the Scoping Plan recommends a "mitigation hierarchy" not found in the CEQA Guidelines. CARB recommends prioritizing CEQA GHG mitigation according to a geographic hierarchy and includes carbon offsets as an option.

Renewables Portfolio Standard

The state of California adopted standards to increase the percentage of energy from renewable resources that retail sellers of electricity, including investor-owned utilities and community choice aggregators, and it must be provided in their portfolio. The Renewables Portfolio Standard (RPS) was established in 2002 under SB 1078, accelerated in 2006 under SB 107, and expanded in 2011 under SB 2. The standards are referred to as the RPS. Qualifying renewables under the RPS include bioenergy such as biogas and biomass, small hydroelectric facilities (30 megawatts [MW] or less), wind, solar, and geothermal energy. The California Public Utilities Commission (CPUC) and CEC jointly implement the RPS program.

In November 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, which expanded the State's RPS to 33 percent renewable power by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the RPS by signing Executive Order S-21-09, which directed the California Air Resources Board (CARB) to enact regulations to help the state meet its RPS goal of 33 percent renewable energy by 2020.

Senate Bill 350 Clean Energy and Pollution Reduction Act (SB 350)

SB 350, also known as the Clean Energy and Pollution Reduction Act of 2015, was enacted on October 7, 2015, and provides a new set of objectives in clean energy, clean air, and pollution reduction by 2030. The objectives include the following:

- To increase the procurement of California's electricity from renewable sources from 33 percent to 50 percent by December 31, 2030.
- To double the energy efficiency savings in electricity and natural gas final end uses (e.g., to heat and cool spaces, power appliances, power lights, and heat water) of retail customers through energy efficiency and conservation.

100 Percent Clean Energy Act (SB 100)

On September 10, 2018, then-Governor Brown signed SB 100, establishing that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by December 31, 2045. SB 100 also creates new standards for the RPS goals that were established by SB 350 in 2015. Specifically, SB 100 increases required energy from renewable sources for both Investor-Owned Utilities and Publicly Owned Utilities from 50 percent to 60 percent by 2030. Incrementally, these energy providers are also required to have a renewable energy supply 44 percent by 2024, and 52 percent by 2027. The updated RPS goals are considered achievable, since many California energy providers are already meeting or exceeding the RPS goals established by SB 350.

Clean Energy, Jobs, and Affordability Act (SB 1020)

SB 1020, also known as the Clean Energy, Jobs, and Affordability Act of 2022, establishes the requirement that eligible renewable resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035; 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040; 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045; and 100 percent of electricity procured to serve all state agencies by December 31, 2035. It also contains provisions for cooperation between CPUC and Independent System Operators (ISOs) providing electricity for the purpose of transmission planning by allowing the exchange of confidential business information without risk of public disclosure requirements.

Low Carbon Fuel Standard (Executive Order S-1-07)

The Low Carbon Fuel Standard (LCFS), established in 2007 through Executive Order S-1-07 and administered by CARB, requires producers of petroleum-based fuels to reduce the carbon intensity of their products that started with a 0.25 percent reduction in 2011 and culminated in a 10 percent total reduction in 2020. In September 2018, CARB extended the LCFS program to 2030, making significant changes to the design and implementation of the program, including a doubling of the carbon intensity reduction to 20 percent by 2030.

Petroleum importers, refiners, and wholesalers can either develop their own low carbon fuel products or buy LCFS credits from other companies that develop and sell low carbon alternative fuels, such as biofuels, electricity, natural gas, and hydrogen.

DCC Commercial Cannabis Business Regulations

The California Code of Regulations, title 4, division 19 includes the following requirements regarding energy use for commercial cannabis uses.

Section 16305: Renewable Energy Requirements

(a) Beginning January 1, 2023, all holders of indoor, tier 2 mixed-light license types of any size, and all holders of nursery licenses using indoor or tier 2 mixed-light techniques shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program in division 1, part 1, chapter 2.3, article 16 (commencing with Section 399.11) of the Public Utilities Code.

(b) If a licensed cultivator's average weighted greenhouse gas emission intensity, as calculated and reported upon license renewal pursuant to Section 15020, is greater than the local utility provider's greenhouse gas emission intensity, the licensee shall obtain carbon offsets to cover the excess in carbon emissions from the previous annual licensed period. The carbon offsets shall be purchased from one or more of the following recognized voluntary carbon registries:

(1) American Carbon Registry;

(2) Climate Action Reserve; or

(3) Verified Carbon Standard.

Section 16306: Generator Requirements

(a) For the purposes of this section, "generator" means a stationary or portable compression ignition engine, also known as a diesel engine, as defined in title 17, California Code of Regulations, Section 93115.4.

(b) Licensed cultivators using generators rated at fifty (50) horsepower and greater shall demonstrate compliance with the Airborne Toxic Control Measure for stationary or portable engines, as applicable, established in title 17, California Code of Regulations, Sections 93115-93116.5. Compliance shall be demonstrated by providing a copy of one of the following to the Department upon request:

(1) For portable engines, a Portable Equipment Registration Certificate provided by the California Air Resources Board; or

(2) For portable or stationary engines, a Permit to Operate or other proof of engine registration, obtained from the Local Air District with jurisdiction over the licensed premises.

(c) Licensed cultivators using generators rated below fifty (50) horsepower shall comply with the following by 2023:

(1) Either subsection (1)(A) or (1)(B):

(A) Meet the "emergency" definition for portable engines in title 17, California Code of Regulations, Section 93116.2(a)(12), or the "emergency use" definition for stationary engines in title 17, California Code of Regulations, Section 93115.4(a)(30); or

(B) Operate eighty (80) hours or less in a calendar year; and

(2) Either subsection (2)(A) or (2)(B):

(A) Meet Tier 3 with Level 3 diesel particulate filter requirements in title 13, California Code of Regulations, Sections 2700-2711; or

(B) Meet Tier 4 requirements, or current engine requirements if more stringent, in title 40, Code of Federal Regulations, chapter I, subchapter U, part 1039, subpart B, Section 1039.101.

(d) All generators used by licensed cultivators shall be equipped with non-resettable hour-meters. If a generator does not come equipped with a non-resettable hour-meter, an aftermarket non-resettable hour-meter shall be installed.

3.8.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

6.78.080 Commercial Cannabis Cultivation

C. Commercial cannabis cultivation operations shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

1. Water Conservation Measures. Commercial cannabis cultivation operations shall include adequate measures that minimize use of water for cannabis cultivation at the site. Water conservation measures, water capture systems, or grey water systems shall be incorporated into commercial cannabis cultivation operations in order to minimize use of water where feasible.

2. Energy Conservation Measures. Commercial cannabis cultivation operations shall include adequate measures to address the projected energy demand for cannabis cultivation at the site.

E. Enclosure. All commercial cannabis cultivation operations shall occur within a greenhouse or fully enclosed building. If conducted within a greenhouse, supplemental lighting shall not exceed twenty-five watts per square foot to be used up to one hour before sunrise or after sunset, unless the greenhouse or facility is equipped with light-blocking measures to ensure that no light escapes.

3.8.2 Environmental Setting

Climate change results from the accumulation in the atmosphere of GHGs, which are produced primarily by the burning of fossil fuels for energy. Because GHGs (carbon dioxide [CO_2], methane, and nitrous oxide) persist and mix in the atmosphere, emissions anywhere in the world affect the climate everywhere in the world. GHG emissions are typically reported in terms of carbon dioxide equivalents (CO_2e) which converts all GHGs to an equivalent basis taking into account their global warming potential compared to CO_2.

Anthropogenic (human-caused) emissions of GHGs are widely accepted in the scientific community as contributing to global warming. Temperature increases associated with climate change are expected to adversely affect plant and animal species, cause ocean acidification and sea level rise, affect water supplies, affect agriculture, and harm public health.

Global climate change is already affecting ecosystems and societies throughout the world. Climate change adaptation refers to the efforts undertaken by societies and ecosystems to adjust to and prepare for current and future climate change, thereby reducing vulnerability to those changes. Human adaptation has occurred naturally over history; people move to more suitable living locations, adjust food sources, and more recently, change energy sources. Similarly, plant and animal species also adapt over time to changing conditions; they migrate or alter behaviors in accordance with changing climates, food sources, and predators.

Many national, as well as local and regional, governments are implementing adaptive practices to address changes in climate, as well as planning for expected future impacts from climate change. Some examples of adaptations that are already in practice or under consideration include conserving water and minimizing runoff with climate-appropriate landscaping, capturing excess rainfall to minimize flooding and maintain a constant water supply through dry spells and droughts, protecting valuable resources and infrastructure from flood damage and sea level rise, and using water-efficient appliances.

CARB compiles GHG inventories for the State of California. Based on CARB's 2022 GHG inventory data, California emitted 371.1 $MMTCO_2e$, including emissions resulting from imported electrical power. (CARB 2024). Despite California's population and economic growth, CARB's 2022 statewide inventory indicates that California's net GHG emissions in 2022 were below 1990 levels of 431 MMTCO2e which was the 2020 GHG reduction target codified in California under AB 32 and heading toward the 2030 goal level of 260 MMTCO2e.

3.8.3 Discussion of Checklist Responses

a. Generate a net increase in greenhouse gas emissions which may have a significant impact on the environment (Less than Significant Impact)

The Proposed Project would generate GHG emissions during construction and operation. During construction of the Proposed Project, the combustion of fossil fuels for operation of fossil fueled construction equipment, material hauling, and worker trips would result in construction-related criteria air pollutant emissions. During project operations there would be some worker trips and other vehicle trips for waste removal and product delivery.

Other operation emissions would be for maintaining the landscaping. These emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.29 using information from the Project Description along with default assumptions for the project site acreage being developed, which is the area that would be impacted during construction. The Proposed Project's construction-related GHG emissions are estimated at 240 metric tons of carbon dioxide equivalents ($MTCO_2e$).

Operational GHG emissions would result from fossil-fueled equipment and motor vehicles. The Proposed Project's operational emissions would be 1,028 MTCO2e.

SJVAPD has not prepared GHG thresholds; therefore, the SCAQMD thresholds are used in this analysis. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for projects where the SCAQMD is lead. SCAQMD has not set specific thresholds for construction; rather SCAQMD recommends amortization of construction emissions over the life of the project, "defined as 30 years," and adding the amortized construction emissions to operational emissions to estimate yearly emissions from the project (SCAQMD 2008).

The net project emissions when amortized construction emissions are included would be less than 1,036 $MTCO_2e$/yr, which would not be anticipated to result in a significant impact to global climate change or impede the goals of AB 32 or SB 32 since the primary source of emissions is for the electricity use which given the renewable portfolio standards will be decreasing in intensity overtime. The Proposed Project is consistent with the lighting restrictions for commercial cannabis cultivation and will be obtaining power from the MID.

Since the Proposed Project's emissions would be low and would decrease in the future given the RPS regulations, the impact would be **less than significant**.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Less than Significant Impact)

The State of California has implemented AB 32, SB 32, and multiple Executive Orders to reduce GHG emissions. The Proposed Project does not pose any conflict with the most recent list of CARB's early action strategies, nor is it one of the sectors at which measures are targeted. The Proposed Project is using electricity in its commercial cannabis operations and not relying on any large amounts of fossil fuel equipment for energy generation on-site. Thus, the Proposed Project is consistent with this strategy.

Each warehouse onsite would have an electrical room containing a transfer switch for a hookup to a generator that would only be used for emergencies as defined by CARB regulations. Generator use would be infrequent and limited to emergency scenarios, and therefore, would not result in substantial or ongoing GHG emissions. Compliance with regional air district rules ensures that any emissions associated with emergency generator operation would be within acceptable thresholds and not conflict with statewide or regional climate goals. Generators would be operated in compliance with applicable regulations and permitting requirements set forth by the DCC and the SJVAQCD.

The Proposed Project would not be required to report emissions to CARB. Therefore, emissions generated by the Proposed Project would not be expected to have a substantial contribution to the ongoing impact on global climate change. The Proposed Project would not conflict or impede implementation of local General Plans. For

these reasons, the Proposed Project would not conflict with AB 32 or SB 32, or the local general plans. Therefore, this impact would be **less than significant**.

3.9 Hazards and Hazardous Materials

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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, create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. Be 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 and result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

3.9.1 Regulatory Setting

3.9.1.1 Federal Laws, Regulations, and Policies

Comprehensive Environmental Response, Compensation, and Liability Act – Superfund Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also called the Superfund Act; 42 USC § 9601 et seq.) is intended to protect the public and the environment from the effects of past

hazardous waste disposal activities and new hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the "Superfund") for the remediation of hazardous materials contamination. The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) amends some provisions of CERCLA and provides for a Community Right-to-Know program.

Resource Conservation and Recovery Act of 1976

The Resource Conservation and Recovery Act of 1976 ([RCRA]; 42 USC § 6901 et seq.), as amended by the Hazardous and Solid Waste Amendments of 1984, is the primary federal law for the regulation of solid waste and hazardous waste in the United States. These laws provide for the "cradle-to-grave" regulation of hazardous wastes, including generation, transport, treatment, storage, and disposal. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of.

USEPA has primary responsibility for implementing RCRA, but individual states are encouraged to seek authorization to implement some or all RCRA provisions. California was delegated authority to implement the RCRA program in August 1992. The California Department of Toxic Substances Control (DTSC) is responsible for implementing the RCRA program in California, in addition to California's own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law.

Federal Insecticide, Fungicide, and Rodenticide Act

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136 et seq.) was enacted in 1947, but has since been amended by the Federal Environmental Pesticide Control Act of 1972 and the Food Quality Protection Act of 1996. In its current form, FIFRA mandates USEPA to regulate the use and sale of pesticides to protect human health and the environment. USEPA achieves this mandate by registering and labeling pesticides.

Currently, no pesticides are registered for use on cannabis. CDPR has published guidance that commercial cultivators can legally apply pesticides to cannabis that are exempt from residue-tolerance requirements and are either: (1) registered and labeled for a use that is broad enough to include use on cannabis (e.g., unspecified green plants), or (2) exempt from registration requirements as a minimum-risk pesticide under FIFRA Section 25(b). See additional discussion of CDPR's guidance with respect to cannabis under "State Laws, Regulations, and Policies" below.

Commercial cannabis cultivators using registered pesticides would be required to follow the label instructions developed pursuant to FIFRA. Under FIFRA, all new pesticides (with minor exceptions) must be registered by the Administrator of USEPA through a process in which appropriate crops and sites for use of the pesticide are identified and prescribed based on research data. Labeling requirements control when and under what conditions pesticides can be applied, mixed, stored, loaded, or used; when a site can be re-entered after application; and when crops can be harvested.

Spill Prevention, Control, and Countermeasure Rule

USEPA's Spill Prevention, Control, and Countermeasure Rule (40 C.F.R. Part 112) applies to facilities that contain a single aboveground storage tank with a storage capacity greater than 660 gallons, or multiple tanks with a combined capacity greater than 1,320 gallons. The rule includes requirements for oil spill prevention,

preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific types of facilities to prepare, amend, and implement Spill Prevention, Control, and Countermeasure plans.

Worker Safety Regulations

The Occupational Safety and Health Administration (OSHA) is responsible at the federal level for ensuring worker safety. The agency sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances (as well as other hazards). These standards, codified in 29 C.F.R. Part 1910, address issues that range in scope from walking and working surfaces, to exit routes and emergency planning, to hazardous materials and personal protective equipment. They include exposure limits for a wide range of hazardous materials, including pesticides, as well as requirements that employers provide personal protective equipment (i.e., protective equipment for eyes, face, or extremities; protective clothing; respiratory devices) to their employees wherever it is necessary (i.e., when required by the label instructions) (29 C.F.R. § 1910.132). OSHA also establishes criteria by which each state can implement its own health and safety program.

3.9.1.2 State Laws, Regulations, and Policies

The Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, and it works with other state agencies and delegates its authority to local jurisdictions that enter into agreements with the State. Local agencies administer these laws and regulations. DTSC, California Environmental Protection Agency, and other state agencies set the standards for their programs while local governments implement the standards. These local implementing agencies, the Certified Unified Program Agencies (CUPAs), regulate and oversee the following for each County:

- Hazardous materials business plans;
- California accidental release prevention plans or federal risk management plans (RMPs);
- The operation of underground storage tanks and aboveground storage tanks;
- Universal waste and hazardous waste generators and handlers;
- On-site hazardous waste treatment;
- Inspections, permitting, and enforcement;
- Proposition 65 reporting (described below); and
- Emergency response.

California Health and Safety Code—Hazardous Waste and Hazardous Materials

Several sections of the California Health and Safety Code deal with hazardous waste and hazardous materials. Division 20, Chapter 6.5 addresses hazardous waste control and contains regulations on hazardous waste management plans, hazardous waste reduction, recycling and treatment, and hazardous waste transportation and

hauling. Under Chapter 6.5, Article 6, persons generating hazardous wastes that are to be transported for off-site handling, treatment, storage, or disposal must complete a hazardous waste manifest before transport, indicating the facility to which the waste is being shipped for treatment, disposal, or other purposes.

Under Chapter 6.95, Article 1, areas and businesses that have a threshold amount of hazardous materials on site (55 gallons of liquid; 500 pounds of solid for businesses) must have plans in place for emergency response to an accidental release of materials. These Hazardous Materials Business Plans (HMBPs) and Hazardous Materials Area Plans must include at least the following:

- A listing of the chemical name and common names of every hazardous substance or chemical product handled by the business;
- The category of waste, including the general chemical and mineral composition, of every hazardous waste handled by the business;
- The maximum amount of each hazardous material or mixture containing a hazardous material that is present on site;
- Sufficient information on how and where the hazardous materials are handled by the business to allow fire, safety, health, and other appropriate personnel to prepare adequate emergency responses to potential releases of the hazardous materials;
- Emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material; and
- Training for all new employees and annual training, including refresher courses, for all employees on safety procedures in the event of a release or threatened release of a hazardous material.

Under Chapter 6.95, Article 2, operators of stationary sources of hazardous materials are required (if they are deemed an accident risk) to prepare risk management plans, detailing strategies to reduce the risk of accidental hazardous material release, and submit them to the California Emergency Management Agency.

California Accidental Release Prevention Program

First implemented in 1997, the California Accidental Release Prevention (CalARP) program was designed to prevent accidental releases of hazardous substances, minimize damage if releases occur, and satisfy community right-to-know laws. Like the chemical accident prevention provisions of the federal Clean Air Act, the CalARP program and implementing regulations (Cal. Code Regs., tit. 19, § 5050.1 et seq.) require businesses that handle more than a threshold quantity of regulated substances to develop an RMP.

In most cases, the CUPA is the administering agency responsible for implementing the CalARP program. When no CUPA exists, the administering agency is designated by the Secretary for Environmental Protection or the Office of Emergency Services. The administering agency determines the level of detail in the RMPs, reviews the RMPs, conducts facility site inspections, and provides public access to most of the information provided by facilities.

California Fire Code—Hazardous Materials Management Plans and Hazardous Materials Inventory Statements

The California Fire Code (Cal. Code Regs., tit. 29, Part 9) requires businesses that handle more than a threshold quantity of hazardous materials to prepare a Hazardous Materials Management Plan (HMMP) and a Hazardous

Materials Inventory Statement (HMIS). HMMPs and HMISs are similar to the HMBPs and Hazardous Materials Area Plans required under Chapter 6.95 of the California Health and Safety Code. Like business and area plans, the HMMP/HMIS requirement is an element of the Unified Program; however, the CAL FIRE Office of the State Fire Marshall is responsible for implementing the HMMP and HMIS.

The HMMP must include a facility site plan containing information such as the location of emergency equipment, hazardous material storage tanks, and emergency exits. The HMIS must include information on the hazardous materials at the site, such as product name, chemical components, amount in storage, and hazard classification. As part of an application for a permit, owners or operators of facilities that handle hazardous materials also must submit an emergency response plan and an emergency response training plan.

California Emergency Services Act

The California Emergency Services Act (Gov. Code, Chapter 7) established the California Emergency Management Agency and created requirements for emergency response training and planning. Under this act, the State is required to develop a statewide toxic disaster contingency plan that can facilitate an effective, multi-agency response to a situation in which toxic substances are dispersed in the environment so as to cause, or potentially cause, injury or death to a substantial number of persons or substantial harm to the natural environment (Gov. Code, § 8574.18). The California Emergency Services Act also requires the agency to develop and manage the California Hazardous Substances Incident Response Training and Education Program, which provides classes in hazardous substance response (Gov. Code, § 8574.20). Under the California Emergency Services Act, the California Emergency Management Agency would have the ability to provide an effective response to a catastrophic hazardous materials release, such as from an accident at a chemical pesticide manufacturing plant.

Hazardous Waste Generator Program

The Hazardous Waste Generator Program is administered by CUPAs under the Unified Program with oversight and assistance from DTSC. Under the program, CUPAs conduct inspections at hazardous waste generator facilities. Inspectors check hazardous waste generators for compliance with such requirements as having a USEPA identification number, contingency plan information posted near a telephone, containers in good condition and properly labeled, and authorized waste transport vehicles. If generators fail to comply with regulations or permit requirements, CUPAs may assess penalties.

CUPAs also administer on-site, tiered permitting programs. Based on the type of waste they treat and the treatment processes they employ, businesses are required to obtain a permit for the appropriate tier. Permits may require businesses to clean equipment or alter processes to improve safety.

Pesticides and Pest Control Operations

Detailed implementing regulations for CDPR's pesticide regulatory program are codified in the California Code of Regulations, title 3, division 6. CDPR is the state agency with primary responsibility for regulating pesticide use in California. CDPR oversees state pesticide laws, including pesticide labeling, and is vested by USEPA to enforce federal pesticide laws in California. CDPR also oversees the activities of the county agricultural commissioners related to enforcement of pesticide regulations and related environmental laws and regulations locally.

As identified in California Code of Regulations, title 3, division 6, CDPR evaluates proposed pesticide products and registers those pesticides that it determines can be used safely. In addition, CDPR's oversight includes:

- Licensing of pesticide professionals;
- Site-specific permits required before restricted-use pesticides may be used in agriculture;
- Strict rules to protect workers and consumers;
- Mandatory reporting of pesticide use by agricultural and pest control businesses;
- Environmental monitoring of water and air; and
- Testing of fresh produce for pesticide residues.

The regulations require that employers of pesticide workers provide protective clothing, eyewear, gloves, respirators, and any other required protection, and also requires employers to ensure that protective wear is worn according to product labels during application. The regulations also require that employers provide workers with adequate training in pesticide application and safety; communicate pesticide-related hazards to workers; ensure that emergency medical services are available to workers; and ensure adherence to restricted-entry intervals between pesticide treatments. (Cal. Code Regs., tit. 3, § 6764.)

CDPR Guidance on Pesticide Use in Commercial Cannabis Cultivation

In accordance with MAUCRSA, CDPR is required to develop guidelines for the use of pesticides in the cultivation of cannabis and residue in harvested cannabis. (Bus. & Prof. Code, § 26060, subd. (d).) However, CDPR is pre-empted by federal law from registering a pesticide for sale and use that is not first registered by USEPA.

CDPR has advised County Agricultural Commissioners to issue a Unique Identifier (i.e., an Operator Identification Number) to any cannabis grower who submits a valid application, except in counties in which growing cannabis is prohibited by a local ordinance. The operator identification number would be used in the management of pesticide use data. CDPR has advised that the use of a pesticide for the cultivation of cannabis falls under the broad definition of "agricultural use" in the Food and Agricultural Code, even though the Food and Agricultural Code does not explicitly consider cannabis an agricultural commodity.

CDPR has also prepared guidance documents outlining the legal requirements for pesticide use on cannabis and providing guidance on legal pest management practices for California cannabis growers. Essentially, CDPR's guidance states that the only pesticide products allowable for use on cannabis are those that contain an active ingredient that is exempt from residue-tolerance requirements and are either (1) registered and labeled for a use that is broad enough to include use on cannabis (e.g., unspecified green plants), or (2) exempt from registration requirements as a minimum-risk pesticide under FIFRA section 25(b) and the California Code of Regulations, title 3, section 6147 (CDPR 2021).

Pesticide Contamination Prevention Act

The Pesticide Contamination Prevention Act (Food & Agr. Code, §§ 13145–13152) requires CDPR to:

- Obtain environmental fate and chemistry data for agricultural pesticides before they can be registered for use in California;
- Identify agricultural pesticides with the potential to pollute groundwater;
- Sample wells to determine the presence of agricultural pesticides in groundwater;
- Obtain, report, and analyze the results of well sampling for pesticides by public agencies;

- Formally review any detected pesticide to determine whether its use can be allowed; and
- Adopt use modifications to protect groundwater from pollution if formal review indicates that continued use can be allowed.

The act requires CDPR to develop numerical values for water solubility, soil adsorption coefficient, hydrolysis, aerobic and anaerobic soil metabolism, and field dissipation of pesticides to protect groundwater, based in part on data submitted by pesticide registrants.

The act also states that CDPR shall establish a list of pesticides that have the potential to pollute groundwater, called the Groundwater Protection List. Any person who uses a pesticide that is listed on the Groundwater Protection List is required to file a report with the County Agricultural Commissioner, and pesticide dealers are required to make quarterly reports to CDPR of all sales of pesticides on the list to persons not otherwise required to file a report. The Pesticide Contamination Prevention Act ensures that pesticides allowed for use in California, including those that may be used in commercial cannabis cultivation, will have been studied by CDPR for their potential to contaminate groundwater and the environment.

Safe Drinking Water and Toxic Enforcement Act (Proposition 65)

The Safe Drinking Water and Toxic Enforcement Act, or Proposition 65, requires the Governor to maintain and publish a list of chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm. Once a chemical has been listed, businesses are responsible for providing a warning before knowingly or intentionally exposing their employees or the public to an amount of the chemical that poses a significant risk. The California Office of Environmental Health Hazard Assessment is the lead agency responsible for implementing Proposition 65, with input from CDPR and other agencies so that the best scientific information is used in listing chemicals. In its current state, the Proposition 65 list contains a wide variety of chemicals, including various pesticides and cannabis smoke (OEHHA 2025).

Hazardous Waste Control Law

The Hazardous Waste Control Law (Health and Saf. Code, tit. 22, § 25100 et seq.) authorizes the California Environmental Protection Agency and the DTSC to regulate the generation, transport, treatment, storage, and disposal of hazardous wastes. DTSC can also delegate enforcement responsibilities to local jurisdictions that enter into agreements with DTSC for the generation, transport, and disposal of hazardous materials under the authority of the Hazard Waste Control Law.

Porter-Cologne Water Quality Control Act

As discussed in more detail in Section 3.10, “Hydrology and Water Quality,” the Porter-Cologne Act (Wat. Code, Division 7) is the provision of the California Water Code that regulates water quality in California and authorizes the SWRCB and RWQCBs to implement and enforce the regulations.

RWQCBs regulate discharges under the Porter-Cologne Act primarily through the issuance of waste discharge requirements (WDRs). Anyone discharging or proposing to discharge materials that could affect water quality must file a report of waste discharge. The SWRCB and applicable RWQCBs can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Proposed Project site is under the jurisdiction of the Central Valley RWQCB.

California Code of Regulations, Division 4.5 - Environmental Health Standards for the Management of Hazardous Waste

California Code of Regulations (CCR), title 22, division 4.5 outlines the State's hazardous waste management rules, aligning with and expanding upon federal RCRA regulations. It is administered by the California DTSC and covers the generation, transportation, treatment, storage, and disposal of hazardous waste. The regulations establish strict waste classification criteria, permitting requirements for facilities, and enforcement provisions to ensure public health and environmental protection.

California Division of Occupational Safety and Health Regulations

The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) regulations contain requirements for agricultural operations related to pesticide application. The regulations require that a notice be attached to all tanks larger than 100 gallons in capacity that are used for pesticides, providing precautionary instructions; controls on the tanks must be placed to minimize exposure to employees from ruptured or breaking lines. (Cal. Code Regs., tit. 8, § 3453.) Machines, applicators, and other equipment used for pesticide application must be decontaminated before they are overhauled or placed in storage. (Cal. Code Regs., tit. 8, § 3451.)

In addition, the Cal/OSHA regulations contain various provisions that require safe operation of equipment, safety instructions provided in a language that employees understand, and access to first aid.

California Fire Code

The California Fire Code (Cal. Code Regs., tit. 8, pt. 9) establishes minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings. The California Fire Code also contains requirements related to emergency planning and preparedness, fire service features, building services and systems, fire resistance–rated construction, fire protection systems, and construction requirements for existing buildings, as well as specialized standards for specific types of facilities and materials.

DCC Commercial Cannabis Business Regulations

Sections 15714 through 15724 require all cannabis products to be tested by a licensed cannabis testing laboratory prior to sale. These regulations ensure that the cannabis product consistently meets the established specifications for cannabinoids, moisture content and water reactivity, residual pesticides, residual solvents and processing chemicals, microbial impurities, mycotoxins, foreign material, heavy metals, and if applicable, terpenoids. Products that do not meet regulatory specifications must not be sold. In addition, DCC regulations ensure that cannabis products have been processed, manufactured, packaged, labeled, and held under conditions to prevent adulteration and misbranding as defined in Business and Professions Code sections 26039.5 and 26039.6.

3.9.1.3 Local Laws, Regulations, and Policies

Stanislaus County Certified Unified Program Agency

The Stanislaus County Hazardous Material Division of the Environmental Resources Department is the Certified Unified Program Agency (CUPA). The Hazardous Materials Division is responsible for many programs, including:

- Hazardous Materials Response Team: Assists police and fire departments during chemical spills and industrial accidents.
- Underground Storage Tank Program: Oversees the permitting, inspection, and monitoring of underground storage tanks.
- Aboveground Petroleum Storage Tank Program: Regulates facilities that store petroleum in aboveground tanks.
- Hazardous Waste Management Plan: Oversees the County's plan for managing hazardous waste.
- Household Hazardous Waste Collection Program: Collects hazardous waste from Stanislaus County residents for free.
- Medical Waste Program: Enforces laws and regulations related to medical waste.
- Hazardous Materials Disclosure Program: Inspects businesses to ensure compliance with laws and regulations, and to identify safety hazards.
- Hazardous Materials Business Plan (HMBP): Part of the Hazardous Materials Disclosure Program. Prepares for and mitigates emergencies like chemical releases.
- California Accidental Release Prevention (CalARP) Program: Hazardous Materials Division administers the CalARP program.

Stanislaus County Zoning Ordinance

6.78.080 Commercial Cannabis Cultivation

B. Documentation of all pesticides used by the permittee shall be presented to the Stanislaus County Agricultural Commissioner, and all pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.

Stanislaus County Airport Land Use Compatibility Plan

The Stanislaus County Airport Land Use Compatibility Plan (ALUCP) guides the development and land use around airports in the County. Its primary purpose is to ensure that land use activities near airports are compatible with airport operations, safeguarding both public safety and the airport's functionality. The plan establishes guidelines for zoning, noise levels, height restrictions, and other factors that may impact the safety of airport operations and the surrounding community. The plan provides specific applicable criteria for various land use types (Stanislaus County 2016).

3.9.2 Environmental Setting

3.9.2.1 Existing Hazards and Hazardous Materials

There are no active hazardous materials cleanup sites listed on EnviroStor (DTSC 2025) within 5,000 feet of the Proposed Project site. One site within the 5,000-foot radius, Pacific Southwest Container, is listed as "Inactive – Needs Evaluation" as of October 12, 2022. Past uses that may have caused contamination and potential contaminants of concern are both not specified.

Geotracker lists one open Leaking Underground Storage Tank (LUST) Cleanup Site within 5,000 feet of the project site (SWRCB 2024). This site is the former home of BK's Liquors and Foods, located at 150 North Riverside Drive in

Modesto, about 1 mile northwest of the project site. As of July 20, 2023, this site's cleanup status has been listed as "Open – Eligible for Closure."

The project area is not located on a site listed pursuant to Government Code section (also known as the Cortese List), and which is generally represented by the EnviroStor database (DTSC 2024).

3.9.2.2 Airports

The nearest airport to the project site is the Modesto City–County Airport, which is located approximately 1.5 miles to the southwest. The Proposed Project is located within the Stanislaus County ALUCP Airport Influence Area Boundary (Stanislaus County 2016). Additionally, Turlock Airpark is approximately 14 miles to the southeast, Oakdale Airport is approximately 17 miles to the northeast, and Valley Crop Dusters airport is approximately 20 miles to the southwest.

3.9.2.3 Wildfire Hazards

The Proposed Project is in an industrial area within unincorporated Stanislaus County. Existing on-site vegetation is minimal and consists primarily of grass and trees in landscaping. Vegetation in the wider area is similar, with some open grassy spaces, and residential back yards.

Fire Hazard Severity Zones (FHSZ) are developed by the Office of the State Fire Marshal and determined based on risk factors such as slope, winds, and fuel loading, and are classified based on the severity of the risk (moderate, high, and very high) (CAL FIRE 2024a). The project site is not classified as being located within a FHSZ; the closest FHSZ is approximately 13.5 miles to the east (CAL FIRE 2024b).

3.9.2.4 Sensitive Receptors

Sensitive receptors include facilities such as hospitals, schools, daycare facilities, elderly housing and convalescent facilities where the occupants are more susceptible to the adverse effects of exposure to toxic chemicals, pesticides, and other pollutants. The closest schools are Capistrano Elementary, approximately 1.4 miles north of the Project site, Virginia Parks Elementary School approximately 2.6 miles southwest of the project site, and Orville Wright Elementary School approximately 2.7 miles west of the project site. There are also daycare facilities in the area, including B612 Day Care approximately 1 mile north of the project site and Auntie Bee's Daycare approximately 2.3 miles south of the project site. Edith's Home Care is the closest assisted living facility to the site, located approximately 1.6 miles southwest of the project site. The nearest community center is Casa Cultural Tradiciones, located approximately 2.5 miles to the west of the project site. The nearest hospital is Central Valley Specialty Hospital, approximately 3.5 miles northwest of the site.

The site is zoned M (Industrial), and industrial uses surround the property in all directions, although legally non-conforming single-family dwellings exist to the west and south of the site. The residential development near the Proposed Project occurred prior to the establishment of the M zoning district and Stanislaus County considers those residences as non-conforming. Stanislaus County Cannabis Ordinance, Chapter 6.78.120(A)(6) and (7) identifies several setback requirements for commercial cannabis uses, including a setback requirement that cannabis uses must be located a minimum of 200 feet from legal dwellings, if they are located on a separate parcel under different ownership. There are six single-family dwellings located within the 200-foot setback of the Proposed Project site, the closest being approximately 55 feet and the furthest approximately being 184 feet (see Figure 2.3-3, Residential Setback). One of these single-family dwellings is owned by the Proposed Project

Applicant. The Stanislaus County Board of Supervisors has approved a reduction to the local residential setback requirements (Stanislaus County 2019a), in connection with the revision of its Conditions of Approval to ensure a physical barrier limiting the path of travel between the residentially developed parcel to the south and the Proposed Project, as well blocking the line of sight from the dwellings to the south and west.

3.9.3 Discussion of Checklist Responses

a. Create a Significant Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials (Less than Significant Impact)

All project construction would take place within existing warehouses and fully developed paved areas. Construction of the Proposed Project is anticipated to require limited quantities of hazardous substances (e.g., gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc.), which has the potential to result in an accidental spill or release. Construction contractors would be required to comply with applicable federal and State environmental and workplace safety laws for the handling, transport, and storage of hazardous materials, including 22 CCR Division 4.5 to minimize the potential for accidental spill or release. Based on required compliance with applicable federal and State laws, project construction would not result in significant risk associated with the handling, transport, and storage of hazardous materials.

Commercial cannabis cultivation operations may involve the use of hazardous materials, such as fuel for power equipment and backup generators, and pesticides. DCC only allows certain low-risk pesticides for commercial cannabis cultivation. These must be exempt from federal registration or from residue tolerance and used according to their labeling. Additionally, indoor and mixed-light cultivation operations may use high-powered lights, which could contain hazardous components that could enter the environment during disposal. Routine transport, handling, use, and disposal of these types of materials could expose people to hazards if adequate precautions are not taken. Licensed commercial cannabis cultivation must comply with local and State hazardous materials handling, use procedures and regulations, and are regularly inspected for compliance by both local and State departments. Regulations to reduce impacts to hazards and hazardous materials from cultivation operations that are enforced by DCC include Sections 15011(10), 15714-15724, 16307, and 16310.

The Proposed Project was presented to the Stanislaus County Department of Environmental Resources Hazardous Materials Division and no hazardous materials were identified. There are thirty-two (32) 50-pound CO_2 tanks in the warehouse at 538 El Roya Avenue and thirty-two (32) 50-pound CO_2 tanks in the warehouse at 540 El Roya Avenue, which are stored in the chemical and pesticide storage area of each building. There are no other hazardous materials stored on site in dedicated hazardous materials storage rooms within each warehouse building.

The Proposed Project's pest-management plan uses only organic or natural products when possible. Chemicals that may be applied at any stage of plant growth include: Root Excelurator, Floranove Grow (potassium nitrate), Cal Mag (sulfates and nitrates of calcium, magnesium), Enzyme Komplete (natural enzymatic cleaner, mint), PH up (potassium carbonate), PH down (phosphoric acid, citric acid), Lost Coast Plant Therapy (isopropyl alcohol, peppermint oil), Olivia's Cloning Solution (ammoniacal nitrogen, nitrate nitrogen, phosphoric acid), and Vitagrow Rooting Compound (indole-3-butyric acid, naphthalene acetic acid, ethanol).

At full buildout, project operation would include an estimated four to six deliveries per month to other licensed entities, with an additional two trips per week for supplies. Vendor deliveries would consist of cultivation and maintenance equipment and materials (e.g., soil and soil amendments, equipment, fertilizers, chemicals, and fuel), deliveries of office supplies and other equipment. It is estimated that two deliveries per week to the facility with soil, amendments, nutrients and assorted cultivation materials and four to six outgoing deliveries per month containing clones and cannabis. Project facilities would also receive shipments from outside vendors of non-cannabis materials one to two times per week. Deliveries may be made between 8:00 a.m. and 4:30 p.m., Monday through Friday. It is anticipated that there would be up to eight trips per month at full operation buildout. Delivery trips would be required to be transported according to regulatory requirements and existing procedures to significantly reduce the risk for upset.

Waste generated because of cultivation activities (e.g., plant matter, soils, containers) is processed and stored on site, in accordance with State law. Solid waste generated is be stored on site in an industrial dumpster that is emptied once a week by Gilton Solid Waste. All cannabis waste is composted and destroyed on site and then self-hauled to the Gilton Solid Waste facility as green waste.

Based on required compliance with existing State and County requirements, the Proposed Project would not result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Thus, the impact would be **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 (Less than Significant Impact)

The County's Department of Environmental Resources is responsible for overseeing hazardous materials in the Project area. Construction of the Proposed Project is anticipated to require use of limited quantities of hazardous substances and construction contractors would be required to comply with applicable State and local regulations, such as 22 CCR Division 4.5, to reduce the potential for accidental hazardous material release during construction. Further, the Proposed Project would be required to comply with existing State and County environmental safety and workplace regulations for cannabis waste disposal, storage, and transport to reduce the risk for upset. As construction would take place within existing warehouses and fully paved, developed areas, the potential for a spill and accidental release risk is low.

Project operations do not include the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. The Proposed Project was presented to the Department of Environmental Resources Hazardous Materials Division Stanislaus County and no hazardous materials were identified. The Proposed Project includes processing activities, which involve trimming and drying of cannabis product; however, no extraction or manufacturing of cannabis products would take place on-site.

The Applicant would also be required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, State, and local regulations. The Proposed Project would include the storage and use of fertilizers and pesticides. However, State regulations limit the types of chemicals that could be allowed to be applied onto cannabis products. The Proposed Project would be required to comply with existing environmental safety and workplace regulations for cannabis waste disposal, storage, and transport to reduce the risk for upset.

Compliance with existing regulations and proposed safety measures would reduce the potential for reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

Based on required compliance with 22 CCR Division 4.5 to minimize the risk associated with the use of hazardous substances, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials, and the impact would be **less than significant**.

c. Emit Hazardous Emissions or Involve Handling Hazardous or Acutely Hazardous Materials, Substances, or Waste within One-quarter Mile of an Existing or Proposed School (No Impact)

There are no schools located within 0.25 mile (1,320 feet) of the project site. The nearest school is Capistrano Elementary, approximately 1.4 miles north of the project site. There would be **no impact**.

d. Be Located on a Site that is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code § 65962.5 and, as a Result, Create a Significant Hazard to the Public or the Environment (No Impact)

The Proposed Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. Therefore, the Proposed Project does not create a significant hazard to the public or the environment. There would be **no impact**.

e. Be Located within an Airport Land Use Plan Area or, Where Such A Plan Has Not Been Adopted, Be within 2 Miles of a Private Airport or Public Airport and Result in a Safety Hazard or Excessive Noise for People Residing or Working in the Study Area (Less than Significant Impact)

The project site is located approximately 1.5 miles from the Modesto City–County Airport. According to the Stanislaus County Airport Land Use Compatibility Plan the project site is located within the ALUCUP Safety Zone 6 of the Modesto-City County Airport (Stanislaus County 2016). However, the project site is not located within the airport's runway protection zone. According to the compatibility criteria for this zone, the safety hazard is considered a low risk. With the exception of hazardous material production, Safety Zone 6 finds industrial uses, such as the proposed operation of indoor commercial cannabis cultivation, nursery, and distribution to be compatible with Airport operations (Stanislaus County 2016). The Proposed Project would not expose people to safety hazards due to proximity to a public airport, and the impact would be **less than significant**.

f. Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan (Less than Significant Impact)

The project site is accessed via El Roya Avenue, a road with one lane in each direction. As discussed in more detail in Section 3.17, "Transportation," construction delays would be brief and infrequent with no anticipated lane closures, and during operations, the limited amount of increased traffic generated by the Proposed Project would not significantly impact emergency access. Therefore, the impact would be **less than significant**.

g. Expose People or Structures, Either Directly or Indirectly, to a Significant Risk of Loss, Injury or Death Involving Wildland Fires (Less than Significant Impact)

All project construction would take place within existing warehouses and fully developed paved areas, and therefore the risk of construction equipment sparking a wildfire would be very low.

Project operations would take place within existing warehouses and would be utilized consistent with local zoning. Project components would be within industrial areas and within the existing warehouses. Further, the Proposed Project would be in an area in the jurisdiction of Stanislaus Consolidated Fire Protection District, less than 1.5 miles from the closest fire station. Therefore, the Proposed Project is not expected to significantly exacerbate existing risks of wildfire.

The Proposed Project is in an industrial area within unincorporated Stanislaus County. Existing on-site vegetation is minimal and consists primarily of grass and trees in landscaping. Vegetation in the wider area is similar, with some open grassy spaces, and residential back yards.

FHSZs are developed by the Office of the State Fire Marshal and determined based on risk factors such as slope, winds, and fuel loading, and are classified based on the severity of the risk (moderate, high, and very high) (CAL FIRE, 2024a). The project site is not classified as being located within a FHSZ, the closest FHSZ is approximately 13.5 miles to the east (CAL FIRE 2024b).

The Proposed Project is not expected to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, this impact would be **less than significant**.

3.10 Hydrology and Water Quality

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Proposed Project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
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	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

3.10.1 Regulatory Setting

3.10.1.1 Federal Laws, Regulations, and Policies

Clean Water Act and Associated Programs

The Federal Water Pollution Control Act of 1972, also known as the CWA, is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands (USEPA 2024a). The

objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." States, territories, and authorized Tribes establish water quality standards that describe the desired condition of a waterbody or the level of protection, which are then approved by the United States Environmental Protection Agency (USEPA); these standards form a legal basis for controlling pollution that enters the waters of the United States. Water quality standards consist of the designated beneficial uses of the waterbody, criteria to protect those designated uses, antidegradation requirements to protect existing uses and high-quality waters, and general policies regarding implementation (USEPA 2024b).

USEPA is responsible for implementing the CWA, although some sections are implemented by other federal agencies under USEPA's oversight, such as Section 404 dealing with discharge of dredged and fill material into waters of the United States (which is implemented by the United States Army Corps of Engineers). USEPA also has the option to delegate implementation of certain programs to a state agency. In California, the SWRCB and its nine RWQCBs administer various sections of the CWA.

Section 401

CWA Section 401 requires an evaluation of water quality when a proposed activity requiring a federal license or permit could result in a discharge to waters of the United States. In California, USEPA has delegated to SWRCB and the RWQCBs the authority to issue water quality certifications. Each RWQCB is responsible for implementing Section 401 in compliance with the CWA and that region's water quality control plan (also known as a Basin Plan). Applicants for a federal license or permit to conduct activities that might result in the discharge to waters of the United States must also obtain a Section 401 water quality certification to ensure that any such discharge would comply with the applicable provisions of the CWA.

Section 402

Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES). Under Section 402, a permit is required for point-source discharges of pollutants into navigable waters of the United States (other than dredge or fill material, which are addressed under Section 404). In California, the NPDES permit program is also administered by the SWRCB. Permits contain specific water quality–based limits and establish pollutant monitoring and reporting requirements. Discharge limits in NPDES permits may be based on water quality criteria designed to protect designated beneficial uses of surface waters, such as recreation or supporting aquatic life. The various NPDES permits that may apply to the Proposed Program are discussed below.

General Construction Stormwater Permit

Most construction projects that disturb one acre or more of land are required to obtain coverage under the SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ), in accordance with CWA Section 402. The general permit requires the applicant to file a public notice of intent to discharge stormwater and prepare and implement a stormwater pollution prevention plan. The stormwater pollution prevention plan must include a site map and a description of the proposed construction activities; demonstrate compliance with relevant local ordinances and regulations and present a list of best management practices (BMPs) that will be implemented to prevent soil erosion and protect against discharge of sediment and other construction-related pollutants to surface waters. Permittees are further required to conduct monitoring and reporting to ensure that BMPs are correctly implemented and are effective in controlling the discharge of construction-related pollutants.

Municipal Stormwater Permitting Program

The SWRCB regulates stormwater discharges from municipal separate storm sewer systems (MS4s), in accordance with Section 402 of the CWA, through its Municipal Storm Water Permitting Program. As described above, the MS4 permitting requirements were developed in two phases: Phase I and II. MS4 permits continue to be issued under Phase I or Phase II depending on the size of the MS4 seeking authorization. Phase I permits for medium and large MS4s require the discharger to develop and implement a Storm Water Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), including identifying what BMPs will be used to address specific program areas.

Section 404

Clean Water Act (CWA) Section 404 regulates the discharge of dredged and fill materials into waters of the U.S., which include all navigable waters, their tributaries, and some isolated waters, as well as some wetlands adjacent to the aforementioned waters (33 C.F.R. § 328.3). Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial waterbodies such as swimming pools, vernal pools, and water-filled depressions (33 C.F.R. Part 328). Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of USACE) under the provisions of CWA Section 404. Construction activities involving placement of fill into jurisdictional waters of the U.S. are regulated by USACE through permit requirements. No USACE permit is effective in the absence of State water quality certification pursuant to Section 401 of CWA.

National Toxics Rule and California Toxics Rule

USEPA issued the National Toxics Rule in 1992. The goal of the National Toxics Rule is to establish numeric criteria for specific priority toxic pollutants, to ensure that all states comply with the requirements in CWA Section 303. A total of 126 priority toxic pollutants currently are specified in the National Toxics Rule (USEPA 2024c).

In 2000, USEPA promulgated the California Toxics Rule, which contains additional numeric water quality criteria for priority toxic pollutants for waters in the State. The California Toxics Rule fills a gap in California water quality standards that was created in 1994 when a State court overturned the State's water quality control plans containing water quality criteria for priority toxic pollutants. These federal criteria are legally applicable in California for inland surface waters, enclosed bays, and estuaries for all purposes and programs under the CWA (USEPA 2024d).

The NTR and CTR include toxicity thresholds for freshwater and saltwater systems and human health for a number of chemicals which may be used for licensed or unlicensed commercial cannabis cultivation, including heavy metals (which may be found in fertilizers, irrigation water, soils, and other grow media), hydrocarbons (found in fuels and lubricants for powered equipment used in cultivation), and pesticides.

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) is intended to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and groundwater wells that serve more than 25 individuals. The goal of the SDWA is to ensure that drinking water is safe for human consumption. Under the SDWA, USEPA has set drinking water standards for chemical, microbiological, radiological, and physical contaminants in its National Primary Drinking Water

Regulations (40 C.F.R. Part 141). Runoff from commercial cannabis cultivation sites has potential to contain water quality constituents that are regulated under the SDWA, such as nutrients and hydrocarbons.

3.10.1.2 State Laws, Regulations, and Policies

Porter-Cologne Water Quality Control Act

Effective in January 1970, the Porter-Cologne Act (Wat. Code, div. 7) created water quality regulation on the State level, establishing the SWRCB and dividing California into nine regions, each overseen by an RWQCB. The act establishes regulatory authority over waters of the State, defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." More specifically, the SWRCB and RWQCBs have jurisdiction over any surface water or groundwater to which a beneficial use may be assigned. Following enactment of the federal CWA in 1972, the Porter-Cologne Act assigned responsibility for implementing CWA Sections 303, 401, and 402 to the SWRCB and RWQCBs.

The Porter-Cologne Act requires the RWQCBs to adopt Basin Plans for the protection of surface water and groundwater quality. The act also authorizes the RWQCBs to issue WDRs for discharges to waters of the State, including NPDES permits. Any activity, discharge, or proposed activity or discharge from a property or business that could affect California's surface water, coastal waters, or groundwater will (in most cases) be subject to a WDR. The California Water Code authorizes the SWRCB and RWQCBs to conditionally waive WDRs if this is in the public interest.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA), passed in 2014, became law in 2015, and created a legal and policy framework to manage groundwater sustainably at a local level. SGMA allows local agencies to customize groundwater sustainability plans to their regional economic and environmental conditions and needs and establish new governance structures, known as groundwater sustainability agencies (GSAs) (DWR 2023). SGMA requires that a groundwater sustainability plan (GSP) be adopted for groundwater basins designated as high and medium priority under the California Statewide Groundwater Elevation Monitoring (CASGEM) program (described below) by 2020 for basins with critical overdraft of underground aquifers. GSPs are intended to facilitate the use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results. Undesirable results are defined as the following:

- Chronic lowering of groundwater levels (not including overdraft during a drought if a basin is otherwise managed);
- Significant and unreasonable reduction of groundwater storage;
- Significant and unreasonable seawater intrusion;
- Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies;
- Significant and unreasonable land subsidence that substantially interferes with surface land uses; and
- Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

GSPs are required to include measurable objectives, as well as interim milestones in 5-year increments, to achieve the sustainability goal for the basin for the long-term beneficial uses of groundwater. The GSP may, but is not required to, address undesirable results that occurred before, or had not been corrected prior to the date that the SGMA went into effect. The GSA has the discretion to decide whether to set measurable objectives and the timeframes for achieving any objectives for undesirable results that occurred before 2015. Additionally, GSPs are required to include components related to the monitoring and management of groundwater levels within the basin, mitigation of overdraft, and a description of surface water supply used or available for use for groundwater recharge or in-lieu use.

As with other local regulatory requirements, GSP requirements may apply to licensed cultivators located within the boundaries of a GSA and using groundwater as a source; the source could include on- or off-site wells, as well as supplies from water purveyors or water delivery services that have groundwater as some component of their supply.

State Water Resources Control Board Cannabis Cultivation Policy and Cannabis General Order WQ 2023-0102-DWQ

The SWRCB Cannabis Cultivation Policy (2019) establishes principles and guidelines for the diversion and use of water, land disturbances, and the activities related to commercial cannabis cultivation to protect water quantity and quality. The requirements help to minimize the effects of cannabis cultivation on fisheries, wildlife, and water quality, maintain healthy riparian corridors, and protect springs, wetlands, and aquatic habitat. On February 5, 2019, the State Water Resources Control Board adopted the proposed updates to the Cannabis Policy – Principles and Guidelines for Cannabis Cultivation under Resolution No. 2019-0007. The updates were focused on requirements related to tribal buffers, indoor cultivation sites, onstream reservoirs, and winterization requirements (SWRCB 2019).

The General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (WQ 2023-0102-DWQ) (SWRCB General Order) implements the Cannabis Cultivation Policy requirements; specifically, those requirements that address waste discharges associated with cannabis cultivation activities (SWRCB 2023). Waste discharges regulated by the SWRCB General Order may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, or domestic and cultivation related waste. The SWRCB General Order classifies outdoor cannabis cultivation operations into two different tiers based on size, and three different Risk levels based upon site characteristics and threats to water resources. Cannabis cultivators are required to comply with a series of BMPs designed to prevent impacts to water resources.

Under this order, indoor commercial cultivation activities are conditionally exempt. If a proposed project would rely solely on cultivation activities within greenhouses that would have permanent roofs and floors, and that would discharge industrial wastewater to a community sewer system, such project would likely not be subject to the SWRCB General Order.

DCC Commercial Cannabis Business Regulations

The following requirements contained in the DCC regulations are applicable to the Proposed Project:

- California Code of Regulations, title 4, section 16307, subdivision (a) requires all cultivators to comply with all CDPR laws and regulations.

- California Code of Regulations, title 4, section 16307, subdivision (b) contains cultivator protocols to reduce potential effects from pesticide use including: comply with all label requirements, store chemicals in a secure building, contain leaks and spills, apply the minimum amount necessary to control the target pest, and prevent off-site drift.
- California Code of Regulations, title 4, section 15011, subdivision (a)(3) requires that cultivator applicants provide proof of enrollment in or exemption from the applicable SWRCB or RWQCB program for water quality protection.
- California Code of Regulations, title 4, section 16311 requires cultivator applicants to identify all applicable water sources used for cultivation activities and the applicable supplemental information for each source.

3.10.1.3 Local Laws, Regulations, and Policies

Stanislaus County General Plan

Agriculture Element

Goal 3: Protect the natural resources that sustain agricultural industry [in the County].

Objective 3.2: Water Resources

Policy 3.4: The County shall encourage the conservation of water for both agricultural, rural domestic, and urban uses.

Implementation Measure 1: The County shall encourage water conservation by farmers by providing information on irrigation methods and best management practices and coordinating with conservation efforts of the Farm Bureau, Resource Conservation Districts, Natural Resource Conservation Service, and irrigation districts.

Implementation Measure 2: The County shall encourage urban water conservation and coordinate with conservation efforts of cities, local water districts and irrigation districts that deliver domestic water.

Implementation Measure 3: The County shall continue to implement adopted landscape and irrigation standards designed to reduce water consumption in the landscape environment.

Implementation Measure 4: The County shall work with local irrigation districts to preserve water rights and ensure that water saved through conservation may be stored and used locally, rather than "appropriated" and moved to metropolitan areas outside of Stanislaus County.

Implementation Measure 5: The County shall encourage the development and use of appropriately treated water (reclaimed wastewater and stormwater) for both agricultural and urban irrigation.

Policy 3.5: The County will continue to protect the quality of water necessary for crop production and marketing.

Implementation Measure 1: The County shall continue to require analysis of groundwater impacts in Environmental Impact Reports for proposed developments.

Implementation Measure 2: The County shall investigate and adopt appropriate regulations to protect water quality.

Policy 3.6: The County will continue to protect local groundwater for agricultural, rural domestic, and urban use in Stanislaus County.

Implementation Measure 1: The County shall implement the existing groundwater ordinance to ensure the sustainable supply and quality of local groundwater.

Land Use Element

Goal 1: Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of the residents of Stanislaus County.

Policy 4: Urban development shall be discouraged in areas with growth-limiting factors such as high-water table or poor soil percolation, and prohibited in geological fault and hazard areas, flood plains, riparian areas, and airport hazard areas unless measures to mitigate the problems are included as part of the application.

Implementation Measure 1: All requests for development which require discretionary approval and include lands adjacent to or within riparian habitat shall include measures for protecting that habitat.

Implementation Measure 2: Applications for development in areas with growth-limiting factors such as high-water table, poor soil percolation, geological fault areas, flood plains, and airport hazard areas shall include measures to mitigate the problems.

Implementation Measure 3: Development within the 100-year flood boundary shall meet the requirements of Chapter 16.50 (Flood Damage Prevention) of the County Code, and within the designated floodway shall obtain Central Valley Flood Protection Board approval.

Conservation/Open Space Element

Goal 2: Conserve water resources and protect water quality in the County.

Policy 5: Protect groundwater aquifers and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.

Implementation Measure 1: Proposals for urbanization in groundwater recharge areas shall be reviewed to ensure that (1) as much water as possible is returned to the recharge area, (2) the development will not cause discharge of materials detrimental to the quality of the water, and (3) the development will not result in significant groundwater over drafting or deterioration in quality. The Department of Environmental Resources shall require:

In those areas where groundwaters are susceptible to over drafting, the project proponent shall perform a hydrogeological analysis and include appropriate mitigation measures in the proposal.

In those areas where groundwater quality is susceptible to deterioration or is already of reduced quality, the level of wastewater treatment shall be such that it will not cause further quality deterioration.

Implementation Measure 2: The Department of Environmental Resources shall identify and require control of point sources for pollutants stored, handled, or disposed of on the surface of the soil or in the vadose zone that is located in the zone or aeration immediately above the groundwater level. Potential sources of pollutants to the groundwater may also include high densities of individual on-site sewage treatment units and/or the use of community package treatment plants. The Department of Environmental Resources shall require the adoption of groundwater monitoring programs for projects where hydrogeological assessments indicate the potential for groundwater deterioration is likely.

Implementation Measure 3: Stanislaus County shall discourage the use of dry wells as a means of street drainage in urban areas. Dry wells collect and discharge toxic, hazardous and designated contaminants into aquifers having beneficial uses. New projects shall have storm water disposal systems that: (1) are designed not to pollute receiving surface or groundwaters, and (2) which could be integrated into an area-wide groundwater recharge program whenever feasible.

Implementation Measure 4: Encourage new development to incorporate water conservation measures to minimize adverse impacts on water supplies.

Implementation Measure 5: Continue to implement the landscape provisions of the Zoning Ordinance, which encourage drought-tolerant landscaping and water-conserving irrigation methods.

Implementation Measure 6: During the project and environmental review process, encourage new urban development to be served by community wastewater treatment facilities and water systems rather than by package treatment plants or private septic tanks and wells.

Policy 6: Preserve vegetation to protect waterways from bank erosion and siltation.

Implementation Measure 1: Development proposals and mining activities including, or in the vicinity of, waterways and/or wetlands shall be closely reviewed to ensure that destruction of riparian habitat and vegetation is minimized. This shall include referral to the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, State Department of Fish and Wildlife, and the State Department of Conservation.

Implementation Measure 2: Continue to encourage BMPs for agriculture and coordinate with soil and water conservation efforts of Stanislaus County Farm Bureau, Resource Conservation Districts, the U.S. Soil Conservation Service, and local irrigation districts.

Policy 7: New development that does not derive domestic water from pre-existing domestic and public water supply systems shall be required to have a documented water supply that does not adversely impact Stanislaus County water resources.

Implementation Measure 1: Proposals for development to be served by new water supply systems shall be referred to appropriate water districts, irrigation districts, community services

districts, the State Water Resources Board and any other appropriate agencies for review and comment.

Implementation Measure 2: Review all development requests to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short- and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources.

Safety Element

Goal 1: Prevent loss of life and reduce property damage as a result of natural disasters.

Policy 2: Development should not be allowed in areas that are within the designated floodway.

Implementation Measure 1: Development within the 100-year flood boundary shall meet the requirements of Chapter 16.50 (Flood Damage Prevention) of the County Code and within the designated floodway shall obtain Central Valley Flood Protection Board approval.

Implementation Measure 2: The County shall utilize the CEQA process to ensure that development does not occur that would be especially susceptible to flooding. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated.

Implementation Measure 3: The County shall amend its Zoning Ordinance, as needed, for compliance with the Central Valley Flood Protection Act of 2008 (and any subsequent amendments).

Stanislaus County Zoning Ordinance

6.78.080 Commercial Cannabis Cultivation

C. Commercial cannabis cultivation operations shall be conducted in accordance with State and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

1. Water Conservation Measures. Commercial cannabis cultivation operations shall include adequate measures that minimize use of water for cannabis cultivation at the site. Water conservation measures, water capture systems, or grey water systems shall be incorporated into commercial cannabis cultivation operations in order to minimize use of water where feasible.

3.10.2 Environmental Setting

3.10.2.1 Topography and Climate

Topography of the project site and surrounding area is relatively level. The climate of the region is Mediterranean with hot, dry summers and cool, wet winters. Average annual precipitation in the county is 13 inches (Stanislaus County 2016a).

3.10.2.2 Surface Water Hydrology and Quality

The project area is located within the San Joaquin River Hydrologic Region. The San Joaquin River Hydrologic Region covers approximately 9.7 million acres (15,200 square miles) and includes all of Calaveras, Tuolumne,

Mariposa, Madera, San Joaquin, and Stanislaus counties; most of Merced and Amador counties; and parts of Alpine, Fresno, Alameda, Contra Costa, Sacramento, El Dorado, and San Benito counties. The basin includes all watersheds tributary to the San Joaquin River and the Delta south of the Sacramento River and south of the American River watershed (Stanislaus County 2016a).

The San Joaquin River is the principal river of the region, and all other streams are tributary to it. Its larger tributaries include the Cosumnes, Mokelumne, Calaveras, Stanislaus, Tuolumne, Merced, Chowchilla, and Fresno rivers. Of these surface water features, major features that cross Stanislaus County include the San Joaquin, Stanislaus, and Tuolumne rivers, all of which originate in the Sierra Nevada Mountains. The Stanislaus and Tuolumne rivers eventually discharge into the San Joaquin River, which extends to the San Francisco Bay-Delta estuary (Stanislaus County 2016a).

Surface water quality for the three major Stanislaus County rivers (San Joaquin, Stanislaus, and Tuolumne) is good at their sources in the Sierra Nevada Mountains. However, as each river flows through the San Joaquin Valley water quality declines by each successive use. Agricultural and domestic use contribute to water quality degradation. Water quality in the Stanislaus and Tuolumne rivers declines significantly by the time they discharge into the San Joaquin River. Comparatively, water quality declines more in the Tuolumne River than the Stanislaus River from agricultural wastewater returns and gas well wastes (Stanislaus County 2016a).

The SWRCB and nine RWQCBs oversee the protection of water quality in California. The SWRCB sets statewide policy for the implementation of State and federal laws and regulations. The RWQCBs adopt and implement Water Quality Control Plans (Basin Plans) which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities. The project site is located within RWQCB Region 5 Central Valley Region, within the San Joaquin River Basin.

3.10.2.3 Stormwater

The project site is developed with three existing 5,000 square-foot warehouses with a separation of approximately 75 feet between each building. The project site frontage has been improved with a storm drain basin that includes grass and two palm trees. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The project site has been improved with sidewalks, curbs, and gutters at the entrance to the site.

3.10.2.4 Groundwater Levels, Flows, and Quality

The Proposed Project is located within the San Joaquin Valley groundwater basin and the Modesto subbasin. The property is served by the City of Modesto municipal water supply service. The City serves an estimated 291,686 people in its service area (City of Modesto 2017). The City estimated that total water demand for users within its service area in 2025 would be 73,530 acre feet annually (City of Modesto 2017). The City's water supply comes from two sources: treated Tuolumne River surface water purchased on a wholesale basis from the Modesto Irrigation District (MID); and local groundwater pumped from City wells located throughout the City's service area. MID's annual diversion from the Tuolumne River is 315,756 acre-feet of water (City of Modesto 2017). As of October 2015, the City had a total of 110 available groundwater wells located throughout the City's entire water service area (92 wells in the contiguous service area and 18 wells in the outlying service areas). These wells are located within the San Joaquin Valley Groundwater Basin (Modesto, Turlock and Delta-Mendota subbasins) (City of Modesto 2017).

3.10.2.5 Floodplains and Tsunamis

The project site is in a FEMA Flood Zone X (FEMA 2025). FEMA's Flood Zone X is a designation on a flood map that indicates an area with moderate-to-low risk for flood.

According to the County's Safety Element, large portions of the county could be under 10 feet of water or more within a few hours of in the event of dam or levee failure. Seven dams present an inundation risk for Stanislaus County, including: Don Pedro, Exchequer, La Grange, New Melones, Pine Flat, San Luis, and Tulloch Reservoirs. The risks of inundation resulting from failure of a dam pose a threat to the entire valley floor and, in particular, from New Melones and Don Pedro dams within the area of greatest population density (Stanislaus County 2016b).

The Proposed Project is located within Don Pedro inundation area (Stanislaus County 2016b). The project site is not located near the ocean and not located within a tsunami hazard zone.

3.10.3 Discussion of Checklist Responses

a. Violate Any Water Quality Standards, Waste Discharge Requirements or Otherwise Substantially Degrade Water Quality (Less Than Significant Impact)

Stormwater runoff has the potential to introduce pollutants to the environment which may be associated with landscaped areas (such as pesticides and fertilizers) and paved surfaces (oils). The 1.05-acre project site is primarily developed with impervious surfaces; the existing pervious areas would remain unchanged, including a storm drain basin that includes grass and two palm trees. Runoff on-site is collected in an existing stormwater drainage system; no upgrades or changes to the existing stormwater drainage system are required. Plants are currently hand-watered providing adequate supply for plants with minimal run-off or waste. Any drainage from plants is directed to the City sewer via plumbing and discharge pipes.

Phase 3 of the Proposed Project includes the demolition and re-build of the 5,000 square foot warehouse at 538 El Roya Avenue. Because the re-build would be in the same location and same size as the existing building, Phase 3 would not result in the increase of impervious surfaces on the site. The project site is relatively flat, with low potential for surface runoff. Project-related construction activities would not exceed the one-acre threshold of ground disturbance, therefore, adherence to the NPDES General Construction Permit is not required. BMPs for storm water control, such as straw wattles or filter socks, would prevent sediment-laden runoff from areas of ground disturbance. As such, no substantial pollutants would be introduced into storm water runoff, including sediment, during re-build of the warehouse.

Further, the Proposed Project would be compliant with the applicable regulations set forth by the SWRCB General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ 2023-0102-DWQ and requirements of the Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (SWRCB 2019). Cultivation activities would occur within structures with permanent roof and concrete floors and all hydroponic and industrial wastewaters generated on-site would be discharged to the municipal sewer system consistent with the sewer system requirements. Therefore, the Proposed Project is not expected to violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. The impact would **be less than significant**.

b. Substantially Decrease Groundwater Supplies or Interfere Substantially With Groundwater Recharge, Such That the Project May Impede Sustainable Groundwater Management of the Basin (Less Than Significant Impact)

The City of Modesto provides water to the project site, Modesto's Water Services Division operates and maintains approximately 1,000 miles of potable water pipelines and has over 75,000 water service connections and delivers 42 million gallons of water per day (City of Modesto 2025). The City's water sources include groundwater from the Modesto Groundwater Subbasin and treated surface water from Modesto Irrigation District (MID). The City of Modesto supplies approximately 60 percent of its water from City-owned and operated wells. Prior to the completion of the Modesto Regional Water Treatment Plant (MRWTP), the City of Modesto and the surrounding communities relied solely on groundwater for their domestic supply (City of Modesto 2025).

The City of Modesto is located within the San Joaquin Valley Delta-Mendota subbasin. The Modesto Subbasin GSP was developed by the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) and outlines how groundwater would be sustainably managed to avoid undesirable results like significant declines in groundwater levels and degradation of water quality, as required by the SGMA.

California law requires urban water suppliers, including the City of Modesto and MID, to prepare and adopt an Urban Water Management Plan every five years if they provide water for municipal purposes to more than 3,000 customers or supply more than 3,000 acre-feet per year. The City of Modesto's Joint 2020 Urban Water Management Plan (UWMP), prepared jointly with the MID, is a comprehensive plan updated every five years to guide water supply management and demand management for municipal purposes, ensuring adequate water for current and future needs. The UWMP must identify and quantify available water supplies and current and projected water use and demands, and plan for maintaining adequate water supply reliability during normal, dry, and multiple dry water years. Water use for the Proposed Project has been accounted for in the UWMP via the reference to the City's and County's General Plan land use elements.

The Proposed Project involves operation of operation of indoor commercial cannabis cultivation, nursery, and distribution businesses within three existing 5,000 square-foot warehouses on an approximate 1.05-acre parcel. The facility's monthly average for water usage is 94,248 gallons per month with 50 percent for nursery and 50 percent for cultivation. Anticipated usage at full build out would add an additional 56,548 gallons per month for a total usage of 150,976 gallons per month. Using these estimates, the facility would be estimated to use 1,811,712 gallons of water, or 5.56-acre feet of water annually. The water demand for the Proposed Project would be approximately 0.01 percent of the City's current service demands.

The City's Water Services Division serves over 75,000 connections and delivers 42 million gallons of water per day and complies with the UWMP and Modesto subbasin GSP by ensuring water supply reliability and managing water resources sustainably. Therefore, the additional water demand created by the Proposed Project as compared to previous uses warehouse/industrial uses would be nominal relative to the City system's overall service provision. In addition, the Proposed Project's total demand represents a very small percentage of the available groundwater.

Operation of the Proposed Project would not entail the use of water in amounts that would substantially decrease groundwater supplies. The Proposed Project would not make any changes to the site that would interfere with groundwater recharge or impede sustainable groundwater management of the basin. Therefore, the impact related to groundwater would be **less than significant.**

c. Substantially Alter the Existing Drainage Pattern of the Site or Area, Including through the Alteration of the Course of a Stream or River or through the Addition of Impervious Surfaces, in a Manner Which Would:

i. Result in Substantial Erosion or Siltation On- or Off-Site (Less than Significant Impact)

The project site is relatively flat, with minimal elevation change across the site. The project site does not contain and streams, rivers, or other water features. The entire project site is developed with three 5,000-square-foot buildings and almost entirely paved with impermeable surfaces. The project site frontage has been improved with a storm drain basin that includes grass and two palm trees.

The Proposed Project would include the demolition and re-build of 538 El Roya Avenue. Because the re-build would be in the same location and same size as the existing building, no landform or topography alteration is anticipated associated with the re-build. The Proposed Project would not alter existing drainage conditions on- or off-site and would not result in exposed areas susceptible to significant erosion, siltation, and runoff. Construction BMPs for storm water control, such as straw wattles or filter socks, would prevent sediment-laden runoff from any areas of ground disturbance. The impact would be **less than significant**.

ii. Substantially Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- Or Offsite (Less than Significant Impact)

See response to part iv, below.

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 (Less than Significant Impact)

See response to part iv, below.

iv. Impede or Redirect Flood Flows (Less than Significant Impact)

With respect to existing drainage patterns and the potential for the Proposed Project to generate stormwater pollutants, the project site is relatively flat, with minimal elevation change across the site. The project site does not contain and streams, rivers, or other water features. The entire project site is developed with three 5,000-square-foot buildings and almost entire paved with impervious surfaces. The project site frontage has been improved with a storm drain basin that includes grass and two palm trees; no water would be collected or used for cultivation or nursery activities. No change to the existing site is proposed as part of the Proposed Project. The existing drainage is adequate and therefore runoff would not exceed the capacity of the City's storm drain system. The Proposed Project would not alter stormwater runoff drainage patterns on-site or in the surrounding area nor would it result in an increase in the rate or amount of surface runoff in a manner which would result in flood on- or off-site or impede or redirect flood flows. and runoff would continue to be conveyed to the City's storm drain system.

While the Proposed Project has the potential to generate short-term water pollutants during demolition and re-build of the one 5,000-square-foot warehouse such as trash, construction materials, and equipment fluids, BMPs for storm water control, such as straw wattles or filter socks, would prevent sediment-laden runoff from areas of

ground disturbance. Project construction and operation would not alter streams, rivers or other water features in a manner that would result in flooding or redirect flood flows. The impact would be **less than significant**.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation (Less than Significant Impact)

As discussed above, the project site is designated Zone X on the recent FEMA Flood Insurance Rate Map, indicating an area of minimal flood hazard (FEMA 2025). The Proposed Project area is located downstream of a number of reservoirs and their corresponding dams on the Tuolumne and Stanislaus Rivers Flat Dam (Stanislaus County 2016). The project area is identified as being located within a potential dam inundation area of Don Pedro Dam; located approximately 29 miles to the east of the site (Stanislaus County 2022). Should this dam fail, it could result in flooding-related hazards; however, this risk would not be increased relative to the operation of the Proposed Project. In addition, Stanislaus County has developed a Multi-Jurisdictional Hazard Mitigation Plan. The Multi-Jurisdictional Hazard Mitigation Plan contains detailed information on the various types of safety hazards and mitigation strategies to help reduce risk and prevent future losses in Stanislaus County, include dam inundation. This plan is updated every five years.

In the unlikely event of a dam failure that would generate floodwaters with the volume and velocity capable of flooding the intervening agricultural lands, residential neighborhoods, and commercial uses resulting in the release of associated the pollutants (e.g. fertilizer, pesticides, residential and commercial cleaning supplies, and the contents of flooded sewage lines). Pollutants from the Proposed Project as a result of inundation due to dam failure would be negligible in consideration of the amount of pollutants already released into the water from upstream sources in the inundation zone. Therefore, the impact related to release of pollutants due to inundation of the project site would be **less than significant**.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (No Impact)

The project site is located within the San Joaquin River Basin. The Water Quality Control Plan (Basin Plan) for the Central Valley Regional Water Quality Control Board, Region 5 is applicable to the San Joaquin River Basin. The State Water Resource Control Boards Cannabis General Order WQ 2023-0102-DWQ adheres to the water quality and management standards identified in the Basin Plan. Compliance with the Cannabis General Order would ensure that the Proposed Project would not conflict with or obstruct implementation of the Basin Plan. There would be **no impact**.

3.11 Land Use and Planning

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

3.11.1 Regulatory Setting

3.11.1.1 Federal Laws, Regulations, and Policies

No federal regulations are applicable to land use and planning in relation to the Proposed Project.

3.11.1.2 State Laws, Regulations, and Policies

DCC Commercial Cannabis Business Regulations

DCC regulations include requirements for annual license applications pertaining to minimum distance requirements between certain enumerated land uses in Business and Professions Code section 26054, subdivision (b). (Cal. Code Regs., tit. 4, § 15002, subd. (c)(18).) Specifically, pursuant to Section 26054, subdivision (b) of the Business and Professions Code, a commercial cannabis business may not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, daycare center, or youth center that is in existence at the time the license is issued, unless DCC or a local jurisdiction specifies a different radius.

3.11.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

6.78.080 Commercial Cannabis Cultivation

F. Outdoor Cultivation. No outdoor commercial cannabis cultivation is allowed within the unincorporated areas of Stanislaus County.

G. Commercial cannabis cultivation activities in the A-2 zoning district shall be limited to cultivation, nursery, or distribution (limited to permitted commercial cannabis product grown on-site) within the following type of structure:

1. Greenhouse.
2. Accessory storage buildings may be utilized provided the following criteria is met:
    a. The building must meet the requirements of Section 6.78.120(B).
    b. No more than ten thousand square feet of cultivation or nursery canopy shall be allowed.

H. The cumulative total canopy size of cannabis cultivated at the cultivation site shall not exceed the canopy size authorized under the County's CCA permit or State permit, whichever is least.

I. Commercial cannabis cultivation activities shall not be considered agriculture for the purpose of the County's right-to-farm policy or sphere of influence policy.

Chapter 21.61.010, lists the land uses that may be allowed within the industrial business park zoning district, determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size. The purposes of the industrial business park zoning district and the manner in which it is applied is as follows.

- IBP (Industrial/Business Park) District. The IBP zoning district is applied to areas appropriate for light industrial and business park land uses, including low-intensity manufacturing and assembly processes, research and development, and corporate headquarters offices. The land uses allowed and development standards required within the IBP district are intended to protect adjacent areas from impacts while allowing indoor, clean, and quiet industry. Land uses in the IBP zoning district are often organized as a business park, with tenants that may include some commercial activities. The IBP zoning district is consistent with the planned industrial land use designation of the Stanislaus County general plan.

Chapter 21.61.020 identifies the uses of land allowed by this chapter in the industrial business park zoning district, and the land use permit required to establish each use, in compliance with the Stanislaus County zoning ordinances. The following uses are permitted subject to the development standards (21.61.040): crop farming and horticulture, assembly of products, call centers, communication systems research and development, computer systems research and development, electronic repair and assembly, manufacturing and technology support industries, packaging, printing and publishing companies, book binding, software development, wholesale distribution and catalog sales, parcel delivery service.

3.11.2 Environmental Setting

The project site is located on approximately 1.05-acre parcel in the M (Industrial) zoning district, unincorporated Stanislaus County, California. The project site is completely developed with three existing 5,000 square-foot warehouses. The project site frontage has been improved with a storm drain basin that includes grass and two palm trees. The frontage of the project site along El Roya Avenue has been improved with sidewalks, curbs, gutters, and a wrought iron gate for entrance and exit. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The project site is entirely fenced with a seven-foot-tall opaque chain linked fence on all but the north side, which is a six-foot pre-existing fence. The fenced project site is bordered by paved local and collector roads.

Land uses in the immediate vicinity of the site are primarily industrial uses; legally non-conforming single-family dwellings exist to the west and south of the site. The residential development near the Proposed Project occurred prior to the establishment of the M zoning district and Stanislaus County considers those residences as non-conforming. The Modesto Airport is located to the west and the City of Modesto to the west and north. The site is located within the City of Modesto’s Local Agency Formation Commission adopted Sphere of Influence.

The project site and the surrounding single-family dwellings are located in the M (Industrial) zoning district. The intent of the Industrial designation is to provide areas for various forms of light or heavy industrial uses, including, but not limited to, uses such as manufacturing and warehousing.

3.11.3 Discussion of Checklist Responses

a. Physically Divide an Established Community (No Impact)

All project improvements would be located entirely within the approximate 1.05-acre fenced project site, which is zoned for industrial uses. Existing land uses surrounding the site primarily consist of industrial uses and a few non-conforming residential uses. The Proposed Project would not alter or diminish access to adjacent properties. Construction and operation of the Proposed Project would not physically divide an established community. There would be **no impact** on land use.

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 (No Impact)

According to the Stanislaus County General Plan Land Use and Zoning Map the project site is designated as M (Industrial). The proposed operation of indoor commercial cannabis cultivation, nursery, and distribution businesses is consistent with the General Plan land use and zoning designation of Industrial. The Proposed Project would not conflict with any land use plan, policy, or regulation. Based on analysis contained in this Initial Study, the Proposed Project would not create a significant adverse effect either directly or indirectly to the physical environment. There would be **no impact** on land use.

3.12 Mineral Resources

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

3.12.1 Regulatory Setting

3.12.1.1 Federal Laws, Regulations, and Policies

No federal regulations are applicable to mineral resources in relation to the Proposed Project.

3.12.1.2 State Laws, Regulations, and Policies

Surface Mining and Reclamation Act of 1975

The Surface Mining and Reclamation Act of 1975 (SMARA) provides comprehensive policies on surface mining and reclamation activities to ensure the minimization of adverse environmental impacts. Another responsibility of SMARA is to encourage the production, conservation, and protection of mineral resources of the state (DOC 2018). As part of SMARA, all mines in California are required to provide annual reports. The State Mining and Geology Board is required to identify, map, and classify any aggregate resources found throughout the state that contain significant mineral resources. Local jurisdictions are required to establish mineral resource management policies in their general plans that seek to enhance mineral conservation.

3.12.1.3 Local Laws, Regulations, and Policies

No local laws, regulations, and policies are applicable to mineral resources in relation to the Proposed Project.

3.12.2 Environmental Setting

The SMARA identifies and protects California's mineral resources. The State Mining and Reclamation Act mandated the California Geological Survey to implement a classification-designation process. SMARA has developed mineral land classification maps and reports to assist in the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are as follows:

- MRZ 1: Areas where adequate information indicates that no significant mineral deposits are present or likely to be present.
- MRZ 2: Areas where significant mineral deposits are present or likely to be present.

- MRZ 3: Areas with known mineral deposits that may qualify as mineral resources.
- MRZ 4: Areas of unknown or undetermined mineral resource potential.

The predominant mineral resources in the Stanislaus County are sand and gravel (Stanislaus County 2016). No areas classified as Mineral Resource Zones (MRZ-2a or MRZ-2b) under the Surface Mining and Reclamation Act—that is, areas where significant mineral deposits have been determined to exist—occur within the project area. Modesto is entirely within an area zoned MRZ-3a for sand and gravel This designation indicates areas containing known mineral occurrences of undetermined significance. As recently as 1998, there were five active sand and gravel operations and one specialty sand mining operation in Modesto (Stanislaus County 2016). However, no mining activity occurs in the project area.

3.12.3 Discussion of Checklist Responses

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 (No Impact)

There are no known mineral resources on the project site or in the immediate vicinity (Stanislaus County 2016). The Proposed Project does not involve any use that would result in impacts to mineral resources. The project site is located in the M (Industrial) zoning district and currently developed with three existing 5,000 square-foot warehouses. The Proposed Project would have **no impact** on mineral resources of value to the region and the residents of the state.

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 (No Impact)

There are no mineral resource recovery sites identified on or adjacent to the project site. The Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site. The Proposed Project would have **no impact** on mineral resources delineated on a local general plan, specific plan, or other land use plan.

3.13 Noise

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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 applicable standards of other agencies?	☐	☐	☒	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan area, or, where such a plan has not been adopted, within 2 miles of a public airport or public-use airport, would the project expose people residing or working in the project site to excessive noise levels?	☐	☐	☐	☒

3.13.1 Overview of Noise and Vibration Concepts and Terminology

3.13.1.1 Noise

In the CEQA context, noise can be defined as unwanted sound. Sound is characterized by various parameters, including the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient sound level, or sound intensity. The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all frequencies in the spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive, creating the A-weighted decibel (dBA) scale.

Different types of measurements are used to characterize the time-varying nature of sound. Below are brief definitions of these measurements and other terminology used in this chapter.

Decibel (dB) is a measure of sound on a logarithmic scale that indicates the squared ratio of sound pressure amplitude to a reference sound pressure amplitude. The reference pressure is 20 micro-pascals.

A-weighted decibel (dBA) is an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.

Maximum sound level (Lmax) is the maximum sound level measured during a given measurement period.

Minimum sound level (Lmin) is the minimum sound level measured during a given measurement period.

Equivalent sound level (Leq) is the equivalent steady-state sound level that, in a given period, would contain the same acoustical energy as a time-varying sound level during that same period.

Percentile-exceeded sound level (Lxx) is the sound level exceeded during *x* percent of a given measurement period. For example, L_{10} is the sound level exceeded 10 percent of the measurement period.

Day-night sound level (Ldn) is the energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels during the period from 10:00 p.m. to 7:00 a.m. (typical sleeping hours). This weighting adjustment reflects the elevated sensitivity of individuals to ambient sound during nighttime hours.

Community noise equivalent level (CNEL) is the energy average of the A-weighted sound levels during a 24-hour period, with 5 dB added to the A-weighted sound levels between 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels between 10:00 p.m. and 7:00 a.m.

In general, human sound perception is such that a change in sound level of 3 dB is barely noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level. **Table 3.13-1** presents approximate noise levels for common noise sources, measured adjacent to the source.

Table 3.13-1. Examples of Common Noise Levels

Common Outdoor Activities	Noise Level (dBA)
Jet flyover at 1,000 feet	110
Gas lawnmower at 3 feet	100
Diesel truck at 50 feet traveling 50 miles per hour	90
Noisy urban area, daytime	80
Gas lawnmower at 100 feet, commercial area	70
Heavy traffic at 300 feet	60
Quiet urban area, daytime	50
Quiet urban area, nighttime	40
Quiet suburban area, nighttime	30
Quiet rural area, nighttime	20

Source: Caltrans 2013

3.13.1.2 Vibration

Groundborne vibration propagates from the source through the ground to adjacent buildings by surface waves. Vibration may be composed of a single pulse, a series of pulses, or a continuous oscillatory motion. The frequency of a vibrating object describes how rapidly it is oscillating, measured in Hertz. Most environmental vibrations consist of a composite, or "spectrum," of many frequencies. The normal frequency range of most ground-borne vibrations that can be felt generally starts from a low frequency of less than 1 Hertz to a high of about 200 Hertz. Vibration information for this analysis has been described in terms of the peak particle velocity (PPV), measured in inches per second, or of the vibration level measured with respect to root-mean-square vibration velocity in decibels, with a reference quantity of 1 micro-inch per second.

Vibration energy dissipates as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source. High-frequency vibrations reduce much more rapidly than do those characterized

by low frequencies, so that in a far-field zone distant from a source, the vibrations with lower frequency amplitudes tend to dominate. Soil properties also affect the propagation of vibration. When groundborne vibration interacts with a building, a ground-to-foundation coupling loss usually results but the vibration also can be amplified by the structural resonances of the walls and floors. Vibration in buildings is typically perceived as rattling of windows, shaking of loose items, or the motion of building surfaces. In some cases, the vibration of building surfaces also can be radiated as sound and heard as a low-frequency rumbling noise, known as ground-borne noise.

Groundborne vibration is generally limited to areas within a few hundred feet of certain types of industrial operations and construction/demolition activities, such as pile driving. Road vehicles rarely create enough groundborne vibration amplitude to be perceptible to humans unless the receiver is in immediate proximity to the source or the road surface is poorly maintained and has potholes or bumps. Human sensitivity to vibration varies by frequency and by receiver. Generally, people are more sensitive to low-frequency vibration. Human annoyance also is related to the number and duration of events; the more events or the greater the duration, the more annoying it becomes.

3.13.2 Regulatory Setting

3.13.2.1 Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies for construction-related noise and vibration apply to the Proposed Project. However, the Federal Transit Administration *Guidelines for Construction Vibration in Transit Noise and Vibration Impact Assessment* state that for evaluating daytime construction noise impacts in outdoor areas, noise thresholds of 90 dBA L_{eq} and 100 dBA L_{eq} should be used for residential and commercial/industrial areas, respectively (FTA 2018).

For construction vibration impacts, the Federal Transit Administration guidelines use an annoyance threshold of 80 velocity in decibels for infrequent events (fewer than 30 vibration events per day) and a damage threshold of 0.12 inch per second (in/sec) PPV for buildings susceptible to vibration damage (FTA 2018).

The US Environmental Protection Agency (EPA) Office of Noise Abatement and Control was originally established to coordinate Federal noise control activities. In 1981, EPA administrators determined that subjective issues such as noise would be better addressed at more local levels of government. Consequently, in 1982 responsibilities for regulating noise control policies were transferred to State and local governments. However, documents and research completed by the EPA Office of Noise Abatement and Control continue to provide value in the analysis of noise effects.

3.13.2.2 State Laws, Regulations, and Policies

California requires each local government entity to implement a noise element as part of its general plan. California Administrative Code, title 4, presents guidelines for evaluating the compatibility of various land uses as a function of community noise exposure. The state land use compatibility guidelines are listed in **Table 3.13-2**.

For the protection of fragile, historic, and residential structures, Caltrans recommends a more conservative threshold of 0.2 in/sec PPV for normal residential buildings and 0.08 in/sec PPV for old or historically significant structures (Caltrans 2020).

Table 3.13-2. State Land Use Compatibility Standards for Community Noise Environment

Land Use Category	Community Noise Exposure - L_{dn} or CNEL (dB)						
	55	60	65	70	75	80	
Residential – Low Density Single Family, Duplex, Mobile Homes							
Residential – Multi-Family							
Transient Lodging – Motels, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arenas, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							
Office Buildings, Business Commercial and Professional							
Industrial, Manufacturing, Utilities, Agriculture							

Normally Acceptable:	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Conditionally Acceptable:	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
Normally Unacceptable:	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Clearly Unacceptable:	New construction or development generally should not be undertaken.

Source: California Governor's Office of Planning and Research 2017

3.13.2.3 Local Laws, Regulations, and Policies

Stanislaus County General Plan

Noise Element (Stanislaus County 2016a)

Goal 1: Prevent the encroachment of incompatible land uses near known noise producing industries, railroads, airports and other sources to protect the economic base of the County.

Policy 1: It is the policy of Stanislaus County to utilize the noise exposure information contained within the General Plan to identify existing and potential noise conflicts through the Land Use Planning and Project Review processes.

Implementation Measure 1: Areas within Stanislaus County shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding the performance standards described by **Table 3.13-3**.

Goal 2: Protect the citizens of Stanislaus County from the harmful effects of exposure to excessive noise.

Policy 2: It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise sensitive land uses.

Implementation Measure 1: New development of noise-sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to the following levels:

A. For transportation noise sources, such as traffic on public roadways, railroads, and airports, 60 Ldn (or CNEL) or less in outdoor activity areas of single-family residences, 65 Ldn (or CNEL) or less in community outdoor spaces for multi-family residences, and 45 Ldn (or CNEL) or less within noise sensitive interior spaces. Where it is not possible to reduce exterior noise due to these sources to the prescribed level using a practical application of the best available noise-reduction technology, an exterior noise level of up to 65 Ldn (or CNEL) will be allowed. Under no circumstances will interior noise levels be allowed to exceed 45 Ldn (or CNEL) with the windows and doors closed in residential uses.

B. For other noise sources such as local industries or other stationary noise sources, noise levels shall not exceed the performance standards contained within Table 3.13-3.

Implementation Measure 2: New development of industrial, commercial or other noise generating land uses will not be permitted if the resulting noise levels will exceed 60 Ldn (or CNEL) in noise-sensitive areas. Additionally, the development of new noise-generating land uses which are not pre-empted from local noise regulation will not be permitted if the resulting noise levels will exceed the performance standards contained in Table 3.13-3 in areas containing residential or other noise sensitive land uses.

Table 3.13-3. Maximum Allowable Noise Exposure - Stationary Noise Sources[4]

	Daytime 7:00 a.m. to 10:00 p.m.	Nighttime 10:00 p.m. to 7:00 a.m.
Hourly Leq dBA	55	45
Maximum level, dBA	75	65

Source: Stanislaus County Noise Element 2016a.

Each of the noise level standards specified in Table 3.13-3 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in **Table 3.13-3** should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

Policy 3: It is the objective of Stanislaus County to protect areas of the County where noise-sensitive land uses are located.

Policy 4: It is the objective of Stanislaus County to ensure that the Noise Element is consistent with and does not conflict with other elements of the Stanislaus County General Plan.

Stanislaus County Ordinances

Chapter 6.78 Commercial Cannabis Activities

6.78.120 General Operational Standards

D. Odor Control. Odor control devices and techniques shall be incorporated into all commercial cannabis activities to ensure that odors from cannabis are not detectable off-site. Commercial cannabis activities shall provide a sufficient odor absorbing ventilation and exhaust system so that cannabis odors are not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as a commercial cannabis activity. As such, the permittees shall install and maintain an exhaust air filtration system or other similar equipment with odor control that prevents internal odors from being emitted externally.

1. In no case shall untreated air be vented outside of any building used to conduct a commercial cannabis activity.
2. The devices and techniques to be used to control odor shall be reviewed and approved by a certified professional approved by the County and an audit of the devices and techniques to be used shall be conducted within thirty days of the commercial cannabis activity being conducted upon issuance of a CCA permit.

Chapter 10.46-Noise Control Ordinance

Stanislaus County's noise control ordinance, Chapter 10.46 of the Stanislaus County Code states that it is unlawful for any person at any location within the unincorporated area of the County to create any noise or to allow the

[4] As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.

creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the County to exceed the noise level standards as set forth below:

1. Unless otherwise provided herein, the following exterior noise level standards presented in **Table 3.13-4** shall apply to all properties within the designated noise zone:

Table 3.13-4. Exterior Maximum Noise Level Standards*

Designated Noise Zone	7:00 a.m. to 9:59 p.m.	10:00 p.m. to 6:59 a.m.
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75

*Maximum A-weighted sound level as measured on a sound level meter (Lmax).

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards presented in **Table 3.13-5**:

Table 3.13-5. Cumulative Duration Allowance Standards

Cumulative Duration	Cumulative Duration
Equal to or greater than 30 minutes per hour	Table 3.13 4 plus 0 dB
Equal to or greater than 15 minutes per hour	Table 3.13 4 plus 5 dB
Equal to or greater than 5 minutes per hour	Table 3.13 4 plus 10 dB
Equal to or greater than 1 minute per hour	Table 3.13 4 plus 15 dB
Less than 1 minute per hour	Table 3.13 4 plus 20 dB

The Noise Control Ordinance limits construction noise to 75 dBA at any receiving property line between the hours of 7:00 p.m. and 7:00 a.m. With regard to vibration, ordinance 10.46.070 states that activity that creates vibration that is above the vibration perception threshold of any individual at or beyond the property boundary of the source if on private property, or at one hundred fifty feet from the source if on a public space or public right-of-way is prohibited. The ordinance defines "vibration perception threshold" as the minimum ground-borne or structure-borne vibration motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects, or a measured motion velocity of 0.01 inch per second over the range of one to one hundred Hertz.

Stanislaus County Airport Land Use Compatibility Plan

The Stanislaus County ALUCP identifies noise compatibility standards for a wide variety of land uses. In summary, the plan states that all new residential development and children's schools are deemed incompatible within the projected CNEL 60 dB contour of each airport. New non-residential development is deemed incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use. The plan provides specific applicable criteria for various land use types (Stanislaus County 2016b).

3.13.3 Environmental Setting

Industrial uses surround the property in all directions. Legally non-conforming single-family dwellings exist to the west and south of the site. There are six single-family dwellings located near the Proposed Project site, the closest being approximately 55 feet and the furthest approximately being 184 feet away. Besides these residences, there are no other sensitive receptors nearby.

3.13.4 Discussion of Checklist Reponses

a. 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 Applicable Standards of Other Agencies (Less than Significant Impact)

The Proposed Project includes commercial cannabis cultivation and ancillary activities on land designated for industrial uses. The nearest sensitive receptors (six residences) are between approximately 55 feet and 184 feet away from the project site. The Proposed Project consists of operation of indoor commercial cannabis cultivation, nursery, and distribution operations. The Proposed Project consists of three phases of operation within three existing 5,000-square-foot warehouses on an approximate 1.05-acre parcel.

Construction

The Proposed Project would include temporary construction activities to renovate two warehouses and demolish and reconstruct one of the three warehouses. Phase 2 would renovate the 540 El Roya site D to current commercial cannabis industry standards. Phase 3 would include the demolition and rebuild of the warehouse at 538 El Roya Avenue. All construction would occur between the hours of 7:00 a.m. and 7:00 p.m., as required by the County.

Demolition and re-construction of buildings and structures would include the following activities:

- Grading and site preparation;
- Delivery and assembly of premanufactured structures;
- Installation of electrical/instrumentation equipment; and
- Installation of mechanical equipment and piping.

Construction noise would be temporary in nature and similar to other development projects within the County. The nearest sensitive receptors are between approximately 55 and 184 feet of the project site and may be adversely affected by temporary construction noise.

The Proposed Project would comply with the County's Noise Control Ordinance which ensures that noise limitations are imposed to minimize temporary noise impacts associated with construction by restricting construction activities to the daytime hours. The project's construction noise impact would be **less than significant**.

Operation

The Proposed Project would be approximately 55 feet from the nearest sensitive receptor (residence). Hours of operation would be Monday through Friday, 7:00 a.m. to 3:00 p.m. and Saturday and Sunday, 9:00 a.m. to 1:00 p.m. Operational components include indoor mixed-light commercial cannabis cultivation, nursery cultivation, and ancillary processing and ancillary transport of cannabis products off-site. The buildings would be equipped with odor-reduction technology that has the potential to increase the ambient noise levels in the area. Circulation fans and ventilation sidewall fans, as required by Stanislaus Code Section 6.78.120(D) General Operational Standards: Odor Control, would generate a maximum of 70 dBA at a distance of 5 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, assuming a distance of 55 feet to the

nearest sensitive receptor, maximum noise levels generated from the odor control system during harvest periods would be perceived at approximately 49 dB. This would be below the maximum exterior noise level set forth by the Stanislaus County General Plan Noise Element and Noise Control Ordinance.

The Proposed Project would also generate noise during the operating hours indicated above via added employee and delivery vehicle traffic serving the Proposed Project.

The Proposed Project is located in an existing industrial area where the types of noises generated would be consistent with existing uses in the various parcels surrounding the Proposed Project.

Due to the Proposed Project's location and design features, operational noise is not expected to exceed daytime or nighttime exterior noise thresholds established in the Stanislaus County Noise Control Ordinance. The Proposed Project's operational noise impact would be **less than significant**.

Conclusion

The Proposed Project's construction and operational noise impact would be **less than significant**.

b. Generate Excessive Groundborne Vibration or Groundborne Noise Levels (Less than Significant Impact)

According to the County's Noise Control Ordinance Section 10.46.060(E), construction-related vibration is exempt from the County's vibration standards between the hours of 7:00 a.m. and 7:00 p.m. The Proposed Project would be constructed within this timeframe. The Proposed Project would require ground-disturbing activities; however, the Proposed Project would not include pile driving or other high-impact activities that could generate substantial groundborne noise or groundborne vibration during construction. Any groundborne noise or vibration generated by short-term construction activities would be intermittent and limited to the immediate work area and is not anticipated to disturb nearby residential land uses.

Operation of the Proposed Project does not include new features that could generate substantial groundborne noise. Therefore, the impact related to exposure of persons to or generation of excessive groundborne noise or vibration levels would be **less than significant**.

c. For a Project Located within the Vicinity of a Private Airstrip or an Airport Land Use Plan Area, or, within 2 Miles of a Public Airport or Public-Use Airport, Expose People Residing or Working in the Project Site to Excessive Noise Levels (No Impact)

The nearest airport to the project site is the Modesto City–County Airport, which is located approximately 1.5 miles to the southwest. However, it would not expose people at the project site to excessive noise as it does not fall within a designated Noise Impact Zone according to the Stanislaus County Airport Land Use Compatibility Plan (Stanislaus County 2016b). Therefore, there would be **no impact** with respect to airport noise.

3.14 Population and Housing

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.14.1 Regulatory Setting

There are no federal or State regulations or policies applicable to population and housing in relation to the Proposed Project.

3.14.1.1 Local Laws, Regulations, and Policies

Stanislaus County Housing Element

The Housing Element incorporated into the General Plan was adopted on April 5, 2016. The County has prepared a Draft 2023-2031 Housing Element, the 6th Cycle Regional Housing Needs Plan is currently being developed by the Stanislaus Council of Governments. The Regional Housing Needs Plan will cover the period from 2023 to 2031. The Housing Element is one of seven mandated elements of the General Plan. State requirements for the content of the Housing Element are more specific than other parts of the General Plan, and all parts of the General Plan must be internally consistent. County actions involving zoning and subdivision approval must be consistent with the Housing Element. The Housing Element provides goals, policies, and programs address the County's current and projected housing needs as well as State housing law.

3.14.2 Environmental Setting

The project site is located within unincorporated Stanislaus County. Stanislaus County's population is currently estimated at 551,430 as of July 1, 2023, a 0.3 percent decrease from the April 1, 2020, population of 552,878 (U.S. Census Bureau 2023). According to the General Plan Housing Element, in 2020 there were estimated to be approximately 38,098 households and a population of 117,807 in unincorporated Stanislaus County (Stanislaus County 2016). In contrast, the population was 110,236 in 2010, and most of the growth in the county was anticipated to take place within the incorporated cities (Stanislaus County 2016).

3.14.3 Discussion of Checklist Responses

a. Induce Substantial Unplanned Population Growth (Less than Significant Impact)

The Proposed Project would include some small-scale construction in a future phase of development, including the reconstruction of an existing warehouse. Construction workers would be likely to be local residents but could be from outside the local area. Construction would be temporary and would not result in long term or significant population increases.

The number of employees for Proposed Project operations would be a maximum of eight at full project build out. While it is likely that most employees would already reside locally, it is possible that employment at the Proposed Project would draw people from outside the county to live in the area. However, the small business size and associated number of employes would not result in substantial unplanned population growth in the area. This impact would be **less than significant**.

b. Displace Substantial Numbers of Existing People or Housing (No Impact)

The Proposed Project involves demolition of an existing warehouse. However, the site is not used for residential purposes, and the warehouse would be rebuilt on the same site. Therefore, the Proposed Project would not displace a substantial number of people or housing. There would be **no impact**.

3.15 Public Services

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
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, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

3.15.1 Regulatory Setting

3.15.1.1 Federal Laws, Regulations, and Policies

Several federal agencies have jurisdiction over law enforcement and fire protection related to unlicensed commercial cannabis cultivation operations on federal lands in California. Because cannabis use and cultivation remain illegal under federal law, several federal agencies investigate and prosecute cannabis use, cultivation, and distribution on federally managed lands. Federal agencies involved in law enforcement in California include the U.S. Forest Service (USFS), whose Law Enforcement and Investigations division conducts law enforcement operations on federal lands, including eradication of unlicensed cannabis cultivation on national forest lands. Both the U.S. Bureau of Land Management and the National Park Service law enforcement programs target cannabis cultivation on federally managed lands.

In addition to law enforcement on federal lands, there are federal agencies that investigate and prosecute cannabis business activities, which is currently illegal at the federal level. The Federal Bureau of Investigation, as the nation's foremost law enforcement agency, also works in California to investigate federal crimes and crimes that occur across state lines, including drug trafficking. The U.S. Drug Enforcement Administration enforces federal controlled substances laws and regulations, including enforcement activities related to cannabis.

3.15.1.2 State Laws, Regulations, and Policies

California Health and Safety Code

State fire regulations are set forth in section 13000 et seq. of the Health and Safety Code. The Health and Safety Code includes requirements related to fire protection and notification systems, fire protection devices, such as extinguishers and smoke alarms, and fire suppression training.

California Division of Occupational Safety and Health Regulations

In accordance with California Code of Regulations, title 8, sections 1270 (Fire Prevention) and 6773 (Fire Protection and Fire Equipment), Cal/OSHA has established minimum standards for fire suppression and emergency medical service (EMS). The standards include guidelines on the handling of highly combustible materials; fire hose sizing requirements; restrictions on the use of compressed air; access roads; and the testing, maintenance, and use of all firefighting and emergency medical equipment.

California Building, Electrical, and Fire Codes

The California Building Standards Code (Cal. Code Regs., title 24) serves as the basis for the design and construction of buildings in California. The California Building Standards Code (Cal. Code Regs., title 24, Part 2) covers all aspects of building design and required safety features for all types of buildings, including fire protection systems, fire and smoke protection features, means of egress, and structural design and materials. Title 24, Part 3 is the Electrical Code, which contains standards for electrical systems, including safety features such as overcurrent protection, surge arresters, and proper wiring methods.

Title 24, Part 9 is the California Fire Code. This portion of the code contains requirements related to emergency planning and preparedness, fire service features, building services and systems, fire-resistance-rated construction, fire protection systems, and construction requirements for existing buildings, as well as specialized standards for specific types of facilities and materials.

DCC Commercial Cannabis Business Regulations

MAUCRSA and its implementing regulations contain several provisions designed to reduce impacts to public services.

Under MAUCRSA, all cannabis business licensees in California must record activities on the state track-and-trace system, which will require unique identifiers of cannabis and cannabis products. Licensees are required to report the movement of immature and mature cannabis or cannabis products on the licensed premises and any movement associated with commercial cannabis activity between licensees through the track-and-trace system. This system is the primary recordkeeping and inventory system for recording all applicable commercial cannabis activities. Licensees are required to establish a functioning account in the track-and-trace system and must maintain an active account while licensed. The track-and-trace system is intended to reduce and report diversion of cannabis and cannabis products and thus reduces burdens on law enforcement services (Cal. Code Regs., tit. 4, §§ 15047.1 - 15051).

DCC regulations include minimum distance requirements between annual license holders and certain sensitive uses as enumerated in Business and Professions Code section 26054, subdivision (b). (Cal. Code Regs., tit. 4, § 15002, subd. (c)(18).) Specifically, section 26054, subdivision (b) of the Business and Professions Code specifies that a state-licensed cannabis business may not be located within a 600-foot radius of a school providing

instruction in kindergarten or any grades 1 through 12, daycare center, or youth center that is in existence at the time the license is issued, unless the DCC or a local jurisdiction specifies a different radius.

Chapter 1, Article 5 of the DCC regulations details a range of security measures applicable to licensed cannabis distributors. The regulations require employees to display identification badges at all times when engaged in commercial cannabis activities. (Cal. Code Regs., tit. 4, § 15043.) Cannabis distributors are subject to detailed rules regarding video surveillance. All areas where cannabis is being handled or sold, all entrances and exits, all security areas, and all storage areas must be recorded 24 hours per day. (Cal. Code Regs., tit. 4, § 15044.)

Cannabis distributors are required to install commercial-grade locks on all doors to all points of entry as and limited-access areas within the facility. (Cal. Code Regs., tit. 4, § 15046.) Licensed businesses must also install an alarm system that is monitored by a licensed alarm company operator. (Cal. Code Regs., tit. 4, § 15047.) All applicants for cannabis businesses must be prepared to submit a description of security procedures to the DCC upon request. (Cal. Code Regs. tit. 4, § 15011, subd. (b)(9).) Cannabis business license applicants must submit a detailed premises diagram, including a diagram of where all cameras are located. (Cal. Code Regs., tit. 4, § 15006.)

3.15.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

6.78.080 Commercial Cannabis Cultivation

A. All permittees conducting cultivation activities under this chapter shall comply with the State of California and Stanislaus County Agricultural Commissioner's requirements for unique identifiers and Track and Trace programs.

D. Visibility. In no case, shall cannabis plants be visible from off site, including transfer. No visual markers indicating that cannabis is cultivated on the site shall be visible from off site. All greenhouse cultivation activities shall be fully enclosed by an opaque fence, made of uniform material, at least seven feet in height. The fence must be adequately secured by a locked gate to prevent unauthorized entry. The fence design and construction material shall be approved by the County.

Stanislaus County Code, Title 23

In order to implement the goals and objectives of the County general plan and to mitigate impacts caused by new development within the County, public facilities fees are necessary. The fees are needed to finance public facilities and to assure that new development pays its fair share for these improvements. The public facility fees enacted pursuant to this title are to be collected before the issuance of building permits or at the earliest time permitted by law as determined by the chief building official.

Stanislaus County Code, Title 24

In order to protect and safeguard the public from the peril of fire, to implement the goals and objectives of the County general plan and to mitigate impacts caused by new development within the County, the County collects fire protection facilities impact fees. These fees are needed to finance fire protection facilities and to assure that new development pays its fair share for these improvements. Fire protection facility fees enacted pursuant to this title are to be paid to the fire protection district before the issuance of building permits. Proof of payment of the applicable fee shall be submitted prior to the issuance of a building permit.

Stanislaus County Public Facilities Fee Program

In 1987 California adopted the Mitigation Fee Act which allowed local governments to collect impact fees related to construction and provided the requirements for establishing, collecting, and reporting of impact fees California Government Code Sections 66000 through 66008). The County Public Facilities Fees (PFF) were first approved in late 1989, becoming operative in March 1990. The use of this fee is limited to capital improvements or facilities, it does not replace, repair or maintain the existing level-of-service provided by the County.

This program was designed to ensure that the need for expanded County facilities directly attributable to increased population be paid for by those creating the need. Fees collected under this program pay for capital improvements related to emergency services, libraries, and police protection (County sheriff), among other things. The fees are adjusted on a regular basis to account for changes in cost or in development forecasts (Stanislaus County 2024).

Stanislaus County Parks Master Plan

The 2018 County Parks Master Plan (Master Plan) was written as an update to the 1999 Stanislaus County Parks Master Plan (Stanislaus County 2018). The Master Plan provides a comprehensive review of Stanislaus County's parks and recreation resources and provides inventory, assessment, and recommendations as to the County's current and future parks and recreation needs. The Master Plan also strives to grow the County's efforts toward increasing economic viability of its park facilities. Where appropriate, actionable timelines and budgets have been assigned to future planning efforts which focus on specific associated elements of this plan.

3.15.2 Environmental Setting

3.15.2.1 *Fire Protection*

The Proposed Project would be served by the Stanislaus Consolidated Fire Protection District. The nearest fire station is approximately 1.5 miles from the Proposed Project. It is Fire Station 21 located at 461 Mitchell Road serving the Airport District, the Beard Industrial Tract, and Gallo Winery. Additional automatic aid agreements are in place for the surrounding area. The station houses two Type 1 Engines, one Type 6 Grass, and one Type 1 Water Tender. This station is staffed 24 hours per day, 7 days per week with three personnel (Stanislaus Consolidated Fire Protection District 2024).

3.15.2.2 *Police Protection*

The Proposed Project would be served by the Stanislaus County Sheriff's Department (SCSD). The SCSD is charged with law enforcement duties in Stanislaus County. Its Operations Division has principal jurisdiction in all unincorporated areas, covering an area of approximately 1,521 square miles with a population of more than 200,000. Of the nine cities in the county, SCSD provides law enforcement services to four contract cities: Patterson, Riverbank, Hughson, and Waterford. The cities of Ceres, Modesto, Newman, Oakdale, and Turlock maintain their own police departments. The Operations Division is divided into two units, Patrol and Investigations. Patrol Services is responsible for investigating crime, making arrests, providing preventative patrols, and rendering assistance or aid where necessary. The Investigations Unit follows up on cases that warrant further investigation (Stanislaus County 2016).

3.15.2.3 *Schools*

The school nearest to the Proposed Project is Capistrano Elementary. It is approximately 1.4 miles to the north of the Proposed Project at 400 Capistrano Drive.

3.15.2.4 *Parks*

The closest parks to the Proposed Project are all approximately two miles away. They are the Tuolumne River Regional Park (southwest), Ceres River Bluff Regional Park (southeast), East La Loma Park (northwest), and Riverside Park (north).

3.15.2.5 *Other Public Facilities*

There were no other public facilities of any type (libraries, social services, etc.) identified within one mile of the Proposed Project.

3.15.3 Discussion of Checklist Responses

a. Result in Adverse Physical Impacts Associated with the Provision of New or Physically Altered Governmental Facilities or a Need for New or Physically Altered Governmental Facilities

i. Fire Protection (Less than Significant Impact)

An elevated risk of fire associated with indoor commercial cannabis cultivation is a common concern. Indoor commercial cannabis cultivation typically involves use of high intensity grow lights, as well as various other pieces of equipment (e.g., water pumps, humidity control, temperature control), which can create a relatively large electrical load. If the load exceeds the system capacity (e.g., as may occur in a building without appropriate or updated wiring for use in commercial cannabis cultivation), it could result in an electrical fire.

The Proposed Project would include improvements that would modify structures and other facilities for commercial cannabis cultivation and processing uses that could generate the possible need for fire protection services. These buildings would be modified, as needed, with electrical and fire prevention systems that are assembled and installed in compliance with building and electrical codes. In addition, DCC regulations require that applicants for indoor cultivation licenses must attest that the local fire department has been notified of the cultivation site (Cal. Code Regs. tit. 4, § 15011(10)).

Fire protection may be required in the event of an accident, but such requirements would be short term and would not require increases in the level of public service offered. Considering the small size of the Proposed Project, and the fact the baseline condition included previous uses, there would not be the need for the Stanislaus Consolidated Fire Protection District to add fire stations, personnel, or fire fighting equipment. Adherence to the above listed laws, regulations, and policies, as applicable, would aid in avoiding and minimizing the Proposed Project's impact on fire protection services. The impact would be **less than significant**.

ii. Police Protection (*Less than Significant Impact*)

The Proposed Project would replace a previous use that included people and other activities that could generate the possible need for police protection services. The facility would be upgraded to comply with all State and local

regulations pertaining to safety and security, including developing a security plan (review and approved by various County departments), installing security fencing; with 24-hour video surveillance and security lighting. Passcode-protected entry gates would be installed at vehicle and pedestrian entrances to the site to prevent unauthorized entry into the facility.

Considering the small size of the Proposed Project, and the fact the baseline condition included previous uses, there would not be the need for the SCSD to add new stations, personnel, or equipment. Adherence to the above listed laws, regulations and policies, as applicable, would aid in avoiding and minimizing the Proposed Project's impact on police protection services. The impact would be **less than significant**.

iii. Schools (*No Impact*)

The Proposed Project would not generate new residents that would potentially use schools. It would place no demand on school services because it would not include the construction of facilities that require such services (i.e., residences) and would not involve the introduction of a temporary or permanent population into the area. There would be no adverse physical impacts associated with the provision of new or physically altered schools or a need for new or physically altered schools; the construction of which could cause significant environmental impacts, to maintain acceptable service ratios or other performance objectives. There would be **no impact**.

Section 3.11, "Land Use and Planning," evaluates potential impacts to schools regarding consistency with land use plans, policies, and regulations pertaining to the proximity of commercial cannabis facilities to schools.

iv. Parks (*No Impact*)

The Proposed Project would not generate new residents that would potentially use parks. It would place no demand on parks because it would not involve the construction of facilities that require such services (i.e., residences) and would not involve the introduction of a temporary or permanent population into the area. The Proposed Project would not be adjacent to, nor physically impact any parks. There would be **no impact**.

v. Other Public Facilities (*No Impact*)

The Proposed Project would not involve the introduction of a temporary or permanent population into this area. Accordingly, the Proposed Project would not result in impacts to other public facilities. There would be **no impact**.

3.16 Recreation

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

3.16.1 Regulatory Setting

3.16.1.1 Federal Laws, Regulations, and Policies

No federal regulations are applicable to recreation resources in relation to the Proposed Project.

3.16.1.2 State Laws, Regulations, and Policies

No State laws, regulations or policies are applicable to recreation in relation to the Proposed Project.

3.16.1.3 Local Laws, Regulations, and Policies

Stanislaus County Public Facilities Fee Program

In 1987 California adopted the Mitigation Fee Act which allowed local governments to collect impact fees related to construction and provided the requirements for establishing, collecting, and reporting of impact fees Government Code sections 66000 through 66008). The County Public Facilities Fees (PFF) were first approved in late 1989, becoming operative in March 1990. The use of this fee is limited to capital improvements or facilities, it does not replace, repair or maintain the existing level-of-service provided by the County.

This program was designed to ensure that the need for expanded County facilities directly attributable to increased population be paid for by those creating the need. Fees collected under this program pay for capital improvements related to emergency services, libraries, and police protection (County sheriff), among other things. The fees are adjusted on a regular basis to account for changes in cost or in development forecasts (Stanislaus County 2024).

Stanislaus County Parks Master Plan

The 2018 County Parks Master Plan (Master Plan) was last updated in 1999. The Plan document was written as an update to the 1999 Stanislaus County Parks Master Plan. The Master Plan provides a comprehensive review of Stanislaus County's parks and recreation resources and provides inventory, assessment, and recommendations as

to the County's current and future parks and recreation needs. The Master Plan also strives to grow the County's efforts toward increasing economic viability of its park facilities. Where appropriate, actionable timelines and budgets have been assigned to future planning efforts which focus on specific associated elements of this plan. (Stanislaus County 2018).

3.16.2 Environmental Setting

Stanislaus County Department of Parks and Recreation maintains five regional parks, 12 neighborhood parks, 10 community parks, two off-highway vehicle parks, four cemeteries, two bridges, La Grange historical areas, five fishing access points along rivers and lakes, one swimming pool, one organized youth camp, and numerous acres of open space and river bottom (Stanislaus County 2025). The closest recreational areas to the Proposed Project are all approximately two miles to the northwest and in the City of Patterson. They are North Park, South Park, Felipe Garza Park and Wilding Park. The Proposed Project would not be adjacent to, nor physically impact any recreational facility.

3.16.3 Discussion of Checklist Responses

a. Increase Use of Existing Parks or Recreational Facilities (No Impact)

The Proposed Project would not generate new residents that would 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 or other recreational facilities. Since there would be no increase in the number of recreational facility users, there would be **no impact**.

b. Include Recreational Facilities or Require the Construction or Expansion of Recreational Facilities (No Impact)

The Proposed Project would not generate new residents that would potentially increase the use of parks or other recreational facilities. The Proposed Project does not include recreational facilities. Since there would be no increase in the number of recreational facility users, nor include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment, there would be **no impact**.

3.17 Transportation

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d. Result in inadequate emergency access?	☐	☐	☐	☒

3.17.1 Regulatory Setting

3.17.1.1 Federal Laws, Regulations, and Policies

No federal regulations are applicable to transportation in relation to the Proposed Project.

3.17.1.2 State Laws, Regulations, and Policies

California Department of Transportation

Caltrans is the state agency responsible for design, construction, maintenance, and operation of the California State Highway System, as well as the segments of the Interstate Highway System within California. Caltrans requires a transportation permit for any transport of heavy construction equipment or materials that necessitates the use of oversized vehicles on state highways.

The Caltrans Transportation Impact Study Guide was prepared to provide guidance to Caltrans Districts, lead agencies, tribal governments, developers, and consultants regarding Caltrans review of a land use project or plan's transportation analysis using a VMT metric. This guidance is not binding on public agencies but is intended to be a reference and informational document. The Transportation Impact Study Guide replaces the Guide for the Preparation of Traffic Impact Studies and is for use with local land use projects, not for transportation projects on the State Highway System (Caltrans 2020).

California Manual on Uniform Traffic Control Devices, Part 6: Temporary Traffic Control

The California Manual on Uniform Traffic Control Devices (CA-MUTCD), Part 6: Temporary Traffic Control provides principles and guidance for the implementation of temporary traffic control to ensure the provision of reasonably safe and effective movement of all roadway users (e.g., motorists, bicyclists, pedestrians) through or around

temporary traffic control zones while reasonably protecting road users, workers, responders to traffic incidents, and equipment. Additionally, this document notes that temporary traffic control plans and devices shall be the responsibility of the authority of a public body or official having jurisdiction for guiding road users.

California Fire Code

The 2022 California Fire Code, which is found in title 24 of the California Code of Regulations, incorporates by adoption the 2021 International Fire Code and contains regulations related to construction, maintenance, access, and use of buildings. Topics addressed in the California Fire Code include design standards for fire apparatus access (e.g., turning radii, minimum widths), standards for emergency access during construction, provisions intended to protect and assist fire responders, and several other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety. The California Building Standards Code, which includes the California Fire Code, contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. It is revised and published every three years by the California Building Standards Commission.

Senate Bill 743

SB 743 (Chapter 386, Statutes of 2023) requires the California Governor's Office of Planning and Research (OPR) to develop new State CEQA guidelines that address traffic metrics under CEQA. As stated in the legislation, upon adoption of the new guidelines, "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any."

OPR published its proposal for the comprehensive updates to the State CEQA Guidelines in November 2017 which included proposed updates related to analyzing transportation impacts pursuant to SB 743. These updates indicated that VMT would be the primary metric used to identify transportation impacts. In December of 2018, OPR and the State Natural Resources Agency submitted the updated State CEQA Guidelines to the Office of Administrative Law for final approval to implement SB 743. The Office of Administrative Law subsequently approved the updated State CEQA Guidelines and, as of July 1, 2020, implementation of updated State CEQA Guidelines, section 15064.3.

In December 2018, OPR published the most recent version of the Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018), which provides guidance for VMT analysis. The Office of Administrative Law approved the updated State CEQA Guidelines and lead agencies had an opt-in period until July 1, 2020, to implement the updated guidelines regarding VMT. Per the Governor's Office of Planning Research's *Technical Advisory on Evaluating Transportation Impacts in CEQA*, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact.

3.17.1.3 Local Laws, Regulations, and Policies

Stanislaus County Public Facilities Fees

The County collects PFFs from new development to pay for a variety of capital facilities needed to serve the demands of new development. These include facilities for animal services, jails, libraries, and parks.

3.17.2 Environmental Setting

The approximate 1.05-acre site is developed with three existing 5,000 square-foot warehouses The frontage of the Proposed Project along El Roya Avenue has a wrought iron gate-protected driveway for entrance and exit. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The project site has been improved with sidewalks, curbs, and gutters at the entrance to the site.

3.17.2.1 Existing Transportation Access

Vehicle entrance and exit is provided via El Roya Avenue, and the same access would be retained following implementation of the Proposed Project.

3.17.2.2 Existing Commute Trips

Under the baseline condition, the site generated traffic to service the three existing 5,000 square-foot warehouses.

3.17.3 Discussion of Checklist Responses

a. Conflict with Applicable Circulation Plans, Ordinances, or Policies and Applicable Congestion Management Programs (No Impact)

Project improvements are wholly contained on the project site. The Proposed Project would not alter the physical configuration or operational characteristics at its existing access points to the existing, adjacent roadways.

The Proposed Project would provide 20 parking spaces which is sufficient to accommodate the 10 employees plus visitors that would be expected to use the parking area at full project buildout.

There would be no conflict with any program, policy, ordinance, or plan during construction of operation. There would be **no impact**.

b. Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) (Less than Significant Impact)

Vehicle trips generated by the project operations would increase by approximately 10 employees and 20 one-way employee trips per day during operations over the baseline. Thus, there would be a nominal increase in VMT over the baseline condition.

According to the Governor's Office of Planning Research's Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact (OPR 2018). The volume of trips generated by the Proposed Project would be less than 110 trips per day. Therefore, the impact would be **less than significant**.

c. Substantially Increase Hazards Resulting from Geometric Design Features (No impact)

The Proposed Project does not include any changes to any public roads or any aspect of the existing transportation network during project construction or operation. It would not create or increase hazards due to a geometric design feature and would not alter the geometrics of any public roadway. It would not introduce incompatible uses creating hazards. There would be **no impact**.

d. Result in Inadequate Emergency Access (Less than Significant Impact)

The Proposed Project site would be accessed using the existing entrance on El Roya Avenue.

During construction there is the potential for slow moving trucks on adjacent public roadways; however, delays would be brief and infrequent and emergency access would be required to be maintained per the County's Fire Code. Construction equipment and materials would be staged onsite and lane closures on public right of ways are not anticipated.

During operations, there would be no physical changes to roadways and only a small increase in the volume of employee and delivery vehicles accessing the site that could impact emergency access. The increase in traffic would be so small that it would be very unlikely to create any delays or access issues. The impact would be **less than significant**.

See also the analysis above in "Hazards and Hazardous Materials," section 3.9.3(f).

3.18 Tribal Cultural Resources

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Proposed Project:				
a. 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:				
i. 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)	☐	☐	☐	☒
ii. 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 Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

3.18.1 Regulatory Setting

3.18.1.1 Federal Laws, Regulations, and Policies

Federal law does not address tribal cultural resources (TCRs), which are defined and regulated in the Public Resources Code. However, similar resources, called TCPs, fall under the purview of Section 106 of the NHPA, as described in Section 3.5, "Cultural Resources." TCPs are locations of cultural value that are historic properties. A place of cultural value is eligible as a TCP "because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community" (Parker and King 1990, rev. 1998). A TCP must be a tangible property, meaning that it must be a place with a referenced location, and it must have been continually a part of the community's cultural practices and beliefs for the past 50 years or more. Unlike TCRs, TCPs can be associated with communities other than Native American tribes, although the resources are usually associated with tribes. By definition, TCPs are historic properties; that is, they meet the eligibility criteria as a historic property for listing in the NRHP. Therefore, as historic properties, TCPs must be treated according to the implementing regulations found under Title 36 C.F.R. § 800, as amended in 2001.

3.18.1.2 State Laws, Regulations, and Policies

CEQA and State CEQA Guidelines

Assembly Bill (AB) 52, which was approved by the California State Legislature in September 2014 and went into effect on January 1, 2015, requires lead agencies consult with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. The bill, chaptered in Public Resources Code section 21084.2, also specifies that a proposed project with an effect that may cause a substantial adverse change in the significance of a TCR may have a significant effect on the environment.

As defined in Public Resources Code section 21074(a), TCRs are:

(a) (1) Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources; or

(B) Included in a local register of historical resources as defined in subdivision (k) of section 5020.1.

(2) 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 section 5024.1. In applying the criteria set forth in subdivision (c) of section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Public Resources Code section 21074 as follows:

(b) A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and

(c) A historical resource described in section 21084.1, a unique archaeological resource as defined in subdivision (g) of section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe in accordance with Public Resources Code section 21080.3.2 or section 21084.3. The latter section identifies mitigation measures that include avoidance and preservation of TCRs and treating TCRs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

California Register of Historical Resources

Public Resources Code section 5024.1 establishes the CRHR. See Section 3.5, "Cultural Resources," for a full description of the CRHR, criteria for listing eligibility, guidelines for assessing historical integrity, and resources that have special considerations.

DCC Commercial Cannabis Business Regulations

DCC regulations require cultivators to comply with Health and Safety Code section 7050.5, subdivision (b) if human remains are discovered during cultivation activities. (Cal. Code Regs., tit. 4, § 16304, subd. (a)(3).)

3.18.1.3 Local Laws, Regulations, and Policies

There are no local laws, regulations, or policies that apply to the Proposed Project.

3.18.2 Environmental Setting

The environmental setting as it pertains to impacts on tribal cultural resources is previously described in Section 3.5, "Cultural Resources."

3.18.3 Discussion of Checklist Responses

a. 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:

i. 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) (*No Impact*)

Tribal cultural resources (TRC) are defined in Public Resources Code section 21074 as sites, features, places, cultural landscapes, sacred places, and objects that hold cultural value to a California Native American Tribe.

Montrose submitted a sacred lands file request to the NAHC on November 6, 2024. A response was received from the NAHC on November 13, 2024, which indicated the results of the sacred lands search were negative for this location. The NAHC also provided a list of eight tribes and tribal contacts with a traditional and cultural affiliation with the project area for notification pursuant to Public Resources Code section 21080.3.1 (AB 52). Letters were sent to each contact via email on January 9, 2025, by the Agency to elicit any concerns or information regarding any known tribal cultural resources within the Proposed Project area. To date, no responses have been received, other than from the Amah Mutsun Tribal Band, which stated that the Proposed Project falls outside of their traditional tribal territory and the tribe has no comments. As planning proceeds, DCC will continue to consult with interested tribal representatives regarding the Project and incorporate their concerns into project planning and mitigation as warranted. **Table 3.18-1** lists the Tribes and contacts to whom DCC reached out in accordance with AB Bill 52 requirements.

Table 3.18-1. Native American Outreach

Organization/Tribe	Name of Contact	Letter Date	Tribal Response	Follow Up
Amah Mutsun Tribal Band	Ed Ketchum, Vice-Chairperson	1/09/2025	No response received to date.	1/29/2025
Amah Mutsun Tribal Band	Valentin Lopez, Chairperson	1/09/2025	No response received to date.	1/29/2025
Northern Valley Yokut / Ohlone Tribe	Katherine Perez, Chairperson	1/09/2025	No response received to date.	1/29/2025
Northern Valley Yokut / Ohlone Tribe	Timothy Perez, Tribal Compliance Officer	1/09/2025	No response received to date.	1/29/2025

Organization/Tribe	Name of Contact	Letter Date	Tribal Response	Follow Up
Amah Mutsun Tribal Band	Ed Ketchum, Vice-Chairperson	1/09/2025	No response received to date.	1/29/2025
Southern Sierra Miwuk Nation	Sandra Chapman, Chairperson	1/09/2025	No response received to date.	1/29/2025
Southern Sierra Miwuk Nation	Jazzmyn Gegere, Director of Cultural Resource Preservation	1/09/2025	No response received to date.	1/29/2025
Tule River Indian Tribe	Neil Peyron, Chairperson	1/09/2025	No response received to date.	1/29/2025
Wuksachi Indian Tribe/Eshom Valley Band	Kenneth Woodrow, Chairperson	1/09/2025	No response received to date.	1/29/2025

At present, DCC has not received requests for formal consultation under Public Resources Code section 21080.3.1, subdivision (b)(2) from any of those individuals contacted. No TCRs within the project area have been identified that are either listed or eligible for listing on the CRHR or on any other local register of historical resources as defined by Public Resources Code section 21074. Therefore, there would be **no impact** on known TCRs as a result of the Proposed Project.

ii. A Resource Determined by the Lead Agency, in its Discretion and Supported by Substantial Evidence, and Considering the Significance of the resource to a California Native American tribe, to be Significant Pursuant to Criteria Set Forth in Public Resources Code Section 5024.1(c) (*No Impact*)

Although DCC notified tribes with a traditional and cultural affiliation with the project area about the Proposed Project; none of the tribes contacted identified TCRs to date. Given that no further ground disturbance or other construction is expected to occur because of the Proposed Project's activities, the discovery of Tribal Cultural Resources is not anticipated during the implementation of the Proposed Project. There would be **no impact**.

3.19 Utilities and Service Systems

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider which 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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

3.19.1 Regulatory Setting

3.19.1.1 Federal Laws, Regulations, and Policies

No federal regulations are applicable to utilities and service systems in relation to the Proposed Project.

3.19.1.2 State Laws, Regulations, and Policies

California Integrated Waste Management Act

The California Integrated Waste Management Act of 1989 (Pub. Resources Code, division 30) requires all California cities and counties to implement programs to reduce, recycle, and compost at least 50 percent of wastes by 2000 (Pub. Resources Code, § 41780). The State, acting through the California Integrated Waste Management Board,

determines compliance with this mandate. Per capita disposal rates are used to determine whether a jurisdiction's efforts are meeting the intent of the act

Senate Bill (SB) 1383 (Chapter 395, Statutes of 2016) and AB 1826 (Chapter 727, Statutes of 2014) have established additional waste reductions for organic waste. SB 1383 was placed in code and requires 50 percent reduction in organic waste levels in landfills from 2014 levels by 2020 and 75 percent reduction by 2025. AB 1826 requires businesses to recycle organic waste and requires local jurisdictions to implement an organic waste recycling program to divert organic waste generated by businesses.

Urban Water Management Planning Act

California Water Code section 10610 et seq. requires that all public water systems providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet per year, prepare an urban water management plan (UWMP). Urban water management plans must identify and quantify available water supplies and current and projected water use and demands, and plan for maintaining adequate water supply reliability during normal, dry, and multiple dry water years.

California Health and Safety Code—Hazardous Waste and Hazardous Materials

Several sections of the California Health and Safety Code deal with hazardous waste and hazardous materials. Division 20, Chapter 6.5 addresses hazardous waste control and contains regulations on hazardous waste management plans, hazardous waste reduction, recycling and treatment, and hazardous waste transportation and hauling. These requirements are discussed in more detail in Section 3.8, "Hazards and Hazardous Materials."

State Water Resources Control Board

The SWRCB Cannabis Cultivation Policy establishes requirements for commercial cannabis cultivation activities to protect water quality and instream flows. The purpose of the Cannabis Cultivation Policy is to ensure that the diversion of water and discharge of waste associated with commercial cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs (SWRCB 2019). The Cannabis Cultivation Policy requires cultivators to contain and regularly remove all debris and trash associated with commercial cannabis cultivation activities from the cannabis cultivation site. The SWRCB Cannabis Cultivation Policy also specifies that cannabis cultivators 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. On February 5, 2019, the State Water Resources Control Board adopted the proposed updates to the Cannabis Policy – Principles and Guidelines for Cannabis Cultivation under Resolution No. 2019-0007. Updates were focused on requirements related to tribal buffers, indoor cultivation sites, onstream reservoirs, and winterization requirements (SWRCB 2019).

In 2023, the SWRCB issued a General Order, the purpose of which is to ensure that discharges to waters of the State do not adversely affect the quality and beneficial uses of such waters. The Cannabis Cultivation General Order is a simplified WDR available to cannabis cultivators to regulate discharges of waste associated with commercial cannabis cultivation. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste. The order requires that activities related to commercial cannabis cultivation, which includes disposal of domestic sewage, must meet

applicable County health standards, local agency management plans and ordinances, and/or the RWQCB Onsite Wastewater Treatment System policy. (SWRCB 2023.)

DCC Commercial Cannabis Business Regulations

The following DCC regulations contain provisions related to water supply and solid waste.

Supplemental Water Source Information

Section 16311 of the DCC regulations requires the following information to be provided for each water source identified by the applicant:

(a) Retail water supply sources:

(1) If the water source is a retail water supplier, as defined in section 13575 of the Water Code, such as a municipal provider, provide the following:

(A) Name of the retail water supplier; and

(B) A copy of the most recent water service bill or written documentation from the water supplier stating that service will be provided at the premises address.

(2) If the water source is a small retail water supplier, such as a delivery service, and is subject to section 26060.1(a)(1)(B) of the Business and Professions Code and the retail water supplier contract is for delivery or pickup of water from a surface water body or an underground stream flowing in a known and definite channel, provide all of the following:

(A) The name of the retail water supplier under the contract;

(B) The water source and geographic location coordinates, in either latitude and longitude or the California Coordinate System, of any point of diversion used by the retail water supplier to divert water delivered to the commercial cannabis business under the contract;

(C) The authorized place of use of any water right used by the retail water supplier to divert water delivered to the commercial cannabis business under the contract;

(D) The maximum amount of water delivered to the commercial cannabis business for cannabis cultivation in any year; and

(E) A copy of the most recent water service bill.

(3) If the water source is a small retail water supplier, such as a delivery service, and is subject to section 26060.1(a)(1)(B) of the Business and Professions Code and the retail water supplier contract is for delivery or pickup of water from a groundwater well, provide all of the following:

(A) The name of the retail water supplier under the contract;

(B) The geographic location coordinates for any groundwater well used to supply water delivered to the commercial cannabis business, in either latitude and longitude or the California Coordinate System;

(C) The maximum amount of water delivered to the commercial cannabis business for cannabis cultivation in any year;

(D) A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code for each percolating groundwater well used to divert water delivered to the commercial cannabis business. If no well completion report is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well completion report. When no well completion report is available, the State Water Resources Control Board may request additional information about the well; and

(E) A copy of the most recent water service bill.

(b) If the water source is a groundwater well, provide the following:

(1) The groundwater well's geographic location coordinates, in either latitude and longitude or the California Coordinate System; and

(2) A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code. If no well completion report is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well completion report. If no well completion report is available, the State Water Resources Control Board may request additional information about the well.

(c) If the water source is a rainwater catchment system, provide the following:

(1) The total square footage of the catchment footprint area(s).

(2) The total storage capacity, in gallons, of the catchment system(s).

(3) A detailed description and photographs of the rainwater catchment system infrastructure, including the location, size, and type of all surface areas that collect rainwater. Examples of rainwater collection surface areas include a rooftop and greenhouse.

(4) Geographic location coordinates of the rainwater catchment infrastructure in either latitude and longitude or the California Coordinate System.

(d) If the water source is a diversion from a waterbody (such as a river, stream, creek, pond, lake, etc.), provide any applicable water right statement, application, permit, license, or small irrigation use registration identification numb/er(s), and a copy of any applicable statement, registration certificate, permit, license, or proof of a pending application issued under part 2 (commencing with section 1200) of division 2 of the California Water Code as evidence of approval of a water diversion by the State Water Resources Control Board.

Waste Management

Section 17223 of the DCC regulations creates the following restrictions for cannabis business waste management:

(a) A licensee shall dispose of all waste in accordance with the Pub. Resources Code and any other applicable State and local laws. It is the responsibility of the licensee to properly evaluate waste to determine if it should be designated and handled as a hazardous waste, as defined in Pub. Resources Code section 40141.

(b) A licensee shall establish and implement a written cannabis waste management plan that describes the method or methods by which the licensee will dispose of cannabis waste, as applicable to the licensee's activities. A licensee shall dispose of cannabis waste using only the following methods:

(1) On-premises composting of cannabis waste.

(2) Collection and processing of cannabis waste by a local agency, a waste hauler franchised or contracted by a local agency, or a private waste hauler permitted by a local agency in conjunction with a regular organic waste collection route.

(3) Self-haul cannabis waste to one or more of the following:

(A) A staffed, fully permitted solid waste landfill or transformation facility;

(B) A staffed, fully permitted composting facility or staffed composting operation;

(C) A staffed, fully permitted in-vessel digestion facility or staffed in-vessel digestion operation;

(D) A staffed, fully permitted transfer/processing facility or staffed transfer/processing operation;

(E) A staffed, fully permitted chip and grind operation or facility; or

(F) A recycling center as defined in title 14, California Code of Regulations, section 17402.5(d) that meets the following:

(i) The cannabis waste received shall contain at least ninety (90) percent inorganic material;

(ii) The inorganic portion of the cannabis waste is recycled into new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace; and

(iii) The organic portion of the cannabis waste shall be sent to a facility or operation identified in subsections (b)(3)(A)-(E).

(4) Reintroduction of cannabis waste back into agricultural operation through on-premises organic waste recycling methods including, but not limited to, tilling directly into agricultural land and no-till farming.

(c) The licensee shall maintain any cannabis waste in a secured waste receptacle or secured area on the licensed premises until the time of disposal. Physical access to the receptacle or area shall be restricted to the licensee, employees of the licensee, the local agency, waste hauler franchised or contracted by the local agency, or private waste hauler permitted by the local agency only. Nothing in this subsection prohibits licensees from using a shared waste receptacle or area with other licensees, provided that the shared waste receptacle or area is secured and access is limited as required by this subsection.

(d) A licensee that disposes of waste through an entity described in subsection (b)(2) shall do all of the following:

(1) Maintain and make available to DCC upon request the business name, address, contact person, and contact phone number of the entity hauling the waste; and

(2) Obtain documentation from the entity hauling the waste that evidences subscription to a waste collection service.

3.19.1.3 Local Laws, Regulations, and Policies

Stanislaus County Zoning Ordinance

6.78.080 Commercial Cannabis Cultivation

C. Commercial cannabis cultivation operations shall be conducted in accordance with State and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

1. Water Conservation Measures. Commercial cannabis cultivation operations shall include adequate measures that minimize use of water for cannabis cultivation at the site. Water conservation measures, water capture systems, or grey water systems shall be incorporated into commercial cannabis cultivation operations in order to minimize use of water where feasible.
2. Energy Conservation Measures. Commercial cannabis cultivation operations shall include adequate measures to address the projected energy demand for cannabis cultivation at the site.

3.19.2 Environmental Setting

3.19.2.1 Water

The Proposed Project site receives water service from the City of Modesto's domestic water supply system for irrigation, as well as domestic purposes such as restroom facilities.

3.19.2.2 Sewer

The Proposed Project site is served by the City of Modesto municipal sewer system; there is no septic onsite. Under the baseline condition, the project site produced wastewater associated with the previous light industrial and construction services uses.

3.19.2.3 Stormwater

The Proposed Project site frontage has been improved with a storm drain basin that includes grass and two palm trees. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The site is primarily developed with impervious surfaces; the existing pervious areas would remain including a storm drain basin that includes grass and two palm trees; no water would be collected or used for cultivation or nursery activities. No change to the existing site is proposed as part of the Proposed Project.

3.19.2.4 Solid Waste

Under the baseline condition, the project site produced solid waste associated with the previous light industrial and construction services uses.

3.19.2.5 Electricity and Natural Gas

In the baseline condition, the Proposed Project facilities were connected to existing overhead electricity lines on the site, which are connected to the existing power grid and would be used to supply power to the site. The current electrical use is 2,252.78 kW per day; or 67,583.54 kW per month.

3.19.2.6 Telecommunications

Existing telecommunication lines (i.e., for telephone, cable, and internet) serve the Proposed Project site.

3.19.3 Discussion of Checklist Responses

a. Require or Result in the Relocation or Construction of New or Expanded Water, Wastewater Treatment, or Stormwater Drainage, Electric Power, Natural Gas, or Telecommunications Facilities or Expansion of Existing Facilities, the Construction or Relocation of Which Could Cause Significant Environmental Effects (Less than Significant Impact)

Water

The Proposed Project would rely on the site's existing connection to the municipal water supply to serve commercial cannabis cultivation and all on-site water uses. This connection existed in the baseline condition. The City's Water Services Division serves over 75,000 connections and delivers 42 million gallons of water per day (City of Modesto 2025a). Any additional demand created by the Proposed Project would be de minimis in the context of the system's overall service provision. While the Proposed Project includes some reconstruction of existing structures, it would not require relocation or construction of new or expanded water supply infrastructure. The impact would be **less than significant**.

Sewer

A connection to the municipal sewer system existed at the Proposed Project site in the baseline condition and is adequate to serve the Proposed Project. The Proposed Project would not create substantial change in the use of the sewer system. The City of Modesto treats approximately 20 million gallons of wastewater per day (City of Modesto 2025b). While the Proposed Project includes some reconstruction of existing structures, it would not require relocation or construction of new or expanded or expansion of existing wastewater sewer facilities. Therefore, the impact would be **less than significant**.

Stormwater

The project site frontage has been improved with a storm drain basin that includes grass and two palm trees. The driveway, parking area, and areas surrounding the existing structures are paved with asphalt. The site is primarily developed with impervious surfaces; the existing pervious areas would remain including a storm drain basin that includes grass and two palm trees; no water would be collected or used for cultivation or nursery activities. No change to the existing site relative to storm drain infrastructure or impervious surface area is proposed as part of the Proposed Project. It would not require relocation or construction of new or expanded or expansion of existing stormwater facilities. Therefore, there would be **no impact**.

Electricity and Natural Gas

In the baseline condition, the Proposed Project site was connected to existing overhead electricity lines that are connected to the existing power grid and would be used to supply power to the site.

Following local and State approvals, Applicant upgraded the electrical infrastructure within the existing structures. The construction was performed in accordance with local approval by Stanislaus County and issuance of a provisional license by DCC. As described in Section 1.5, this IS/ND does not analyze impacts that may have already occurred, if they cannot be mitigated.

Applicants intend to undertake additional electrical infrastructure improvements to the nursery and cultivation operations that would include a power load upgrade from the current 400-amp power load to an 800-amp power load. While the Proposed Project includes some reconstruction of existing structures and associated electrical upgrades, it would not require significant relocation or construction of new or expanded or expansion of existing electrical facilities. The impacts from construction of this new electrical infrastructure would be **less than significant**.

New or relocated natural gas lines would not be part of the Proposed Project. There would be **no impact** as it pertains to natural gas.

Telecommunications

Telecommunications infrastructure (e.g., for telephone, cable, and internet) existed onsite in the baseline condition. Existing telecommunications infrastructure is sufficient to serve the Proposed Project. It would not require relocation or construction of new or expanded communications infrastructure. There would be **no impact**.

b. Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development during Normal, Dry and Multiple Dry Years (Less than Significant Impact)

The Proposed Project would receive water service from the City of Modesto's domestic water supply system for irrigation, as well as domestic purposes such as restroom facilities. Currently, the facility's monthly average for water usage is 94,248 gallons per month, with 50 percent for nursery and 50 percent for cultivation. Anticipated usage at full build out would add an additional 56,548 gallons per month for a total usage of 150,976 gallons per month. It would replace previous water use demand generated by the various former uses. The City's Water Services Division serves over 75,000 connections and delivers 42 million gallons of water per day (City of Modesto 2025a). Any additional demand created by the Proposed Project as compared to previous uses would be de minimis in the context of the system's overall service provision.

According to the Stanislaus County Planning Division website, there are no reasonably foreseeable development projects in the immediate vicinity of the Proposed Project. (Stanislaus County 2025.) Adjacent land is zoned and currently used for industrial purposes. There is no available evidence that land use in the area would significantly change in the near future. Other commercial cannabis projects in the county are more than a mile away from the Proposed Project. Future conditions would very likely not change from the baseline; it is also possible there could be a reduction in impacts relative to the baseline condition.

Demand for water is managed through the implementation of policies and procedures as outlined in The City of Modesto / MID Joint 2020 Urban Water Management Plan (UWMP) (City of Modesto 2021). UWMPs determine water usage based on land uses designated in General Plans and other planning documents. California Water Code section 10610 et seq. requires that all public water systems providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet per year, prepare an urban water management plan. Urban water management plans must identify and quantify available water supplies and current and projected water use and demands, and plan for maintaining adequate water supply reliability during normal, dry, and multiple dry water years. Water use for the Proposed Project has been accounted for in the UWMP via the

reference to the City's and County's General Plan land use elements. Therefore, the impact would be **less than significant**.

c. Result in a Determination by the Wastewater Treatment Provider which 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 (Less than Significant Impact)

The Proposed Project site is served by the City of Modesto municipal sewer system; there is no septic onsite. Under the baseline condition, the project site produced wastewater associated with the previous light industrial and construction services uses. The Proposed Project would increase the amount of wastewater generated. It would discharge all hydroponic/industrial wastewaters generated to a community sewer system consistent with the sewer system's requirements. The estimated volume of wastewater discharge to the system is approximately 46,000 gallons per month, or approximately 1,533 gallons per day. The City of Modesto treats approximately 20 million gallons of wastewater per day (City of Modesto 2025b). Any additional use created by the Proposed Project as compared to previous uses would be de minimis in the context of the system's overall service provision. Considering the small amount of wastewater discharged, the impact would be **less than significant**.

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 (Less than Significant Impact)

Waste generated by the Proposed Project's cultivation activities (e.g., plant matter, soils, containers) would be processed and stored on site, in accordance with State law. Solid waste generated would be stored on site in an industrial dumpster that would be emptied once a week by Gilton Solid Waste. All commercial cannabis waste would be composted and destroyed on site and then self-hauled to Gilton Solid Waste physical location as green waste (Prem Gen 2022). The waste generated by the previous uses under the baseline condition would no longer occur. Because the Applicant would dispose waste in accordance with State and local regulation, and because the facility has a relatively small operation that would generate only a small volume of solid waste, the impact would be **less than significant**.

e. Comply with Federal, State, and Local Management and Reduction Statutes and Regulations Related to Solid Waste (No Impact)

With the Applicant's preparation and fulfillment of their approved commercial cannabis waste management plan as required by Section 17223 of the DCC regulations, the Proposed Project would be in compliance with all regulations related to solid waste.

The Proposed Project would also comply with the SWRCB's Cannabis Cultivation Policy and DCC's solid waste reduction programs, which are designed to comply with federal, State, and local statutes and regulations related to solid waste. These statutes and regulations include the California Integrated Solid Waste Management Act, the California Beverage Container Recycling and Litter Reduction Act, and the City's solid waste disposal policies and practices. The Integrated Solid Waste Management Act requires that jurisdictions maintain a 50 percent or better diversion rate for solid waste.

Compliance with State and local requirements is required for issuance and maintenance of a State cannabis business license. (Bus. & Prof Code, § 26030.) There would be **no impact**.

3.20 Wildfire

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
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?	☐	☐	☐	☒
c. Require the installation or maintenance 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

3.20.1 Regulatory Setting

3.20.1.1 Federal Laws, Regulations, and Policies

No federal regulations are applicable to Wildfire in relation to the Proposed Project.

3.20.1.2 State Laws, Regulations, and Policies

Executive Order B-52-18

On May 10, 2018, in response to the changing environmental conditions and the increased risk to California's citizens, California Governor Brown issued EO B-52-18 to support the state's resilience to wildfire and other climate impacts; to address extensive tree mortality; increase forests' capacity for carbon capture; and to improve forest and forest fire management EO B-52-18 requires the California Natural Resources Agency, in coordination with other agencies including the State Board of Forestry and Fire Protection, the California Department of Forestry and Fire Protection (CAL FIRE), to increase the pace and scale of fire fuel treatments on State and private lands. Moreover, EO B-52-18 calls for doubling the land actively managed through vegetation thinning, prescribed

burning, and restoration from 250,000 to 500,000 acres per year to reduce wildfire risk. To support these efforts, a May 11, 2018 budget revision committed $96 million in additional state funds.

Senate Bill 1260

On February 15, 2018, Governor Brown signed SB 1260 (Chapter 624, Statutes of 2018), which aims to help protect California communities from catastrophic wildfire by improving forest management practices to reduce the risk of wildfires in light of the changing climate. It recognizes that prescribed burning is an important tool to help mitigate and prevent the impacts of wildfire and includes provisions that encourage more frequent use of prescribed burns in managing California's forest lands. SB 1260 also includes provisions for the State Board of Forestry and Fire Protection's Vegetation Treatment Program PEIR, when certified, to serve as the programmatic environmental document for future prescribed burns in the Sierra-Cascade, central coast, and north coast regions of the state.

Senate Bill 901

SB 901 (Chapter 626, Statutes of 2018) boosted the budget for government fire protection efforts. CAL FIRE will oversee those funds, generally divided into two categories: $165 million per year for fire prevention grants to landowners and for community prevention efforts, and $35 million to continue CAL FIRE's prescribed burning, research, and monitoring. In addition, under SB 901, landowners can help reduce overgrowth by cutting down small and mid-sized trees.

Assembly Bill 301

AB 301 (Chapter 104, Statutes of 2015) was enacted to amend section 4213.1 and add section 4213.2, which are related to fire prevention, to the Public Resources Code. Section 4213.1 requires CAL FIRE to notify an owner of property, through the Fire Prevention Fee billing process, that if selling the habitable structure or structures, a division of the fee may be negotiated as one of the terms of sale. Section 4213.2 of the Public Resources Code allows the owner of a property with one or more habitable structures subject to the fee, if selling the property, to negotiate a division of the fee as one of the terms of the sale. However, payment of the total fee liability remains the responsibility of the person who owns the habitable structure on July 1 of the year the fee is due.

Public Resources Code

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. (Pub. Resources Code, §§ 4201-4204; Gov. Code, §§ 51175–51189.) Factors that increase an area's susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions. CAL FIRE has identified two types of wildland fire risk areas: (1) wildland areas that may contain substantial forest fire risks and hazards; and (2) very high fire hazard risk zones.

Public Resources Code section 4291 gives CAL FIRE the authority to enforce 100 feet of defensible space around all buildings and structures on SRA lands. Public Resources Code sections 4790 through 4799.04 provide the regulatory authority for CAL FIRE to administer the California Forest Improvement Program. Public Resources Code sections 4113 and 4125 give CAL FIRE the responsibility to prevent and extinguish wildland fires in SRAs. The Public Resources Code also includes fire safety statutes that restrict the use of equipment that may produce a spark, flame, or fire; requires the use of spark arrestors on construction equipment with internal combustion engines;

specifies requirements for the safe use of gasoline-powered tools in fire hazard areas; and specifies fire suppression equipment that must be provided for various types of work in fire-prone areas.

New development located in SRAs are subject to the following requirements:

- Determination that new subdivisions are consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code sections 4290 and 4291 or are consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations. (Cal. Code Regs., tit. 14, § 1266.01.)
- Defensible space of 100 feet around all buildings and structures. (Pub. Resources Code, § 4291; Cal. Code Regs., tit. 14, § 1299.03.)
- Provision of adequate emergency access and egress (Pub. Resources Code, §§ 4290 and 4291; Cal. Code Regs., tit. 14, §§ 1273.01–1273.09.)
- Emergency water requirements. (Cal. Code Regs., tit. 14, §§ 1275.01–1275.04.)
- Building signing and number requirements. (Pub. Resources Code, §§ 4290 and 4291; Cal. Code Regs., tit. 14, §§ 1274.01-1274.04.)

California Building Code

The California Code of Regulations, Title 24, Section 701A.3 ("New Buildings Located in Any Fire Hazard Severity Zone") requires that new buildings located in any Fire Hazard Severity Zone within SRAs, any local agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted, shall comply with all the requirements of Chapter 7A. These requirements include the following design elements:

- Roofing be designed to be fire resistant and constructed to prevent the intrusion of flames and embers (Cal. Code Regs., tit. 24, § 705A);
- Attic ventilation be designed to be resistant to the intrusion of flames and embers into the attic area of the structure (Cal. Code Regs., tit. 24, § 706A);
- Exterior walls design (including vents, windows, and doors) be designed with non-combustible or ignition-resistant material and to resist the intrusion of flame and ember (Cal. Code Regs., tit. 24, §§ 707A and 707A);
- Decking be designed with ignition-resistant material (Cal. Code Regs., tit. 24, § 709A); and
- Ancillary buildings and structures comply with the above provisions (Cal. Code Regs., tit. 24, § 710A).

Board of Forestry and Fire Protection

The Board of Forestry and Fire Protection (Board) is a Governor-appointed body within CAL FIRE. It is responsible for developing the general forest policy of the State, determining the guidance policies of CAL FIRE, and representing the State's interest in federal forestland in California. Together, the Board and CAL FIRE work to carry out the California Legislature's mandate to protect and enhance the State's unique forest and wildland resources.

The Board is charged with developing policy to protect all wildland forest resources in California that are not under federal jurisdiction. These resources include major commercial and non-commercial stands of timber, areas

reserved for parks and recreation, woodlands, brush-range watersheds, and all private and State lands that contribute to California's forest resource wealth. In addition, the Board is responsible for identifying Very High Hazard Severity Zones (VHFHSZ) in the SRA and in the Local Responsibility Area—cities, urban regions, and agriculture lands where the local government is responsible for wildfire protection. Local agencies are required to designate, by ordinance, VHFHSZ and to require landowners to reduce fire hazards adjacent to occupied buildings within these zones. (Gov. Code, §§ 51179 and 51182.) The intent of identifying areas with very high fire hazards is to allow CAL FIRE and local agencies to develop and implement measures that would reduce the loss of life and property from uncontrolled wildfires (Gov. Code § 51176).

Pub. Resources Code sections 4114 and 4130 authorize the Board to establish a fire plan, which, among other things, determines the levels of statewide fire protection services for SRA lands. CAL FIRE's most recently adopted fire plan is the 2024 Strategic Fire Plan; Government Code section 65302.5 gives the Board the regulatory authority to evaluate General Plan safety elements for its land use policies in the SRA and VHFHSZs as well as methods and strategies for wildland fire risk reduction and prevention in those areas.

CAL FIRE

CAL FIRE is dedicated to the fire protection and stewardship of over 31 million acres of the state's privately owned wildlands. In addition, CAL FIRE provides emergency services in 36 of the state's 58 counties via contracts with local governments. Public Resources Code section 4291 gives CAL FIRE the authority to enforce 100 feet of defensible space around all buildings and structures on non-federal SRA lands, or non-federal forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material. Public Resources Code sections 4790 through 4799.04 provide the regulatory authority for CAL FIRE to administer the California Forest Improvement Program. Public Resources Code sections 4113 and 4125 give CAL FIRE the responsibility for preventing and extinguishing wildland fires in the SRA. (Pub. Resources Code, §§ 4113 and 4125.) The Public Resources Code, beginning with section 4427, includes fire safety statutes that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment with internal combustion engines; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on site for various types of work in fire-prone areas.

CAL FIRE currently implements vegetation treatments under Public Resources Code sections 4475 through 4495. Public Resources Code sections 4461 through 4471 and 4491 through 4494 authorize CAL FIRE to implement its existing Chaparral Management Program, now known, in part, as the Vegetation Management Program (VMP). In addition, with the 2005 passage of SB 1084 (Chapter 5, Statutes of 2022), the Legislature modified, and in some cases, added language to Public Resources Code sections 4475 through 4480 that:

- Broadened CAL FIRE's range of vegetation treatment practices beyond those described for the existing CMP and VMP;
- Added a definition of "hazardous fuel reduction;" and
- Made other changes to the major statutory provisions guiding CAL FIRE's vegetation treatment authorities.

2024 Strategic Fire Plan for California

The 2024 Strategic Plan prepared by CAL FIRE and the California Natural Resources Agency lays out central goals for reducing and preventing the impacts of fire in the state (CAL FIRE 2024a). The goals are meant to establish, through local, State, federal, and private partnerships, a natural environment that is more resilient and human-made assets that are more resistant to the occurrence and effects of wildland fire. The goals of the 2024 Strategic Plan include: attract, hire, and retain quality employees; ensure all employees understand how CAL FIRE's various programs and job duties contribute towards efficiently achieving the CAL FIRE mission; promote a culture that values equitable access, embraces diverse backgrounds and experiences, and actively removes barriers to cultivate a more inclusive environment; leverage technology to modernize internal human resources processes and create efficient and effective innovative solutions to promote, support, and enhance the employee experience; strengthen the Department's physical and digital infrastructure and streamline equitable access to information across core services; and identify core capabilities and strengthen operational capacity.

In addition to the 2024 Strategic Plan, individual CAL FIRE units develop fire plans, which are major strategic documents that establish a set of tools for each CAL FIRE unit for its local area. Updated annually, unit fire plans identify wildfire protection areas, initial attack success, assets and infrastructure at risk, prefire management strategies, and accountability within their unit's geographical boundaries. The unit fire plan identifies strategic areas for prefire planning and fuel treatment as defined by the people who live and work locally. The plans include contributions from local collaborators and stakeholders and are aligned with other plans for the area.

California Fire Code

The California Fire Code (CFC) is contained within California Code of Regulations, title 24. The CFC establishes requirements for development design to safeguard public health, safety, and general welfare from the hazards of fire. This includes standards on building design, materials, fire flow, and other suppression provisions. The CFC also regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazard classification system to determine what protective measures are required to protect life and provide fire safety. These measures may include applying construction standards, requiring separation between structures and property lines, and using specialized equipment. To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every three years. Chapter 23 of the CFC provides specific standards for the construction and operation of motor fuel dispensing facilities that includes emergency shut-off systems, leak detection, secondary containment, and fuel delivery nozzle design requirements that includes vapor recovery to avoid fire hazards.

Emergency Response/Evacuation Plans

The draft 2024 California State Emergency Plan (SEP) plays a key role in guiding state agencies, local jurisdictions, and the public on emergency management. It describes the methods for conducting emergency operations, rendering mutual aid, emergency response capabilities of state agencies, resource mobilization, public information, and continuity of government during an emergency or disaster.

The 2017 State of California Emergency Plan was adopted by the Governor's Office of Emergency Services on October 1, 2017, and describes how state government mobilizes and responds to emergencies and disasters in coordination with partners in all levels of government, the private sector, non-profits, and community-based organizations. The Plan also works in conjunction with the California Emergency Services Act and outlines a robust

program of emergency preparedness, response, recovery, and mitigation for all hazards, both natural and human caused. All local governments with a certified disaster council are required to develop their own emergency operations plan (EOP) for their jurisdiction that meets State and federal requirements. Local EOPs contain specific emergency planning considerations, such as evacuation and transportation, sheltering, hazard specific planning, regional planning, public-private partnerships, and recovery planning.

DCC Commercial Cannabis Business Regulations

DCC regulations include the following requirements regarding wildfire:

A commercial cannabis business applying for a license to cultivate cannabis must provide an attestation that the local fire department has been notified of the cultivation site if the application is for an indoor license type. (Cal. Code Regs. tit. 4, § 15011, subd. (a).)

3.20.1.3 Local Laws, Regulations, and Policies

No local laws, regulations, or policies apply to the Proposed Project.

3.20.2 Environmental Setting

The Proposed Project is located in an industrial area within unincorporated Stanislaus County. Existing on-site vegetation is minimal and consists primarily of grass and trees in landscaping. Vegetation in the wider area is similar, with some open grassy spaces, and residential back yards.

FHSZ are developed by the Office of the State Fire Marshal and determined based on risk factors such as slope, winds, and fuel loading, and are classified based on the severity of the risk (moderate, high, and very high) (CAL FIRE 2024a).

The project site is not classified as being located within a FHSZ, the closest FHSZ is approximately 13.5 miles to the east (CAL FIRE 2024b).

3.20.3 Discussion of Checklist Responses

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a. Substantially Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan (Less than Significant Impact)

The project site is accessed via El Roya Road, a road with one lane in each direction. The Proposed Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. As discussed in more detail in Section 3.17, “Transportation,” construction delays would be brief and infrequent with no anticipated lane closures, and during operations, the limited amount of increased traffic generated by the Proposed Project would not significantly impact emergency access. Therefore, the impact would be **less than significant**.

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 (No Impact)

The Proposed Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. During operation, the Proposed Project would take place within existing warehouses and would be utilized consistent with local zoning. Further, the Proposed Project would be in an area in the jurisdiction of Stanislaus Consolidated Fire Protection District, less than 1.5 miles from the closest fire station. Therefore, there would be **no impact**.

c. Require the Installation or Maintenance 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 (No Impact

The Proposed Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. During construction, preventative measures required under the CFC, would reduce potential impacts. During operation, project components would be within urban areas and within the existing warehouses. Therefore, the Proposed Project is not expected to exacerbate existing risks of wildfire. Therefore, there would be **no impact**.

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 (No Impact)

The topography of the site is relatively flat with minor elevation changes on site and in the nearby vicinity. It is not located within an area which is likely to be subject to deep seated landslides (Stanislaus County 2016) and as discussed above, is not within a state or locally designated FHSZ. During operation, commercial cannabis operations would take place within existing and rebuilt warehouses and would not include features that would substantially increase the risk to people or structures of flooding, landslides, post-fire slope instability, or drainage changes. There would be no change to the risks of downslope or downstream flooding or landslides, as compared to existing conditions. Therefore, there would be **no impact**.

3.21 Mandatory Findings of Significance

Criteria	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a. Does the project have the potential to substantially 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 self- sustaining levels, threaten to eliminate a plan or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

3.21.1 Discussion of Checklist Responses

a. Have the Potential to Substantially 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 Self- Sustaining Levels, Threaten to Eliminate a Plan or Animal Community, Substantially Reduce the Number or Restrict the Range of a Rare or Endangered Plant or Animal or Eliminate Important Examples of the Major Periods of California History or Prehistory (Less than Significant Impact)

As discussed in each resource section above, the Proposed Project would not result in significant impacts to biological or cultural resources and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be **less than significant.**

b. Have Impacts That are Individually Limited, but Cumulatively Considerable (Less than Cumulatively Considerable)

The CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Cumulative impacts reflect "the change in the environment which results from the incremental impact of the Proposed Project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (CEQA Guidelines § 15355[b]). CEQA Guidelines section 15355 further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

Based on review of active planning projects listed on the Stanislaus County Planning Department website (Stanislaus County 2025) and a search of the CEQAnet database, as well as cannabis business applications submitted to DCC, the planned and approved commercial cannabis cultivation projects in the project area that could potentially combine with the Proposed Project to result in cumulative impacts include the following:

- All Season Organics, mixed-light commercial cannabis cultivation and nursery business, including 24 greenhouses and four existing accessory storage buildings for office, storage, distribution, and processing activities in the A-2-40 (General Agriculture) zoning district, 1054 Merriam Road. (9.7 miles from project site)
- Bynate, Use Permit to allow operation of an existing commercial cannabis retail business, within an existing 625 square-foot building on a 3,750 square- foot parcel in the General Commercial (C-2) zoning district, 21931 State Highway 33. (18 miles from project site)
- Central Valley Growers, commercial cannabis mixed light cultivation business, within 36 greenhouses and accessory storage buildings in the A-2-40 (General Agriculture) zoning district, 3501 Howard Road. (18 miles from project site)
- Empire Health and Wellness, Use Permit to allow operation of an existing retail commercial cannabis business with delivery services, within an existing 3,720 square-foot building, in the General Commercial (C-2) zoning district, 4275 Yosemite Boulevard. (1.4 miles from project site)
- JDI Farms, mixed-light commercial cannabis cultivation, nursery, and distribution business, including 20 greenhouses and existing accessory storage buildings in the A-2-20 (General Agriculture) zoning district, 1631 Fig Avenue. (13.5 miles from project site)
- Stanco Family Farms, commercial cannabis cultivation, nursery, and distribution operation on 3± acres in the northwest corner of a 35.8-acre parcel in the A-2-40 zoning district, Sullivan Road, abutting the California Aqueduct to the east and Merced County line to the south, in the Newman area. (27 miles from project site)

- TruLeaf, indoor commercial cannabis cultivation, non-volatile manufacturing, and distribution operation within an existing 20,724 square-foot warehouse, 4622 Glass Court. (6 miles from project site)

The potential exists for the projects listed above to result in adverse effects on the environment, and all of the identified projects are located in the same general geographic area as the Proposed Project. However, as noted in the above list, although there is a retail business located 1.4 miles from the project site, none of the commercial cannabis cultivation projects is located within five miles of the Proposed Project. As a result, the impacts for most resources would not overlap between projects.

In addition to the commercial cannabis cultivation projects listed above, there are other other reasonably foreseeable development projects in the County that could impact resources. (Stanislaus County 2025.) While none are in the immediate area, development and operation of these projects could impact resource areas such as water and hydrology, air quality, and GHG.

All of these projects would be required to comply with the same regional air quality and GHG regulations as would the Proposed Project, and each would be required to reduce or mitigate significant impacts on those resources. Regulations and agreements regarding water use governing the groundwater basin, as well as less than substantial increase in water demand from previous uses would ensure that cumulative impacts on water use would be less than significant.

In conclusion, none of the identified projects have the potential to combine with the Proposed Project to result in a significant cumulative impact to which the Proposed Project might make a substantial contribution.

Aesthetics

The Proposed Project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. Potential impacts to aesthetic resources would be less than significant, and no mitigation measures are necessary.

Surrounding proposed commercial cannabis cultivation operations would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to visual resources. As described in section 3.1, “Aesthetics,” the Proposed Project would have only very limited effects on aesthetics, due to the location of the Proposed Project in an industrial area, as well as that almost all operational activities would take place within an existing warehouse.

Based on the less-than-significant aesthetic impacts of the Proposed Project and discretionary review of surrounding proposed commercial cannabis and other development projects, the impacts to aesthetic and visual resources of the Proposed Project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be **less than cumulatively considerable**.

Agriculture and Forestry Resources

The analysis provided in Section 3.2, “Agriculture and Forestry Resources,” indicates that the Proposed Project would not result in the permanent conversion of farmland and no potential impacts to forest land or timberland would occur. The Proposed Project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable

commercial cannabis cultivation projects in the unincorporated County, the contribution of the project's potential impacts to agriculture and forestry resources is considered **less than cumulatively considerable**.

Air Quality

The analysis provided in Section 3.3, "Air Quality," concludes that the Proposed Project would not result in significant impacts to air quality. Operational emissions would not exceed SJVAPCD thresholds, and the project would be consistent with State and federal air quality regulations. Further, based on the installation of odor control systems and mandatory quarterly monitoring, potential odors from proposed mixed-light cannabis cultivation activities would not result in nuisance odors.

All proposed commercial cannabis cultivation operations, as well as other development projects, located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed commercial cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SJVAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SJVAPCD thresholds would be subject to standard SJVAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity to sensitive receptor locations.

The analysis provided in Section 3.3, "Air Quality," concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the use of locally-required odor control equipment. All proposed commercial cannabis development projects in the project vicinity would be required to comply with County cannabis odor control requirements..

Therefore, based on the finding that the Proposed Project would not result in significant impacts and County odor control requirements for the Proposed Project and all surrounding proposed commercial cannabis cultivation projects, the contribution of the Proposed Project's potential impacts to air quality are considered **less than cumulatively considerable**.

Biological Resources

The analysis provided in Section 3.4, "Biological Resources," concludes that implementation of the Proposed Project would not adversely affect biological resources.

All surrounding proposed commercial cannabis development projects would undergo evaluation for potential to impact biological resources. Proposed commercial cannabis projects that are determined to have the potential to impact sensitive species and/or their habitats, sensitive natural communities, federal or state wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

Based on the limited potential project impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with biological resources would be **less than cumulatively considerable**.

Energy Use

As discussed in Section 3.6, "Energy," the Proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with applicable energy policies. Other reasonably

foreseeable mixed-light cultivation, indoor cultivation, nursery, processing, and distribution projects would have the potential to result in significant consumption of energy resources and would be subject to discretionary review. Projects that are found to result in wasteful, inefficient, or unnecessary consumption of energy resources would be required to implement reduction and offset measures consistent with state and local policies. Therefore, when considered with the potential impacts of other reasonably foreseeable commercial cannabis cultivation projects in the unincorporated county, the contribution of the subject project to energy use impacts in the region would be **less than cumulatively considerable.**

Hydrology and Water Quality

As discussed in Section 3.10, "Hydrology and Water Quality," the Proposed Project would not result in adverse impacts related to water quality, groundwater quality, or stormwater runoff. The project site is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation.

All proposed commercial cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials (e.g., pesticides, fertilizers) proposed to be utilized for these projects would be required to comply with CDPR requirements, DCC regulations, and the SWRCB Cannabis Cultivation Policy.

The Stanislaus County 2016 General Plan EIR found that although planned development in the County would result in significant impacts to groundwater supply, impacts would be reduced to less than significant levels once groundwater sustainability plans were put into effect. (Stanislaus County 2016a.)

The property is served by the City of Modesto municipal water supply service. The City serves an estimated 291,686 people in its service area. (City of Modesto 2017.) The City estimated that total water demand for users within its service area in 2025 would be 73,530 acre feet annually. (City of Modesto 2017). The City water supply comes from two sources: treated Tuolumne River surface water purchased on a wholesale basis from the Modesto Irrigation District (MID); and local groundwater pumped from City wells located throughout the City's service area. MID's annual diversion from the Tuolumne River is 315,756 acre-feet of water (City of Modesto 2017). As of October 2015, the City had a total of 110 available groundwater wells located throughout the City's entire water service area (92 wells in the contiguous service area and 18 wells in the outlying service areas). These wells are located within the San Joaquin Valley Groundwater Basin (Modesto, Turlock and Delta-Mendota subbasins) (City of Modesto 2017). GSPs have been developed for all three subbasins. The GSPs implement a number of strategies to ensure groundwater sustainability, including demand reduction, pumping management, and domestic well reduction.

As discussed in Section 3.10, "Hydrology and Water Quality," the Proposed Project would not result in a significant impact on groundwater supply. The relatively small amount of water used by the Proposed Project, as well as the City of Modesto's compliance with the GSP would ensure that the Proposed Project would not make a considerable contribution to a significant cumulative impact.

Therefore, based on recommended mitigation measures and compliance with existing policies and programs, the Proposed Project's individual impacts associated with hydrology and water quality would be **less than cumulatively considerable**.

Noise

As discussed in Section 3.13, "Noise," operation of the Proposed Project would result in less than significant impacts.

There are no current or planned commercial cannabis projects within 5 miles of the Proposed Project. Reasonably foreseeable future commercial cannabis cultivation projects would require discretionary permits and would be reviewed by County staff for potentially significant environmental impacts, including impacts associated with noise. Future projects with potential to generate noise above County standards or noise that would adversely affect surrounding sensitive receptors would be required to implement measures to reduce associated impacts. Therefore, with the implementation of noise reduction measures, project impacts associated with noise would be less than cumulatively considerable with mitigation.

The project-related operational contribution to traffic noise levels would be negligible as discussed in Section XIII, Noise. When combined with cumulative traffic, which is not likely to change from existing conditions, the Proposed Project's contribution to traffic, and associated noise levels, would not represent an audible contribution to cumulative traffic noise levels. Therefore, the Proposed Project's contribution to regional traffic noise impacts would be **less than cumulatively considerable**.

Transportation

As discussed in Section 3.16, "Transportation," the Proposed Project would be consistent with existing circulation and traffic plans and would not generate vehicle trips that would exceed existing VMT thresholds. In addition, the Proposed Project would be consistent with CAL FIRE/County Fire Department and County Public Works Department standards for site access and driveway design. Therefore, the Proposed Project's potential impacts associated with these thresholds would be less than significant.

The total VMT for the county as measured by Caltrans for the Stanislaus County Council of Governments[5] is estimated at 11,921.87 (Caltrans 2023). Accordingly, the VMT associated with proposed commercial cannabis cultivation projects throughout the county is estimated to result in a very marginal increase in the total county VMT. Each project will be required to mitigate the project-specific impacts to the transportation network through standardized public facilities fees and other mitigation measures, based on the potential impacts. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the Proposed Project. Therefore, based on the size and scope of the Proposed Project, when considered with the potential impacts of other reasonably foreseeable commercial cannabis cultivation and other projects in the unincorporated County, the contribution of the Proposed Project to roadway impacts would be **less than cumulatively considerable**.

[5] The Stanislaus Council of Governments (StanCOG) is a council of city and county governments comprised of the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, and Stanislaus County, that was established in 1971 by a Joint Powers Agreement (JPA) to address regional transportation issues. StanCOG is the Metropolitan Planning Organization (MPO) for the Stanislaus region as designated by the federal government, the Regional Transportation Planning Agency (RTPA) as designated by the State of California, and the Local Transportation Authority (LTA). An MPO/RTPA/LTA is a public organization that works with local governments and citizens in its region by dealing with issues and needs that cross city and county boundaries. (StanCOG 2025.)

Other Impact Issue Areas

Based on the Proposed Project's less-than-significant impacts and the discretionary review of all surrounding reasonably foreseeable future commercial cannabis cultivation projects, the Proposed Project's potential impacts associated with the following issue areas would be **less than cumulatively considerable**:

- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

c. Have Environmental Effects Which will Cause Substantial Adverse Effects on Human Beings, Either Directly or Indirectly (Less than Significant Impact)

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section in this Initial Study. As described in this document, the Proposed Project would not have any environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Impacts would be **less than significant.**

Page intentionally left blank

4 REPORT PREPARATION

The following organizations and individuals assisted with preparation of the Initial Study/Negative Declaration:

California Department of Cannabis Control

2920 Kilgore Road
Rancho Cordova, CA 95670

Kevin Ponce	Senior Environmental Scientist Supervisor

Montrose Environmental Solutions

1 Kaiser Plaza, Suite 340
Oakland, CA 94612

Tom Engels, Ph.D.	Principal-in-Charge
Susan Pearce	Project Director
Kim Quinn	Senior Associate, Project Manager
Harry Boxler	Senior Associate
Alexandria Fraser	Associate
Jessica Gonzales	Associate
Dean Martorana	Senior Associate
Bridget Parry	Associate
Jennifer Schulte	Air Quality/Greenhouse Gas Emission Analyst
Diana Roberts	Senior Associate, Technical Editor
Jessica Walsh	Senior Associate, Technical Editor

Subconsultants/Contributors

Brady & Peavey, P.C.

Kevin E. Vickers	Special Counsel

Ecotech

Paige Herbert	Hazards and Hazardous Materials

Mesa Biological

Joe McFaddin	Biological Resources
Paul Rosebush	Biological Resources

This page intentionally left blank.

5 REFERENCES

CHAPTER 1, INTRODUCTION

No references cited.

CHAPTER 2, PROJECT DESCRIPTION

Arnold, J. M. 2013. Energy Consumption and Environmental Impacts Associated with Cannabis Cultivation. Thesis presented to the Faculty of Humboldt State University. Available at: https://scholarworks.calstate.edu/concern/theses/00000254q. Accessed April 2025.

California Department of Pesticide Regulation (CDPR). 2021.Cannabis Legal Pesticide Use Guide. January 15, 2021. Available at: https://www.cdpr.ca.gov/wp-content/uploads/2024/08/can_use_pesticide.pdf. Accesed April 4, 2025.

Cannabis Candor. 2016. When Is One Harvest More than Five? Available at: www.cannabiscandor.com/ 2016/01/06/whenisoneharvestmorethanfive. Accessed July 2016.

Central Valley Regional Water Quality Control Board. 2018. Notice of Applicability, Water Quality Order WQ-2017-0023-DWQ, Prem Gen Corp dba Uncle Bud's Nursery, APN 036-008-033, Stanislaus County.

Edwards, DeAnn 2022. Correspondence from DeAnn Edwards, Prem Gen, to Jennifer Van Dyke, DCC, May 25, 2022.

Marijuana Growers Headquarters. 2011. Preventing and Treating Bud Rot – Botrytis. Available at: www.marijuanagrowershq.com/preventingandtreatingbudrotbotrytis. Accessed July 2016.

Prem Gen. 2021. Completed Project Description questionnaire submitted by Prem Gen Corp for DCC for indoor commercial cannabis cultivation, nursery, and distribution businesses license application, 2021.

Stanislaus County 2019a. Board Action Summary, Public Hearing to Consider the Planning Commission's Recommendation for Denial of Use Permit and Development Agreement Application No. PLN2018-0110, Prem Gen Corp. - El Roya Avenue, Located at 536 El Roya Avenue, south of Yosemite Boulevard (HWY 132), in the Modesto Area.

Stanislaus County. 2019b. Planning Commission, Staff Report, Use Permit and Development Agreement Application No. PLN2018-0110. Prem Gen Corp-El Roya Ave. Stanislaus County.

Stanislaus County Board of Supervisors. 2024. March 12, 2024 Board Action Summary, Public Hearing to Consider the Planning Commission's Recommendation of Approval of Development Agreement Application No. PLN2023-0159 - Prem Gen Corp., a Request to Adopt a New Development Agreement for Use Permit Number PLN2018-0110, a Previously Permitted Commercial Cannabis Operation, Located at 536 El Roya Avenue, South of Yosemite (Highway 132), in the Modesto Area, Assessor's Parcel Number: 036-008-033, and Find the Development Agreement Exempt from the California Environmental Quality Act.

VivoSun. 2024. Weed Leaf Guide: Decoding Fan vs Sugar Leaves. January 25, 2024. Available at: https://vivosun.com/growing_guide/different-types-of-weed-leaf/#:~:text=Fan%20leaves%20are%20the%20large,into%20essential%20nutrients%20through%20phot

osynthesis.&text=Sugar%20leaves%20are%20the%20smaller%20leaves%20found%20within%20the%20cannabis%20buds. Accessed: April 4, 2025.

CHAPTER 3, ENVIRONMENTAL ANALYSIS

Section 3.1, Aesthetics

California Department of Transportation (Caltrans). 2018. California State Scenic Highway System Map. Available at: https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed December 2024.

California Department of Transportation (Caltrans). 2024. California State Scenic Highways. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed February 2025.

Section 3.2, Agriculture and Forestry Resources

California Department of Conservation (DOC). 2022a. Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed December 2024.

California Department of Conservation (DOC). 2022b. California Williamson Act Enrollment 2022. Available at: https://www.arcgis.com/apps/mapviewer/index.html?url=https://gis.conservation.ca.gov/server/rest/services/DLRP/California_Williamson_Act_Enrollment_2022/MapServer&source=sd. Accessed December 2024.

California Department of Conservation (DOC). 2024a. Program Overview. Available at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Program_Overview.aspx. Accessed February 2025.

California Department of Conservation (DOC). 2024b. Important Farmland Categories. Available at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx. Accessed February 2025.

California Department of Forestry and Fire Protection (CAL FIRE). 2020. California Forest Practice Rules. Available at: https://bof.fire.ca.gov/media/9478/2020-forest-practice-rules-and-act_final_ada.pdf. Accessed February 2025.

Stanislaus County. 2016. Stanislaus County General Plan, Land Use Element. 2016. Available at: https://www.stancounty.com/planning/pl/gp/current/gp-chapter1.pdf. Accessed November 2024

Stanislaus County. 2025. Zoning ArcGIS Online (AGOL). Available at: https://open-data-stancounty-gis.hub.arcgis.com/datasets/c7c6b33a0e234958a49368ac22997451_0/explore?location=37.632229%2C-120.942328%2C16.04. Accessed April 2025.

Section 3.3, Air Quality

California Air Resources Board (CARB) 2005. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005. Available: https://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf Accessed May 2025.

California Air Resources Board (CARB) 2013. California Almanac of Emissions and Air Quality, 2013 Edition. Available at: https://ww2.arb.ca.gov/our-work/programs/resource-center/technical-assistance/air-quality-and-emissions-data/almanac. Accessed May 2025.

California Department of Public Health (CDPH) 2025a. Groups at Risk for Valley Fever. Available at: https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverGroupsAtRisk.aspx. Accessed April 2025.

California Department of Public Health (CDPH) 2025b. Valley Fever in California Year-end Data Dashboard. Available at: https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverDashboard.aspx Accessed April 2025.

California Office of Environmental Health Hazard Assessment. 2015. Air Toxics Hot Spots Program, Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments. Available: www.oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf. Accessed May 2025.National Highway Transportation Safety Administration (NHTSA) 2024. Corporate Average Fuel Economy. Available at: https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy Accessed April 2025.

San Joaquin Valley Air Pollution Control District (SJVAPCD). 2006. 2006 PM10 Plan. San Joaquin Valley Strategy for Meeting Federal Air Quality Requirement for Particulate Mater 10 Microns and Smaller. Available at: https://ww2.valleyair.org/rules-and-planning/air-quality-plans/particulate-matter-plans/2006-pm10-plan/. Accessed April 2025.

SJVAPCD 2015. Guidance for Assessing and Mitigating Air Quality Impacts. Available at: https://www.valleyair.org/permitting/ceqa/ . Accessed April 2025.

SJVAPD 2022. 2022 Plan for the 2015 8-Hour Ozone Standard. Available at: 04-proposed-2022-plan-for-the-2015-8-hour-ozone-standard.pdf. Accessed April 2025.

SJVAPD 2022. 2024. 2024 Plan for the 2012 Annual PM2.5 Standard. Available at: https://ww2.valleyair.org/media/gw5bacvj/2024-pm25-plan.pdf. Accessed April 2025.

SJVAPCD. 2025 Ambient Air Quality Standards & Attainment Status. Available online at: https://ww2.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainmnet-status/

USEPA. 2024a. EPA Projects 52 Counties would not Meet the Strengthened Standard in 2023. Available at: https://www.epa.gov/system/files/documents/2024-02/projected-county-list-2032-for-web.pdf

Section 3.4, Biological Resources

California Department of Fish and Wildlife (CDFW). 2024. California Natural Diversity Database (CNDDB). Available at: www.wildlife.ca.gov/Data/CNDDB. Accessed November 2024.

California Native Plant Society (CNPS). 2024. Rare and Endangered Plant Inventory. Available at: http://www.rareplants.cnps.org. Accessed November 2024.

Mesa Biological. 2024. Special-Status Species Desktop Review for the Prem Gen Corp Cannabis Site, Stanislaus County, California. December 2024.

U.S. Fish and Wildlife Service (USFWS). 2024. Information for Planning and Consultation (IPaC) Resource List. Provided by ECOS – the Environmental Online Conservation System. Available at: ecos.fws.gov/ipac. Accessed November 2024.

Section 3.5, Cultural Resources

City of Modesto. 2024. History of Modesto. Available at https://www.modestogov.com/1967/History-of-Modesto. Accessed November 2024.

Ereferencedesk. 2024. Stanislaus County History. Available at https://www.ereferencedesk.com/resources/counties/california/stanislaus.html. Accessed October 2024.

Google Earth. 2024. Historical Aerial Imagery.

Kyle, D. E., M. B. Hoover, H. E. Rensch, E. G. Rensch, and W. N. Abeloe. 2002. *Historic Spots in California.* Stanford University Press, Stanford, California.

Milliken, R., L. H. Shoup, and B. R. Ortiz. 2009. Ohlone/Costanoan Indians of the San Francisco Peninsula and their Neighbors, Yesterday and Today.

NETRonline. 2024. Historic Aerial Photos. Available at https://www.historicaerials.com/viewer. Accessed November 2024.

Office of Historic Preservation [OHP]. 2024. Built Environment Resource Directory (BERD). Available at: https://ohp.parks.ca.gov/?page_id=30338. Accessed November 2024.

Parker, P.L., King, T.F. 1998. *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. National Register Bulletin. Washington D.C.: National Park Service. Originally published 1990. Revised 1998.

Rosenthal, J. S., G. G. White, and M. Q. Sutton. 2010. The Central Valley: A View from the Catbird's Seat. In *California Prehistory: Colonization, Culture, and Complexity,* pp. 147-164, edited by T. L. Jones and K. A. Klar. AltaMira Press, Plymouth, U.K.

Tinkham, G. H. 1921. History of Stanislaus County California with Biographical Sketches. History Record Company, Los Angeles, California.

U.S. Geological Service (USGS). 2024. Topoview. Available at: https://ngmdb.usgs.gov/topoview/viewer/#16/37.6316/-120.9408. Accessed March 2025.

Wallace, W. J. 1978. Northern Valley Yokuts. In *California*, Vol. 8, Handbook of North American Indians, pgs. 462-470. R. F. Heizer, editor. Smithsonian Institution, Washington, D.C.

Western Mining History. 2022. Stanislaus County California Gold Production. Available at: https://westernmininghistory.com/library/50/page1/. Accessed August 2022.

Section 3.6, Energy

California Public Utilities Commission (CPUC) and California Energy Commission (CEC). 2008. Energy Action Plan. Available at : https://www.cpuc.ca.gov/-/media/cpuc-website/files/uploadedfiles/cpuc_public_website/content/utilities_and_industries/energy_-_electricity_and_natural_gas/2008-energy-action-plan-update.pdf. Accessed November 2024.

California Energy Commission (CEC) and California Air Resources Board (CARB). CEC and CARB 2003. Reducing California's Petroleum Dependence. Available at: https://ww2.arb.ca.gov/sites/default/files/classic/fuels/carefinery/ab2076final.pdf. Accessed November 2024.

California Energy Commission (CEC). 2023. Integrated Energy Policy Report. Available at: https://efiling.energy.ca.gov/GetDocument.aspx?tn=254463. Accessed November 2024.

California Energy Commission (CEC). 2019. California Energy Efficiency Action Plan. Available at: https://efiling.energy.ca.gov/GetDocument.aspx?tn=231261&DocumentContentId=62916. Accessed November 2024.

California Energy Commission (CEC). 2021. California Energy Efficiency Action Plan. Available at: https://www.energy.ca.gov/programs-and-topics/programs/energy-efficiency-existing-buildings. Accessed November 2024.

California Energy Commission (CEC). 2021. Building Decarbonization Assessment. Available at: https://www.energy.ca.gov/publications/2021/california-building-decarbonization-assessment. Accessed November 2024.

California Energy Commission (CEC). 2021. Final Integrated Energy Policy Report Volume I Building Decarbonization. Available at: https://efiling.energy.ca.gov/GetDocument.aspx?tn=241599. Accessed November 2024.

California Energy Commission (CEC). 2024. Commission Final Report, Renewables Portfolio Standard Verification Results Modesto Irrigation District Compliance Period 3 (2017-2020). Available at: https://www.energy.ca.gov/publications/2024/renewables-portfolio-standard-verification-results-modesto-irrigation-district. Accessed March 2025.

CARB 2022. Scoping Plan for Achieving Carbon Neutrality. Available at: https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf. Accessed November 2024.

Modesto Irrigation District. 2024. Where your Power Comes From, Available at: https://www.mid.org/wp-content/uploads/2023-PCL.pdf. Accessed March 2025.

Section 3.7, Geology, Soils, and Seismicity

California Department of Conservation (DOC). 2025. California Geologic Survey: Earthquake Zones of Required Investigation Maps and Report. Available at: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/. Accessed January 2025.

Modesto. 2019. Urban Area General Plan Master Environmental Impact Report, Geology, Soils, and Mineral Resources. Available at: https://www.modestogov.com/DocumentCenter/View/15038/EIR-14-001-DOC-Chapter-V-17-Geology-Soils-Minerals-3-6-19-PDF?bidId=. Accessed December 2024.

National Earthquake Hazards Reduction Program (NEHRP). 2021. About Us: Background & History. Available at: www.nehrp.gov/about/history.htm. Accessed March 2025.

Stanislaus County. 2016a. Stanislaus County General Plan and Airport Land Use Compatibility Plan Update Draft Program Environmental Impact Report. April 2016. Available at: https://www.stancounty.com/planning/pl/gp/current/DraftEIR.pdf. Accessed December 2024.

Stanislaus County. 2016b. Stanislaus County General Plan, Safety Element. Available: https://www.stancounty.com/planning/pl/gp/current/gp-chapter5.pdf. Accessed December 2024.

Section 3.8, Greenhouse Gas Emissions

California Air Resources Board (CARB). 2008. Climate Change Scoping Plan: A Framework for Change. Available at: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed May 2025.

CARB 2022. 2022 Scoping Plan for Achieving Carbon Neutrality. Available at: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents. Accessed May 2025.

CARB 2024. California Greenhouse Gas Emissions from 2000 to 2022: Trends of Emissions and Other Indicators. Available at: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed April 2025

National Highway Transportation Safety Administration (NHTSA) 2024. Corporate Average Fuel Economy. Available at: https://www.nhtsa.gov/laws-regulations/corporate-average-fueleconomy. Accessed May 2025.

South Coast Air Quality Management District (SCAQMD). 2008. Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans. Available at: https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds. Accessed June 2025.

Section 3.9, Hazards and Hazardous Materials

California Department of Forestry and Fire Protection (CAL FIRE). 2024a. Fire Hazard Severity Zones. Available at: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed December 2024.

California Department of Forestry and Fire Protection (CAL FIRE). 2024b. Fire Hazard Severity Zone Viewer. Available at: https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/. Accessed December 2024.

California Department of Pesticide Regulation (CDPR). 2021. Cannabis: Pesticides That are Legal to Use. Available at: www.cdpr.ca.gov/docs/cannabis/can_use_pesticide.pdf. Accessed November 2024.

California Office of Environmental Health Hazard Assessment (OEHHA). 2025. Safe Drinking Water and Toxic Enforcement Act of 1986: Chemicals Known to the State to Cause Cancer or Reproductive Toxicity. Available at: https://oehha.ca.gov/media/downloads/proposition-65//p65chemicalslist.pdf. Accessed November 2024.

Department of Toxic Substances Control (DTSC). 2025. Envirostor Database. Available at: https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=536+el+roya+ave+modesto. Accessed January 2025.

Stanislaus County. 2016. Stanislaus County Airport Land Use Compatibility Plan. Available at: https://www.stancounty.com/planning/agenda-aluc/ALUCP.pdf. Accessed March 2025.

Stanislaus County 2019. Board Action Summary, Public Hearing to Consider the Planning Commission's Recommendation for Denial of Use Permit and Development Agreement Application No. PLN2018-0110, Prem Gen Corp. - El Roya Avenue, Located at 536 El Roya Avenue, south of Yosemite Boulevard (HWY 132), in the Modesto Area.

Stanislaus County Board of Supervisors. March 12, 2024. Board Action Summary, Public Hearing to Consider the Planning Commission's Recommendation of Approval of Development Agreement Application No. PLN2023-0159 - Prem Gen Corp., a Request to Adopt a New Development Agreement for Use Permit Number PLN2018-0110, a Previously Permitted Commercial Cannabis Operation, Located at 536 El Roya Avenue, South of Yosemite (Highway 132), in the Modesto Area, Assessor's Parcel Number: 036-008-033, and Find the Development Agreement Exempt from the California Environmental Quality Act.

State Water Resources Control Board (SWRCB). 2025. GeoTracker Database. Available at: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=536+El+Roya+Avenue%2C+Modesto%2C+CA%2C+USA. Accessed January 2025.

Section 3.10, Hydrology and Water Quality

California Department of Water Resources (DWR) 2023. Sustainable Groundwater Management Act, Overview Brochure. Available at: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Files/SGMA-Brochure-Gate-Fold_FINAL-updated.pdf. Accessed November 2024.

Federal Emergency Management Agency (FEMA). 2025. Available at: FEMA's National Flood Hazard Layer (NFHL) Viewer. Accessed January 2025.

City of Modesto. 2017. Water Master Plan. Available at: https://www.modestogov.com/847/Water-Plans-Reports. Accessed March 2025.

City of Modesto. 2025. Water Services. Available at: https://www.modestogov.com/978/Water-Services. Accessed March 2025.

State Water Resources Control Board (SWRCB). 2019. Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation. Available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf. Accessed November 2024.

State Water Resources Control Board (SWRCB). 2023. Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver for Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2023/wqo2023-0102-dwq.pdf. Accessed January 2025.

Stanislaus County. 2016a. General Plan and Airport Land Use Compatibility Plan Update Draft Program Environmental Impact Report. Available at: https://www.stancounty.com/planning/pl/gp/current/DraftEIR.pdf. Accessed December 2024.

Stanislaus County. 2016b. General Plan, Safety Element. Available at: https://www.stancounty.com/planning/pl/gp/current/gp-chapter5.pdf. Accessed December 2024.

Stanislaus County. 2022. Multi-Jurisdictional Hazard Mitigation Plan. Annex C: City of Modesto. Available at: https://www.stanoes.com/home/showpublisheddocument/478/638380927303700000. Accessed February 2025.

U.S. Environmental Protection Agency (USEPA). 2024a. Summary of the Clean Water Act. Available at: www.epa.gov/laws-regulations/summary-clean-water-act Accessed November 2024.

U.S. Environmental Protection Agency (USEPA). 2024b. What Are Water Quality Standards? Available at: www.epa.gov/standards-water-body-health/what-are-water-quality-standards. Accessed November 2024.

U.S. Environmental Protection Agency (USEPA). 2024c. Water Quality Standards: Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California (California Toxics Rule). Available at: www.epa.gov/wqs-tech/water-quality-standards-establishment-numeric-criteria-priority-toxic-pollutants-state. Accessed November 2024.

U.S. Environmental Protection Agency (USEPA). 2024d. What is Nonpoint Source Pollution? Available at: https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution. Accessed November 2024.

Section 3.11, Land Use and Planning

No references cited.

Section 3.12, Mineral Resources

California Department of Conservation (DOC). 2022. California Statute and Regulations for the Office of Mine Reclamation. Available at: Division of Mine Reclamation Statutes & Regulations January 2022. Accessed January 2025.

Stanislaus County. 2016. Stanislaus County General Plan and Airport Land Use Compatibility Plan Update Draft Program Environmental Impact Report. April 2016. Available at: https://www.stancounty.com/planning/pl/gp/current/DraftEIR.pdf. Accessed December 2024.

Section 3.13, Noise

California Department of Transportation (Caltrans). 2013. Technical Noise Supplement. Available at: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf. Accessed March 2025.

California Department of Transportation (Caltrans). 2020. Transportation and Construction Vibration Guidance Manual. Available at: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf. Accessed March 2025.

California Governor's Office of Planning and Research (OPR). 2017. General Plan Guidelines, Appendix D, Noise Element Guidelines. Available at: https://lci.ca.gov/docs/OPR_Appendix_D_final.pdf. Accessed March 2025.

Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual (Report 0123). Available at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf. Accessed March 2025.

Stanislaus County. 2016a. General Plan, Noise Element. Available at: https://www.stancounty.com/planning/pl/gp/current/gp-chapter4.pdf. Accessed March 2025.

Stanislaus County. 2016b. Airport Land Use Compatibility Plan. Available at: https://www.stancounty.com/planning/agenda-aluc/ALUCP.pdf. Accessed March 2025.

Section 3.14, Population and Housing

Stanislaus County. 2016. General Plan, Housing Element Update. Available at: https://www.stancounty.com/planning/pl/gp/current/gp-chapter6.pdf. Accessed December 2024.

U.S. Census Bureau. 2023. Quickfacts Stanislaus County, CA. Available at: https://www.census.gov/quickfacts/fact/table/stanislauscountycalifornia/PST045223. Accessed December 2024.

Section 3.15, Public Services

Stanislaus County. 2016. General Plan, Safety Element. Available at: https://www.stancounty.com/planning/pl/gp/current/gp-chapter5.pdf. Accessed December 2024.

Stanislaus County. 2018. Parks & Recreation Master Plan. Available at: https://www.stancounty.com/parks/pdf/stanislaus-county-parks-and-recreation-master-plan-2018.pdf. Accessed November 2024.

Stanislaus County. 2024. Building Permits Division, Public Facilities Fees. Available at: https://www.stancounty.com/planning/bp/ImpactFees/5-Year-Defer-Plan-PFF.pdf. Accessed March 2025.

Stanislaus Consolidated Fire Protection District. 2024. Station 21. Available at: https://www.scfpd.us/station-21. Accessed December 2024.

Section 3.16, Recreation

Stanislaus County. 2018. Parks & Recreation Master Plan. Available at: https://www.stancounty.com/parks/pdf/stanislaus-county-parks-and-recreation-master-plan-2018.pdf. Accessed November 2024.

Stanislaus County. 2025. Parks and Recreation. Available at https://www.stancounty.com/parks/ . Accessed March 2025.

Section 3.17, Transportation

California Department of Transportation (Caltrans). 2020. Vehicle Miles Traveled-Focused Transportation Impact Study Guide. Available at: https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf. Accessed November 2024.

Governor's Office of Planning and Research (OPR). 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Available at: https://lci.ca.gov/docs/20190122-743_Technical_Advisory.pdf. Accessed November 2024.

Section 3.18, Tribal Cultural Resources

Parker, P. L., and T. F. King. 1990. Guidelines for Evaluating and Documenting Traditional Cultural Properties. National Register Publication 38. National Park Service, Washington, DC. Revised 1998.

Section 3.19, Utilities and Service Systems

City of Modesto. 2025a. Water Services. Available at: https://www.modestogov.com/978/Water-Services. Accessed February 2025.

City of Modesto. 2025b. Wastewater Services. Available at: https://www.modestogov.com/522/Wastewater-Services. Accessed February 2025.

City of Modesto and Modesto Irrigation District. 2021. Joint 2020 Urban Water Management Plan. Available at: https://www.modestogov.com/DocumentCenter/View/17262/Joint-2020-Urban-Water-Management-Plan-PDF. Accessed January 2025.

Prem Gen Corp. 2022. Project Description submitted for DCC commercial cannabis business license applications.

Stanislaus County 2025. Stanislaus County Planning Department Website. Available at: https://www.stancounty.com/planning/pl/act-projects.shtm Accessed March 2025.

State Water Resources Control Board (SWRCB). 2019. Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation. Available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf. Accessed November 2024.

State Water Resources Control Board (SWRCB). 2023. Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver for Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2023/wqo2023-0102-dwq.pdf. Accessed November 2024.

Section 3.20, Wildfire

California Department of Forestry and Fire Protection (CAL FIRE). 2024a. Fire Hazard Severity Zones. Available at: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed December 2024.

California Department of Forestry and Fire Protection (CAL FIRE). 2024b. Fire Hazard Severity Zone Viewer. Available at: https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/ Accessed December 2024.

Stanislaus County. 2016. Stanislaus County General Plan and Airport Land Use Compatibility Plan Update Draft Program Environmental Impact Report. April 2016. Available at: https://www.stancounty.com/planning/pl/gp/current/DraftEIR.pdf. Accessed December 2024.

Section 3.21, Mandatory Findings of Significance

California Department of Transportation (Caltrans). 2023: California Public Road Data 2023. Available at: https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/hpms2023-prd-final.pdf. Accessed March 2025.

City of Modesto. 2017. Water Master Plan. Available at: https://www.modestogov.com/847/Water-Plans-Reports. Accessed March 2025.

Stanislaus County. 2016. General Plan and Airport Land Use Compatibility Plan Update Draft Program Environmental Impact Report. Available at: https://www.stancounty.com/planning/pl/gp/current/DraftEIR.pdf. Accessed December 2024.

Stanislaus Council of Governments (StanCOG). 2025. About StanCOG. Available at: https://www.stancog.org/293/About-StanCOG. Accessed March 2025.

Appendix A

Air Quality and Greenhouse Gas Calculations

Prem Gen Custom Report

Table of Contents

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Prem Gen
Construction Start Date	1/1/2025
Operational Year	2026
Lead Agency	DCC
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	3.10
Precipitation (days)	29.2
Location	37.6317609922486, -120.94038227059329
County	Stanislaus
City	Unincorporated
Air District	San Joaquin Valley APCD
Air Basin	San Joaquin Valley
TAZ	2203
EDFZ	15
Electric Utility	Modesto Irrigation District
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
User Defined Industrial	15.0	User Defined Unit	1.05	105,000	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	24.5	24.5	9.60	12.6	0.02	0.33	0.44	0.77	0.31	0.11	0.41	—	2,552	2,552	0.10	0.09	2.50	2,582
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	1.59	1.34	12.1	12.5	0.02	0.56	6.32	6.88	0.52	3.02	3.53	—	2,513	2,513	0.09	0.09	0.06	2,541
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	1.78	1.71	5.57	6.93	0.01	0.20	0.41	0.60	0.18	0.14	0.32	—	1,431	1,431	0.05	0.05	0.59	1,447
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.32	0.31	1.02	1.27	< 0.005	0.04	0.07	0.11	0.03	0.03	0.06	—	237	237	0.01	0.01	0.10	240

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	1.52	1.28	9.60	12.6	0.02	0.33	0.44	0.77	0.31	0.11	0.41	—	2,552	2,552	0.10	0.09	2.50	2,582

2026	24.5	24.5	9.19	12.3	0.02	0.30	0.44	0.74	0.27	0.11	0.38	—	2,537	2,537	0.09	0.09	2.27	2,567
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	1.59	1.34	12.1	12.5	0.02	0.56	6.32	6.88	0.52	3.02	3.53	—	2,513	2,513	0.09	0.09	0.06	2,541
2026	1.43	1.20	9.25	11.8	0.02	0.30	0.44	0.74	0.27	0.11	0.38	—	2,499	2,499	0.09	0.09	0.06	2,527
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.86	0.72	5.57	6.93	0.01	0.20	0.41	0.60	0.18	0.14	0.32	—	1,431	1,431	0.05	0.05	0.59	1,447
2026	1.78	1.71	2.87	3.79	0.01	0.09	0.13	0.22	0.09	0.03	0.12	—	772	772	0.03	0.03	0.29	781
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.16	0.13	1.02	1.27	< 0.005	0.04	0.07	0.11	0.03	0.03	0.06	—	237	237	0.01	0.01	0.10	240
2026	0.32	0.31	0.52	0.69	< 0.005	0.02	0.02	0.04	0.02	0.01	0.02	—	128	128	< 0.005	< 0.005	0.05	129

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	4.07	3.93	2.47	7.41	< 0.005	0.12	0.01	0.13	0.11	< 0.005	0.12	72.3	6,490	6,562	7.55	0.06	0.06	6,769
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	3.25	3.17	2.43	2.88	< 0.005	0.11	0.01	0.12	0.11	< 0.005	0.11	72.3	6,470	6,542	7.55	0.06	< 0.005	6,749
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	2.95	2.91	0.37	2.79	< 0.005	0.02	0.01	0.03	0.02	< 0.005	0.02	72.3	5,935	6,008	7.52	0.05	0.03	6,212
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.54	0.53	0.07	0.51	< 0.005	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	12.0	983	995	1.25	0.01	< 0.005	1,028

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.06	0.06	0.02	0.17	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	20.0	20.0	< 0.005	< 0.005	0.06	20.7
Area	3.19	3.13	0.04	4.57	< 0.005	0.01	—	0.01	0.01	—	0.01	—	18.8	18.8	< 0.005	< 0.005	—	18.8
Energy	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	6,068	6,068	0.42	0.05	—	6,094
Water	—	—	—	—	—	—	—	—	—	—	—	1.18	5.23	6.41	< 0.005	< 0.005	—	7.30
Waste	—	—	—	—	—	—	—	—	—	—	—	71.1	0.00	71.1	7.11	0.00	—	249
Off-Road	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Stationary	0.81	0.74	2.41	2.68	< 0.005	0.11	0.00	0.11	0.11	0.00	0.11	0.00	378	378	0.02	< 0.005	0.00	379
Total	4.07	3.93	2.47	7.41	< 0.005	0.12	0.01	0.13	0.11	< 0.005	0.12	72.3	6,490	6,562	7.55	0.06	0.06	6,769
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.06	0.05	0.03	0.20	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	18.8	18.8	< 0.005	< 0.005	< 0.005	19.5
Area	2.38	2.38	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Energy	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	6,068	6,068	0.42	0.05	—	6,094
Water	—	—	—	—	—	—	—	—	—	—	—	1.18	5.23	6.41	< 0.005	< 0.005	—	7.30
Waste	—	—	—	—	—	—	—	—	—	—	—	71.1	0.00	71.1	7.11	0.00	—	249
Off-Road	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Stationary	0.81	0.74	2.41	2.68	< 0.005	0.11	0.00	0.11	0.11	0.00	0.11	0.00	378	378	0.02	< 0.005	0.00	379
Total	3.25	3.17	2.43	2.88	< 0.005	0.11	0.01	0.12	0.11	< 0.005	0.11	72.3	6,470	6,542	7.55	0.06	< 0.005	6,749
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Mobile	0.06	0.06	0.02	0.18	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	19.0	19.0	< 0.005	< 0.005	0.03	19.7
Area	2.78	2.75	0.02	2.25	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.26	9.26	< 0.005	< 0.005	—	9.29
Energy	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	5,850	5,850	0.40	0.05	—	5,875
Water	—	—	—	—	—	—	—	—	—	—	—	1.18	5.23	6.41	< 0.005	< 0.005	—	7.30
Waste	—	—	—	—	—	—	—	—	—	—	—	71.1	0.00	71.1	7.11	0.00	—	249
Off-Road	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Stationary	0.11	0.10	0.33	0.37	< 0.005	0.01	0.00	0.01	0.01	0.00	0.01	0.00	51.8	51.8	< 0.005	< 0.005	0.00	51.9
Total	2.95	2.91	0.37	2.79	< 0.005	0.02	0.01	0.03	0.02	< 0.005	0.02	72.3	5,935	6,008	7.52	0.05	0.03	6,212
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.01	0.01	< 0.005	0.03	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	3.15	3.15	< 0.005	< 0.005	< 0.005	3.27
Area	0.51	0.50	< 0.005	0.41	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.53	1.53	< 0.005	< 0.005	—	1.54
Energy	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	969	969	0.07	0.01	—	973
Water	—	—	—	—	—	—	—	—	—	—	—	0.20	0.87	1.06	< 0.005	< 0.005	—	1.21
Waste	—	—	—	—	—	—	—	—	—	—	—	11.8	0.00	11.8	1.18	0.00	—	41.2
Off-Road	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Stationary	0.02	0.02	0.06	0.07	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	0.00	8.57	8.57	< 0.005	< 0.005	0.00	8.60
Total	0.54	0.53	0.07	0.51	< 0.005	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	12.0	983	995	1.25	0.01	< 0.005	1,028

3. Construction Emissions Details

3.1. Site Preparation (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.56	1.31	12.1	12.1	0.02	0.56	—	0.56	0.52	—	0.52	—	2,065	2,065	0.08	0.02	—	2,072
Dust From Material Movement	—	—	—	—	—	—	6.26	6.26	—	3.00	3.00	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	0.04	0.33	0.33	< 0.005	0.02	—	0.02	0.01	—	0.01	—	56.6	56.6	< 0.005	< 0.005	—	56.8
Dust From Material Movement	—	—	—	—	—	—	0.17	0.17	—	0.08	0.08	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.06	0.06	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.36	9.36	< 0.005	< 0.005	—	9.40
Dust From Material Movement	—	—	—	—	—	—	0.03	0.03	—	0.02	0.02	—	—	—	—	—	—	—

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.03	0.03	0.03	0.31	0.00	0.00	0.06	0.06	0.00	0.01	0.01	—	54.8	54.8	< 0.005	< 0.005	0.01	55.6
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.55	1.55	< 0.005	< 0.005	< 0.005	1.57
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.26	0.26	< 0.005	< 0.005	< 0.005	0.26
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.3. Building Construction (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipment	1.28	1.07	8.95	10.0	0.02	0.33	—	0.33	0.30	—	0.30	—	1,801	1,801	0.07	0.01	—	1,807
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.28	1.07	8.95	10.0	0.02	0.33	—	0.33	0.30	—	0.30	—	1,801	1,801	0.07	0.01	—	1,807
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.70	0.58	4.87	5.46	0.01	0.18	—	0.18	0.16	—	0.16	—	980	980	0.04	0.01	—	983
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.13	0.11	0.89	1.00	< 0.005	0.03	—	0.03	0.03	—	0.03	—	162	162	0.01	< 0.005	—	163
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.22	0.20	0.13	2.38	0.00	0.00	0.34	0.34	0.00	0.08	0.08	—	361	361	0.02	0.01	1.44	367
Vendor	0.02	0.01	0.53	0.19	< 0.005	0.01	0.10	0.11	0.01	0.03	0.03	—	390	390	0.01	0.06	1.05	408

Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.20	0.18	0.17	1.83	0.00	0.00	0.34	0.34	0.00	0.08	0.08	—	322	322	0.01	0.01	0.04	327
Vendor	0.02	0.01	0.56	0.19	< 0.005	0.01	0.10	0.11	0.01	0.03	0.03	—	390	390	0.01	0.06	0.03	407
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.11	0.10	0.08	1.03	0.00	0.00	0.18	0.18	0.00	0.04	0.04	—	181	181	0.01	0.01	0.34	183
Vendor	0.01	0.01	0.30	0.10	< 0.005	< 0.005	0.06	0.06	< 0.005	0.02	0.02	—	212	212	< 0.005	0.03	0.25	222
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.02	0.02	0.01	0.19	0.00	0.00	0.03	0.03	0.00	0.01	0.01	—	29.9	29.9	< 0.005	< 0.005	0.06	30.4
Vendor	< 0.005	< 0.005	0.05	0.02	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	35.1	35.1	< 0.005	0.01	0.04	36.7
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Building Construction (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.22	1.01	8.57	9.96	0.02	0.29	—	0.29	0.27	—	0.27	—	1,801	1,801	0.07	0.01	—	1,807
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.22	1.01	8.57	9.96	0.02	0.29	—	0.29	0.27	—	0.27	—	1,801	1,801	0.07	0.01	—	1,807
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.34	0.28	2.40	2.79	0.01	0.08	—	0.08	0.08	—	0.08	—	504	504	0.02	< 0.005	—	506
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.06	0.05	0.44	0.51	< 0.005	0.01	—	0.01	0.01	—	0.01	—	83.4	83.4	< 0.005	< 0.005	—	83.7
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.20	0.19	0.12	2.19	0.00	0.00	0.34	0.34	0.00	0.08	0.08	—	354	354	0.01	0.01	1.32	359
Vendor	0.02	0.01	0.51	0.18	< 0.005	0.01	0.10	0.11	0.01	0.03	0.03	—	382	382	0.01	0.06	0.95	401
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.19	0.17	0.14	1.68	0.00	0.00	0.34	0.34	0.00	0.08	0.08	—	316	316	0.01	0.01	0.03	320

Vendor	0.02	0.01	0.54	0.19	< 0.005	0.01	0.10	0.11	0.01	0.03	0.03	—	383	383	0.01	0.06	0.02	400
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.05	0.05	0.04	0.49	0.00	0.00	0.09	0.09	0.00	0.02	0.02	—	91.0	91.0	< 0.005	< 0.005	0.16	92.4
Vendor	0.01	< 0.005	0.15	0.05	< 0.005	< 0.005	0.03	0.03	< 0.005	0.01	0.01	—	107	107	< 0.005	0.02	0.11	112
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.01	0.09	0.00	0.00	0.02	0.02	0.00	< 0.005	< 0.005	—	15.1	15.1	< 0.005	< 0.005	0.03	15.3
Vendor	< 0.005	< 0.005	0.03	0.01	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	17.7	17.7	< 0.005	< 0.005	0.02	18.5
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.7. Paving (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.56	0.47	4.41	6.48	0.01	0.18	—	0.18	0.17	—	0.17	—	991	991	0.04	0.01	—	995
Paving	0.00	0.00	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road	0.03	0.03	0.24	0.36	< 0.005	0.01	—	0.01	0.01	—	0.01	—	54.3	54.3	< 0.005	< 0.005	—	54.5
Paving	0.00	0.00	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	< 0.005	0.04	0.06	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	8.99	8.99	< 0.005	< 0.005	—	9.02
Paving	0.00	0.00	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.06	0.05	0.03	0.62	0.00	0.00	0.10	0.10	0.00	0.02	0.02	—	100	100	< 0.005	< 0.005	0.37	102
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.03	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	5.05	5.05	< 0.005	< 0.005	0.01	5.13
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.84	0.84	< 0.005	< 0.005	< 0.005	0.85
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.9. Architectural Coating (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.15	0.12	0.86	1.13	< 0.005	0.02	—	0.02	0.02	—	0.02	—	134	134	0.01	< 0.005	—	134
Architectural Coatings	24.3	24.3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.05	0.06	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	7.32	7.32	< 0.005	< 0.005	—	7.34
Architectural Coatings	1.33	1.33	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipment	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.21	1.21	< 0.005	< 0.005	—	1.22
Architectural Coatings	0.24	0.24	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.04	0.04	0.02	0.44	0.00	0.00	0.07	0.07	0.00	0.02	0.02	—	70.7	70.7	< 0.005	< 0.005	0.26	71.9
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.02	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	3.56	3.56	< 0.005	< 0.005	0.01	3.62
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.59	0.59	< 0.005	< 0.005	< 0.005	0.60
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Mobile source emissions results are presented in Sections 2.6. No further detailed breakdown of emissions is available.

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	—	5,309	5,309	0.37	0.04	—	5,331
undefined	—	—	—	—	—	—	—	—	—	—	—	—	759	759	0.05	0.01	—	763
Total	—	—	—	—	—	—	—	—	—	—	—	—	6,068	6,068	0.42	0.05	—	6,094
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	—	5,309	5,309	0.37	0.04	—	5,331
undefined	—	—	—	—	—	—	—	—	—	—	—	—	759	759	0.05	0.01	—	763
Total	—	—	—	—	—	—	—	—	—	—	—	—	6,068	6,068	0.42	0.05	—	6,094
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	—	879	879	0.06	0.01	—	883

undefined	—	—	—	—	—	—	—	—	—	—	—	—	89.6	89.6	0.01	< 0.005	—	89.9
Total	—	—	—	—	—	—	—	—	—	—	—	—	969	969	0.07	0.01	—	973

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	2.25	2.25	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	0.13	0.13	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.81	0.75	0.04	4.57	< 0.005	0.01	—	0.01	0.01	—	0.01	—	18.8	18.8	< 0.005	< 0.005	—	18.8
Total	3.19	3.13	0.04	4.57	< 0.005	0.01	—	0.01	0.01	—	0.01	—	18.8	18.8	< 0.005	< 0.005	—	18.8
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	2.25	2.25	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	0.13	0.13	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	2.38	2.38	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	0.41	0.41	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	0.02	0.02	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Landscape	0.07	0.07	< 0.005	0.41	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.53	1.53	< 0.005	< 0.005	—	1.54
Total	0.51	0.50	< 0.005	0.41	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.53	1.53	< 0.005	< 0.005	—	1.54

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	1.18	5.23	6.41	< 0.005	< 0.005	—	7.30
Total	—	—	—	—	—	—	—	—	—	—	—	1.18	5.23	6.41	< 0.005	< 0.005	—	7.30
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	1.18	5.23	6.41	< 0.005	< 0.005	—	7.30
Total	—	—	—	—	—	—	—	—	—	—	—	1.18	5.23	6.41	< 0.005	< 0.005	—	7.30
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	0.20	0.87	1.06	< 0.005	< 0.005	—	1.21
Total	—	—	—	—	—	—	—	—	—	—	—	0.20	0.87	1.06	< 0.005	< 0.005	—	1.21

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	71.1	0.00	71.1	7.11	0.00	—	249
Total	—	—	—	—	—	—	—	—	—	—	—	71.1	0.00	71.1	7.11	0.00	—	249
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	71.1	0.00	71.1	7.11	0.00	—	249
Total	—	—	—	—	—	—	—	—	—	—	—	71.1	0.00	71.1	7.11	0.00	—	249
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
User Defined Industrial	—	—	—	—	—	—	—	—	—	—	—	11.8	0.00	11.8	1.18	0.00	—	41.2
Total	—	—	—	—	—	—	—	—	—	—	—	11.8	0.00	11.8	1.18	0.00	—	41.2

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pumps	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pumps	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pumps	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Emergency Generator	0.81	0.74	2.41	2.68	< 0.005	0.11	0.00	0.11	0.11	0.00	0.11	0.00	378	378	0.02	< 0.005	0.00	379
Total	0.81	0.74	2.41	2.68	< 0.005	0.11	0.00	0.11	0.11	0.00	0.11	0.00	378	378	0.02	< 0.005	0.00	379
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Emergency Generator	0.81	0.74	2.41	2.68	< 0.005	0.11	0.00	0.11	0.11	0.00	0.11	0.00	378	378	0.02	< 0.005	0.00	379
Total	0.81	0.74	2.41	2.68	< 0.005	0.11	0.00	0.11	0.11	0.00	0.11	0.00	378	378	0.02	< 0.005	0.00	379
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Emergency Generator	0.02	0.02	0.06	0.07	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	0.00	8.57	8.57	< 0.005	< 0.005	0.00	8.60
Total	0.02	0.02	0.06	0.07	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	0.00	8.57	8.57	< 0.005	< 0.005	0.00	8.60

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Site Preparation	Site Preparation	1/30/2025	2/13/2025	5.00	10.0	—
Building Construction	Building Construction	3/29/2025	5/23/2026	5.00	300	—
Paving	Paving	5/24/2026	6/21/2026	5.00	20.0	—
Architectural Coating	Architectural Coating	6/22/2026	7/20/2026	5.00	20.0	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Site Preparation	Tractors/Loaders/Backhoes	Diesel	Average	1.00	8.00	84.0	0.37
Site Preparation	Rubber Tired Dozers	Diesel	Average	1.00	7.00	367	0.40
Site Preparation	Graders	Diesel	Average	1.00	8.00	148	0.41
Building Construction	Cranes	Diesel	Average	1.00	6.00	367	0.29
Building Construction	Forklifts	Diesel	Average	1.00	6.00	82.0	0.20

Building Construction	Tractors/Loaders/Back	Diesel	Average	1.00	6.00	84.0	0.37
Building Construction	Generator Sets	Diesel	Average	1.00	8.00	14.0	0.74
Building Construction	Welders	Diesel	Average	3.00	8.00	46.0	0.45
Paving	Pavers	Diesel	Average	1.00	6.00	81.0	0.42
Paving	Rollers	Diesel	Average	1.00	7.00	36.0	0.38
Paving	Paving Equipment	Diesel	Average	1.00	8.00	89.0	0.36
Paving	Tractors/Loaders/Back hoes	Diesel	Average	1.00	8.00	84.0	0.37
Paving	Cement and Mortar Mixers	Diesel	Average	1.00	6.00	10.0	0.56
Architectural Coating	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Site Preparation	—	—	—	—
Site Preparation	Worker	7.50	10.8	LDA,LDT1,LDT2
Site Preparation	Vendor	—	7.17	HHDT,MHDT
Site Preparation	Hauling	0.00	20.0	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Building Construction	—	—	—	—
Building Construction	Worker	44.1	10.8	LDA,LDT1,LDT2
Building Construction	Vendor	17.2	7.17	HHDT,MHDT
Building Construction	Hauling	0.00	20.0	HHDT
Building Construction	Onsite truck	—	—	HHDT
Paving	—	—	—	—
Paving	Worker	12.5	10.8	LDA,LDT1,LDT2
Paving	Vendor	—	7.17	HHDT,MHDT

Paving	Hauling	0.00	20.0	HHDT
Paving	Onsite truck	—	—	HHDT
Architectural Coating	—	—	—	—
Architectural Coating	Worker	8.82	10.8	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	7.17	HHDT,MHDT
Architectural Coating	Hauling	0.00	20.0	HHDT
Architectural Coating	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Architectural Coating	0.00	0.00	157,500	52,500	—

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (Ton of Debris)	Material Exported (Ton of Debris)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)
Site Preparation	0.00	0.00	15.0	0.00	—
Paving	0.00	0.00	0.00	0.00	0.00

5.6.2. Construction Earthmoving Control Strategies

Non-applicable. No control strategies activated by user.

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
User Defined Industrial	0.00	0%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2025	0.00	478	0.03	< 0.005
2026	0.00	478	0.03	< 0.005

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Total all Land Uses	17.0	17.0	17.0	6,205	20.0	20.0	20.0	7,300

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
0	0.00	157,500	52,500	—

5.10.3. Landscape Equipment

Season	Unit	Value

Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
User Defined Industrial	4,055,012	478	0.0330	0.0040	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
User Defined Industrial	552,000	1,259,712

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
User Defined Industrial	132	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Pumps	Electric	Average	24.0	8.00	15.0	0.74

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor
Emergency Generator	Diesel	9.00	1.00	50.0	50.0	0.73

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

8. User Changes to Default Data

Screen	Justification
Construction: Construction Phases	used default construction timing for acreage. Removed demolition and grading since none needed for this site.
Construction: Trips and VMT	Added at least 1 vendor, hauling and onsite truck to each phase per day for material deliveries, debris hauling, and water trucks. Onsite was assumed 10 miles per day.
Operations: Energy Use	From applicant 4,055,012 kwhr/yr.
Operations: Water and Waste Water	From applicant gallons of water per year. Disposal of wastewater is sewer.
Operations: Off-Road Equipment	water pump

Characteristics: Project Details	information on project site
Land Use	Assumed industrial. Square footage to account for all greenhouses and structures. Kept total acreage of parcel.
Operations: Solid Waste	scaled industrial
Construction: Dust From Material Movement	no material hauling
Operations: Emergency Generators and Fire Pumps	assume 9 50 hp generators for testing up to 50 hours per year. This is total hp to replace electricity draw based on annual electricity use.

Appendix B

Special Status Species Desktop Survey Report

December 18, 2024

Susan Pearce
Montrose Environmental
1 Kaiser Plaza, Suite 340
Oakland, CA 94612
Email: smpearce@montrose-env.com

Subject: Special-Status Species Desktop Reviews for the Prem Gen Corp Cannabis Site, Stanislaus County, California.

Dear Susan,

The following attachments are provided to support the California Environmental Quality Act (CEQA) Initial Study/Mitigated Negative Declaration (MND) for the three 5,000 square foot warehouses referred to as Prem Gen Corp located at 536, 538 and 540 El Roya Avenue, Modesto, Stanislaus County, California.

At the request of Montrose Environmental, MESA Biological LLC (MESA) conducted an evaluation of special-status species on the Prem Gen Corp site by performing database queries and compiling the findings into detailed species tables. The standard nine-quadrangle search method, based on United States Geological Survey (USGS) 7.5-minute maps was used. Data sources included the California Natural Diversity Database (CNDDB) RareFind 5, the California Native Plant Society's (CNPS) Online Inventory, and the U.S. Fish and Wildlife Service's Information for Planning and Conservation (IPaC). These queries were designed to identify special-status species that may occur within or near the project site.

Special-status species include plants and wildlife that are proposed for listing, or candidates for listing, as threatened or endangered under the federal Endangered Species Act (FESA) by the U.S. Fish and Wildlife Service (USFWS) and under the California Endangered Species Act (CESA) by the California Department of Fish and Wildlife (CDFW). This category also encompasses plants with a California Rare Plant Rank (CRPR) of 1B, 2, 3, or 4, which are considered rare, threatened, or endangered in California and beyond.

MESA's database queries identified 8 special-status plants with a CRPR ranking of 1B or 2 that are known or have the potential to occur in the region. Additionally, the assessment included a total of 30 special-status wildlife species. These findings were evaluated and compiled into the special-status species table provided below. This table includes detailed descriptions of habitat requirements and a rationale for the likelihood of each species' presence on-site. Species were classified into one of four categories based on their potential to occur:

- **None**: Unlikely to occur due to the absence of suitable habitat and no documented occurrences nearby.
- **Not Expected**: Unlikely to occur because of marginal or limited habitat and few or no nearby occurrences.
- **Possible**: May occur, as suitable habitat is present and documented occurrences exist within a reasonable distance.
- **Occurs**: Known to occur, with optimal habitat on-site and confirmed records nearby.

This systematic classification ensures a clear, comprehensive, and transparent evaluation of the potential presence of special-status species, in alignment with CEQA's environmental analysis requirements.

To enhance this assessment, MESA reviewed historical CNDDB observational data within a 5-mile radius of the Prem Gen Corp site and also evaluated maps illustrating these historical observations near the project area. Notably, there were no recorded observations of special-status plants within this 5-mile radius, and as a result, no CNDDB plant map has been provided. This analysis is a vital resource for evaluating the presence of special-status species, ensuring CEQA compliance, facilitating informed decision-making, and addressing potential environmental concerns associated with the project.

Regards,

Paul Rosebush
Project Manager/Senior Biologist
MESA Biological LLC.

Attachment A *Special Status Plants in the Regional Vicinity of the Prem Gen Corp Site*
Attachment B *Special Status Wildlife in the Regional Vicinity of the Prem Gen Corp Site*
Attachment C *CNDDB Sensitive Wildlife Observations within 5-Miles of the Prem Gen Corp Site*

Attachment D	*CNDDB Nine USGS 7.5-Minute Quad Review Surrounding the Prem Gen Corp Site*
Attachment E	*CNPS Nine USGS 7.5-Minute Quad Review Surrounding the Prem Gen Corp Site*
Attachment F	*USFWS IPaC Resource List - Stanislaus County – Prem Gen Corp Site*

Attachment A – Special Status Plants in the Regional Vicinity of the Prem Gen Corp Site

Prem Gen Corp - Special-Status Plant Species in the Regional Vicinity (Nine Quad) of the Evaluation Site

Scientific Name Common Name	Status (Fed/State) (CRPR)	Habitat Requirements	Potential to Occur	Discussion
Plants				
beaked clarkia (*Clarkia rostrata*)	None/None 1B.3	Occurs in cismontane woodland and valley and foothill grassland. Elevation: 195 – 1640 feet Blooms: Apr - May	**None**	The site has been previously disturbed and consists primarily of a paved lot surrounded by industrial buildings, indicating significant historical alteration of the natural landscape. Due to its developed nature, the site lacks native habitat, with no natural vegetation or ecological features that would typically support beaked clarkia. Additionally, no CNDDB records of this species occur within 5-mile radius of the site.
Colusa grass (*Neostapfia colusana*)	FT/SE 1B.1	Occurs in vernal pools. Found in adobe clay. Elevation: 15 – 655 feet Blooms: May – August	**None**	The site has been previously disturbed and consists primarily of a paved lot surrounded by industrial buildings, indicating significant historical alteration of the natural landscape. Due to its developed nature, the site lacks native habitat, with no natural vegetation or ecological features that would typically support Colusa grass. Additionally, no CNDDB records of this species occur within 5-mile radius of the site.
Greene's tuctoria (*Tuctoria greenei*)	FE/SR 1B.1	Occurs in vernal pools. Found in freshwater wetlands, valley grassland, wetland-riparian. Elevation: 100 – 3510 feet Blooms: May – July (Sep)	**None**	The site has been previously disturbed and consists primarily of a paved lot surrounded by industrial buildings, indicating significant historical alteration of the natural landscape. Due to its developed nature, the site lacks native habitat, with no natural vegetation or ecological features that would typically support Greene's tuctoria. Additionally, no CNDDB records of this species occur within 5-mile radius of the site.

Scientific Name Common Name	Status (Fed/State) (CRPR)	Habitat Requirements	Potential to Occur	Discussion
heartscale (*Atriplex cordulata* var. *cordulata*)	None/None 1B.2	Occurs in alkaline flats and scalds in sandy soils of the Central Valley. Found in chenopod scrub, meadows and seeps and Valley and foothill grasslands Elevation: 0 – 1835 feet Blooms: Apr - Oct	**None**	The site has been previously disturbed and consists primarily of a paved lot surrounded by industrial buildings, indicating significant historical alteration of the natural landscape. Due to its developed nature, the site lacks native habitat, with no natural vegetation or ecological features that would typically support heartscale. Additionally, no CNDDB records of this species occur within 5-mile radius of the site.
legenere (*Legenere limosa*)	None/None 1B.1	Occurs in vernal pools. Found in freshwater wetlands, valley grassland, wetland-riparian. Elevation: 5 – 2885 feet Blooms: Apr - Jun	**None**	The site has been previously disturbed and consists primarily of a paved lot surrounded by industrial buildings, indicating significant historical alteration of the natural landscape. Due to its developed nature, the site lacks native habitat, with no natural vegetation or ecological features that would typically support legenere. Additionally, no CNDDB records of this species occur within 5-mile radius of the site.
prairie wedge grass (*Sphenopholis obtusata*)	None/None 2B.2	Occurs in cismontane woodland, meadows, and seeps Elevation: 985 – 6560 feet Blooms: Apr - Jul	**None**	The site has been previously disturbed and consists primarily of a paved lot surrounded by industrial buildings, indicating significant historical alteration of the natural landscape. Due to its developed nature, the site lacks native habitat, with no natural vegetation or ecological features that would typically support prairie wedge grass. Additionally, no CNDDB records of this species occur within 5-mile radius of the site.

Scientific Name Common Name	Status (Fed/State) (CRPR)	Habitat Requirements	Potential to Occur	Discussion
San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*)	FT/SE 1B.1	Occurs in vernal pools. Found in freshwater wetlands, valley grassland, wetland-riparian. Elevation: 35 – 2475 feet Blooms: Apr – Sep	**None**	The site has been previously disturbed and consists primarily of a paved lot surrounded by industrial buildings, indicating significant historical alteration of the natural landscape. Due to its developed nature, the site lacks native habitat, with no natural vegetation or ecological features that would typically support San Joaquin Valley Orcutt grass. Additionally, no CNDDB records of this species occur within 5-mile radius of the site.
subtle orache (*Atriplex subtilis*)	None/None 1B.2	Occurs in valley and foothill grassland Elevation: 130 – 330 feet Blooms: (Apr)Jun – Sep(Oct)	**None**	The site has been previously disturbed and consists primarily of a paved lot surrounded by industrial buildings, indicating significant historical alteration of the natural landscape. Due to its developed nature, the site lacks native habitat, with no natural vegetation or ecological features that would typically support subtle orache. Additionally, no CNDDB records of this species occur within 5-mile radius of the site.
Sensitive Vegetation Communities				
Northern hardpan vernal pool			**None**	The site consists of previously disturbed lands that lack native habitats, including sensitive vegetation communities.

FE = Federally Endangered
FC = Federal Candidate
FT = Federally Threatened
SE = State Endangered
ST = State Threatened
SC = State Candidate
SR = State Rare

CNPR (CNPS California Rare Plant Rank):

1A = Plants presumed extirpated in California
1B = Plants rare, threatened, or endangered in California and elsewhere

CRPR Threat Code Extension

.1 = Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat)
.2 = Fairly endangered in California (20%-80% occurrences threatened)
.3 = Not very endangered in California (<205 of occurrences threatened

Potential to Occur Classifications

None: classification indicates that the species is determined to be completely absent from the site. This determination is based on the absence of suitable habitat features required by the species, a lack of documented occurrences in the local area or surrounding quadrangles, and environmental conditions incompatible with the species' known habitat requirements.

Not Expected classification is used for species that are unlikely to occur at the site but cannot be entirely ruled out. This classification applies when the site contains minimal or limited habitat features that are suboptimal for the species. Few or no documented occurrences exist in the surrounding area, and the site may experience environmental factors such as disturbance or habitat fragmentation that make it unlikely for the species to inhabit or use the area.

Possible classification is assigned to species that have a reasonable likelihood of occurring on the site. This classification applies when the site contains suitable habitat that meets the species' known requirements, and there are documented occurrences within a reasonable distance, such as nearby quadrangles or within the species' typical range. Species in this category may use the site seasonally, sporadically, or for specific life history activities like foraging, breeding, or migration.

Occurs: classification is used for species that are known to inhabit or regularly use the site. This determination is based on the presence of optimal or high-quality habitat that fully meets the species' requirements, along with confirmed records of the species' presence in close proximity, such as direct observations or documented data. Environmental conditions and habitat features at the site are well-suited for the species' long-term or consistent presence.

Attachment B – Special Status Wildlife in the Regional Vicinity of the Prem Gen Corp Site

Special-Status Wildlife Species in the Regional Vicinity (Nine Quad) of the Evaluation Site

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
Crustaceans				
vernal pool fairy shrimp (*Branchinecta lynchi*)	FT/None	Vernal pool fairy shrimp inhabit seasonal vernal pools and other shallow, astatic freshwater depressions in grasslands and woodlands, requiring temporary rain-filled habitats with suitable water quality and duration.	**None**	Although CNDDB records of this species occur within 5-miles, vernal pool fairy shrimp are unlikely to occur in previously disturbed lands because such disturbances disrupt the soil structure, hydrology, and pool formation necessary to sustain their specialized vernal pool habitats.
vernal pool tadpole shrimp (*Lepidurus packardi*)	FE/None	Vernal pool tadpole shrimp inhabit seasonal vernal pools, swales, and other astatic freshwater depressions in grasslands, relying on rain-filled habitats with a clay or hardpan substrate that retains water long enough for their life cycle to complete.	**None**	Although CNDDB records of this species occur within 5-miles, vernal pool tadpole shrimp are unlikely to occur in previously disturbed lands, as disturbances often degrade or eliminate the intact soil layers, hydrology, and conditions required to support their specialized vernal pool habitats. These features are not present on the project site.
Amphibians				
California tiger salamander central California DPS (*Ambystoma californiense*)	FT/ST/WL	California tiger salamanders inhabit grasslands and low-elevation woodlands with vernal pools, seasonal ponds, or other temporary water bodies for breeding. They rely on underground refuges, such as small mammal burrows, for shelter during their terrestrial life stages.	**None**	California tiger salamanders are unlikely to occur in previously disturbed lands surrounded by commercial and industrial buildings, as these areas they lack the vernal pools, seasonal wetlands, and intact small mammal burrows required for breeding, foraging, and sheltering. No CNDDB records occur within 5-miles of the site.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
western spadefoot toad (*Spea hammondii*)	PT/SSC	The western spadefoot toad inhabits grasslands, open scrublands, and occasionally agricultural areas with loose, sandy, or gravelly soils. It relies on temporary, rain-filled pools and vernal pools for breeding and spends most of its life underground in burrows, emerging primarily during wet conditions.	**None**	The western spadefoot toad is unlikely to occur in previously disturbed lands surrounded by commercial and industrial buildings, as such areas lack the seasonal rain-filled pools and loose, undisturbed soils necessary for breeding, burrowing, and completing their life cycle. Additionally, no CNDDB records of this species exist within 5-miles of the site.
Reptiles				
northern California legless lizard (*Anniella pulchra*)	None/SSC	Northern California legless lizard inhabits sandy or loose loamy soils in coastal dunes, chaparral, oak woodlands, and scrub habitats. It requires areas with abundant leaf litter, decaying vegetation, or other ground cover for burrowing and protection, avoiding heavily disturbed or compacted soils.	**None**	The northern California legless lizard is unlikely to occur in previously disturbed lands surrounded by commercial and industrial buildings, as these areas lack the loose, sandy or loamy soils and vegetative cover necessary for burrowing and sheltering. Habitat disturbances typically remove the ground litter and soil conditions critical for this species. There are no CNDDB records of this species within 5-miles of the site.
northwestern pond turtle (*Actinemys marmorata*)	FPT/None	The northwestern pond turtle inhabits a variety of freshwater environments, including ponds, lakes, rivers, streams, and marshes, often with basking sites like logs or rocks. It requires aquatic habitats with slow-moving or still water and nearby upland areas for nesting and overwintering, often preferring sites with soft, sandy, or loamy soils.	**None**	The northwestern pond turtle is unlikely to occur in previously disturbed lands surrounded by commercial and industrial buildings, as such areas often lack the calm, clean water bodies with suitable basking sites and nearby upland areas required for nesting, foraging, and overwintering. Disturbances typically degrade or eliminate these essential habitat features. No CNDDB observations have been recorded within 5-miles of the site.
Birds				

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
burrowing owl (*Athene cunicularia*)	None/SSC	The burrowing owl inhabits open areas with sparse vegetation, such as grasslands, deserts, agricultural fields, and urban landscapes. It relies on burrows, often abandoned by mammals, for nesting and shelter, and it can adapt to disturbed environments like golf courses, airports, and road embankments if suitable prey and burrow availability exist.	**None**	The burrowing owl is unlikely to inhabit paved lots surrounded by commercial and industrial buildings. The site lacks suitable conditions, such as open areas with sparse vegetation, abandoned mammal burrows for nesting, and adequate prey availability. Extensive disturbances that eliminate burrows or significantly alter the landscape further reduce the potential for their presence. Additionally, no CNDDB records of burrowing owls exist within a 5-mile radius of the site.
cackling (=Aleutian Canada) goose (*Branta hutchinsii leucopareia*)	FD/WL	The cackling goose typically inhabits open areas near water, such as wetlands, marshes, lakes, rivers, and coastal estuaries. During breeding, it favors tundra habitats with sparse vegetation, while in winter, it is commonly found in agricultural fields, grasslands, and shallow freshwater habitats where it forages for grasses, grains, and aquatic plants.	**None**	The potential for cackling geese to occur on a paved lot surrounded by commercial and industrial buildings is extremely low. These geese prefer open areas near water, such as wetlands, lakes, or fields, where they can forage for grasses and aquatic plants. Paved lots lack the vegetation, water sources, and open foraging spaces required by cackling geese, and the urban setting provides minimal to no suitable habitat for their presence. No CNDDB records occur within 5-miles of the site.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
great blue heron (*Ardea herodias*)	None/None	The great blue heron inhabits wetlands, rivers, lakes, estuaries, and coastal areas, typically near shallow waters where it forages for fish, amphibians, and small mammals. It nests in trees, shrubs, or on the ground near water, often forming colonies in areas with minimal disturbance.	**None**	The potential for this species to occur on a paved lot surrounded by commercial and industrial buildings is very low. Great blue herons are typically associated with aquatic habitats such as wetlands, rivers, lakes, and coastal areas, where they forage for fish, amphibians, and other prey. A paved lot lacks the water sources and natural features needed to support their foraging or nesting activities. While a heron might occasionally pass through urban areas, the absence of suitable habitat makes it highly unlikely for them to utilize this site. No CNDDB records occur within 5-miles of the site.
snowy egret (*Egretta thula*)	None/None	The snowy egret inhabits wetlands, including marshes, swamps, tidal flats, estuaries, and the edges of lakes and rivers. It forages in shallow waters for fish, amphibians, and invertebrates and nests in colonies, typically in trees or shrubs near water.	**Low potential**	The potential for snowy egrets to occur on a paved lot surrounded by commercial and industrial buildings is extremely low. Snowy egrets are typically found in wetland habitats, including marshes, ponds, rivers, and coastal areas, where they forage for fish, insects, and other aquatic prey. A paved lot lacks the water features and natural habitat necessary to support their foraging or roosting activities, making their presence in such an area highly unlikely.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
Swainson’s hawk (*Buteo swainsoni*)	None/ST	Swainson's hawk inhabits open grasslands, agricultural fields, and desert scrublands, often near riparian corridors or scattered trees for nesting. It relies on open landscapes for foraging, primarily preying on small mammals, birds, and insects, and prefers areas with minimal human disturbance during the breeding season.	**None**	The potential for Swainson's hawks to occur on a paved lot surrounded by commercial and industrial buildings is very low. Swainson's hawks prefer open areas such as grasslands, agricultural fields, and prairies for foraging, where they hunt small mammals and insects. Paved lots lack the open spaces and prey availability required to support their habitat needs. While they may occasionally fly over urban areas during migration, the developed and disturbed conditions of a site make it an unsuitable environment for this species.
tricolored blackbird (*Agelaius tricolor*)	None/ST	The tricolored blackbird inhabits freshwater marshes, grasslands, and agricultural fields, favoring dense vegetation such as cattails, bulrushes, or blackberries for nesting. It forms large breeding colonies near water and forages in nearby open areas, feeding on insects, seeds, and grains.	**None**	The potential for tricolored blackbirds to occur on a paved lot surrounded by commercial and industrial buildings is extremely low. Tricolored blackbirds typically require wetlands, dense vegetation near water, or agricultural areas for nesting and foraging. They rely on open grasslands, pastures, or fields for feeding, with accessible insect prey or grains. A paved lot lacks these essential habitat features, including water sources, vegetation, and food availability, making it an unsuitable environment for this species.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
yellow-breasted chat (*Icteria virens*)	None/SSC	The yellow-breasted chat is a summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 ft of ground.	**None**	The potential for yellow-breasted chats to occur on a paved lot surrounded by commercial and industrial buildings is extremely low. Yellow-breasted chats prefer dense shrubs, thickets, or riparian vegetation near water for nesting and foraging. They rely on areas with abundant cover and insects for food, which are not present in paved lots. The highly developed and disturbed nature of such areas lacks the habitat features necessary to support this species, making their occurrence highly unlikely. No CNDDB records of this species occur within 5-miles of the site.
Fish				
green sturgeon (*Acipenser medirostris* pop. 1)	FE/SSC	The green sturgeon inhabits estuaries, bays, and coastal marine environments, migrating to freshwater rivers for spawning. It requires deep pools with cobble, gravel, or sandy substrates in large, fast-flowing rivers for spawning and rearing, often in areas with minimal disturbance and suitable water quality.	**None**	The potential for green sturgeon to occur on a paved lot surrounded by commercial and industrial buildings is nonexistent. Green sturgeon are an aquatic species that inhabit rivers, estuaries, and coastal marine environments. They require water bodies with suitable conditions for spawning, foraging, and migration. A paved lot, being a terrestrial and developed area with no water features, provides no habitat or resources for green sturgeon, making their presence impossible in such an environment. No CNDDB records of this species occur within 5-miles of the site.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
hardhead (*Mylopharodon conocephalus*)	None/SSC	The hardhead is a freshwater fish found in clear, warm streams and rivers with low to moderate flow in California. It prefers habitats with deep pools, slow-moving waters, and substrates of sand, gravel, or cobble, often associated with dense aquatic vegetation or shaded areas. Hardheads thrive in areas with good water quality and minimal human disturbance.	**None**	Although CNDDB records occur within 5-miles of the site, the potential for hardhead to occur on a paved lot surrounded by commercial and industrial buildings is nonexistent. Hardhead are freshwater fish that inhabit slow-moving streams, rivers, and lakes with clear water, sandy or rocky substrates, and abundant aquatic vegetation. A paved lot lacks the aquatic environment and necessary habitat features to support this species, making their presence in such an area impossible.
steelhead Central Valley DPS (*Oncorhynchus mykiss irideus* pop. 11)	FT/SSC	Steelhead in the Central Valley inhabit cold, clear rivers and streams with gravel substrates for spawning and rearing. They rely on well-oxygenated water and access to riparian vegetation or woody debris for cover, with juveniles often using riffles and pools for foraging and shelter. These habitats must maintain connectivity to the ocean for their anadromous lifecycle.	**None**	Although CNDDB records occur within 5-miles of the site, the potential for steelhead to occur on a paved lot surrounded by commercial and industrial buildings is nonexistent. Steelhead are anadromous fish that require freshwater streams and rivers for spawning and coastal or open ocean environments for foraging and growth. A paved lot, being a terrestrial and highly developed area with no aquatic features, cannot provide the water habitat or conditions necessary for steelhead to exist, making their presence in such an environment impossible.
Mammals				

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
hoary bat (*Lasiurus cinereus*)	None/None	The hoary bat inhabits a wide range of environments, including forests, woodlands, and riparian areas, often near open water. It roosts in the foliage of trees, typically preferring dense, mature forests, and is highly migratory, adapting to different habitats during its seasonal movements.	**Not Expected**	The potential for hoary bats to occur on a paved lot surrounded by commercial and industrial buildings is very low. Hoary bats primarily roost in trees, preferring wooded areas, forest edges, or riparian zones. While they may occasionally forage over open areas or urban spaces during their nocturnal flights, the absence of trees or vegetation for roosting on a paved lot makes it an unsuitable habitat. Their presence would likely be limited to transient individuals passing through during foraging or migration. No CNDDB records occur within 5-miles.
Townsend’s big-eared bat (*Corynorhinus townsendii*)	None/SSC	Townsend's big-eared bat inhabits a variety of environments, including deserts, forests, and riparian areas, but is most commonly associated with caves, mines, and old buildings for roosting. It prefers areas with minimal human disturbance and relies on proximity to open spaces for foraging on moths and other insects. The species is sensitive to disturbance, particularly at maternity and hibernation roosts.	**Not Expected**	Although CNDDB records occur within 5-miles of the site, the potential for Townsend's big-eared bats to occur on a paved lot surrounded by commercial and industrial buildings is very low. Townsend's big-eared bats roost in caves, mines, abandoned buildings, or other sheltered structures that provide dark, quiet, and stable environments. While urban areas may occasionally provide roosting sites in the form of old buildings or structures, the site itself lacks the features needed for roosting or foraging. Additionally, the lack of vegetation and prey availability in such an environment further reduces the likelihood of their presence. Their occurrence would likely depend on nearby suitable roosting or foraging habitats.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
western mastiff bat (*Eumops perotis californicus*)	None/SSC	The western mastiff bat inhabits arid and semi-arid regions, including deserts, grasslands, and open woodlands. It roosts in high, vertical structures such as cliffs, rock crevices, and tall buildings, requiring open spaces for its long wingspan and efficient flight. Foraging occurs over open terrain where it hunts flying insects. Access to roosting sites and expansive foraging areas are critical for this species.	**Not Expected**	The potential for the western mastiff bat to occur on a paved lot surrounded by commercial and industrial buildings is low but not impossible. Western mastiff bats may roost in tall buildings or other vertical structures in urban areas if suitable crevices or sheltered spaces are available. However, the paved lot itself lacks foraging habitat, such as open terrain with insect prey, and the surrounding industrial environment may not provide optimal conditions for sustained use. Their presence would depend on the availability of nearby roosting sites and more suitable foraging areas. No CNDDB records of this species occur within 5-miles of the site.
western red bat (*Lasiurus frantzii*)	None/SSC	The western red bat inhabits riparian forests, woodlands, and areas with dense canopy cover, often near water sources. It roosts primarily in the foliage of trees and shrubs, typically in cottonwoods, willows, or sycamores, and forages over open areas and water bodies for insects. This species is highly dependent on intact riparian habitats and suitable roosting sites.	**Not Expected**	The potential for the western red bat to occur on a paved lot surrounded by commercial and industrial buildings is very low. Western red bats typically roost in the foliage of trees, often in riparian areas, woodlands, or urban parks with sufficient vegetation. They require access to trees for daytime roosting and open spaces for nocturnal foraging on flying insects. A paved lot lacks both vegetation and suitable foraging habitat, making it an unsuitable environment for this species. Their presence would only be possible if nearby areas with trees or other suitable habitats were available. No CNDDB records of this species occur within 5-miles of the site.
Insects				

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
American bumble bee (*Bombus pensylvanicus*)	None/None	The American bumble bee inhabits open grasslands, meadows, farmlands, and edge habitats with abundant flowering plants for foraging. It nests in underground burrows, abandoned rodent nests, or other protected areas and requires diverse, pesticide-free floral resources throughout its active season for colony development and survival.	**None**	Although CNDDB records occur within 5-miles. The potential for the American bumble bee to occur on a paved lot surrounded by commercial and industrial buildings is extremely low. This species relies on open areas with abundant flowering plants for foraging and suitable undisturbed ground or vegetation for nesting. A paved lot lacks these critical habitat features, including floral resources and nesting sites, making it an unsuitable environment for the American bumble bee. Their presence would only be possible if nearby areas provided the necessary habitat conditions.
Antioch mutillid wasp (*Myrmosula pacifica*)	None/None	The Antioch mutillid wasp inhabits sandy or loose, well-drained soils in arid or semi-arid environments, such as grasslands, scrublands, or dunes. It requires open, sparsely vegetated areas for burrowing and nesting. These wasps are solitary and often depend on specific conditions for reproduction and foraging, typically preying on other insects. Suitable habitat includes undisturbed soils and nearby prey availability.	**Not Expected**	The potential for the Antioch mutillid wasp to occur on a paved lot surrounded by commercial and industrial buildings is nonexistent. This species relies on undisturbed, sandy, or loose soils for burrowing and nesting, which are absent in a paved lot. Additionally, the urban environment provides little to no prey availability or the open, natural conditions required for their habitat. The developed nature of such an area makes it unsuitable for the Antioch mutillid wasp. No CNDDB records occur within 5-miles.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
Crotch's bumble bee (*Bombus crotchii*)	None/SC	Crotch's bumble bee inhabits open scrublands, grasslands, and agricultural areas, primarily in California's arid and semi-arid regions. It forages on a variety of native and cultivated flowering plants and nests in underground burrows or sheltered areas. This species is highly sensitive to habitat loss, pesticide use, and reduced floral diversity.	**Not Expected**	Although CNDDB records occur within 5-miles of the site, the potential for Crotch's bumble bee to occur on a paved lot surrounded by commercial and industrial buildings is extremely low. Crotch's bumble bee depends on open areas with abundant native flowering plants for foraging and undisturbed soil or vegetation for nesting. A paved lot lacks the floral resources, nesting habitat, and overall environmental conditions necessary to support this species. Their presence in such a developed area would only be possible if suitable habitat existed nearby to provide these essential resources.
moestan blister beetle (*Lytta moesta*)	None/None	The moestan blister beetle inhabits arid and semi-arid regions, including deserts and grasslands, typically in areas with sandy soils. It is often associated with flowering plants, which provide nectar and pollen for adults. Larvae are parasitic, relying on the nests of ground-dwelling insects, such as bees, for development.	**Not Expected**	Although CNDDB records occur within 5-miles of the site, the potential for the moestan blister beetle to occur on a paved lot surrounded by commercial and industrial buildings is extremely low. This beetle typically inhabits arid and semi-arid regions, relying on natural habitats with sandy or loose soils and access to host plants or prey. A paved lot lacks the necessary soil conditions, vegetation, and ecological resources to support the beetle's life cycle. The urban and industrial nature of the area makes it highly unsuitable for the moestan blister beetle.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
Monarch butterfly (*Danaus plexippus*)	FC/SSC	In the San Joaquin Valley, the monarch butterfly inhabits areas with abundant milkweed plants (*Asclepias* spp.) for egg-laying and caterpillar feeding, as well as diverse nectar-producing flowers for adult foraging. It utilizes riparian corridors, grasslands, agricultural edges, and urban gardens, requiring minimal pesticide exposure and suitable overwintering sites, such as eucalyptus, pine, or oak groves, for shelter during migration.	**Not Expected**	The potential for monarch butterflies to occur on a paved lot surrounded by commercial and industrial buildings is very low. Monarchs rely on milkweed plants for egg-laying and larval development, as well as flowering plants for nectar during their adult stage and migration. A paved lot lacks vegetation, including milkweed and nectar sources, which are critical for their survival. However, monarchs may occasionally fly over such areas during migration if nearby habitats provide the necessary resources. NO CNDDB records occur within 5-miles of the site.
obscure bumble bee (*Bombus caliginosus*)	None/None	The obscure bumble bee inhabits diverse habitats, including grasslands, meadows, woodlands, and agricultural areas, where a variety of flowering plants provide nectar and pollen. It typically nests underground in abandoned rodent burrows or in sheltered, grassy areas and is dependent on habitat with abundant floral resources throughout its active season.	**Not Expected**	Although CNDDB records occur within 5-miles of the site, the potential for the obscure bumble bee to occur on a paved lot surrounded by commercial and industrial buildings is very low. This species depends on areas with abundant flowering plants for foraging and undisturbed soil or vegetation for nesting. A paved lot lacks these essential resources, including nectar and pollen sources and suitable nesting sites. While the obscure bumble bee might pass through urban areas, the highly developed nature of a paved lot makes it an unsuitable habitat for this species.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
San Joaquin Valley giant flower-loving fly (*Rhaphiomidas trochilus*)	None/None	The San Joaquin Valley giant flower-loving fly inhabits arid and semi-arid regions, particularly sandy or loose soils in desert scrub, grasslands, or dunes. It relies on open, sparsely vegetated areas with abundant flowering plants for nectar feeding. This species often depends on undisturbed habitats with specific soil conditions for reproduction and larval development.	**Not Expected**	The potential for the San Joaquin Valley giant flower-loving fly to occur on a paved lot surrounded by commercial and industrial buildings is extremely low. This species depends on undisturbed sandy or loose soils for reproduction and flowering plants for nectar feeding. A paved lot lacks both the soil conditions and floral resources required to support its habitat needs, making it unsuitable for the species. The urban and industrial surroundings further reduce the likelihood of its presence. No CNDDB records of this species occur within 5-miles of the site.
valley elderberry longhorn beetle (*Desmorcerus californicus dimorphus*)	FT/None	The valley elderberry longhorn beetle is closely associated with riparian habitats in California's Central Valley, where it depends on elderberry shrubs (*Sambucus* spp.) for all stages of its life cycle. The beetle lays eggs on elderberry stems, and the larvae develop within the pith of live elderberry shrubs. This species requires intact riparian corridors with sufficient elderberry shrubs for breeding, feeding, and shelter.	**None**	Although CNDDB records of this species occurs within 5-miles, the potential for the Valley elderberry longhorn beetle to occur on a paved lot surrounded by commercial and industrial buildings is nonexistent. This species is entirely dependent on elderberry shrubs, as they lay their eggs in the bark, and the larvae develop within the stems. A paved lot lacks elderberry shrubs or any other vegetation necessary to support the beetle's life cycle. The urban and industrial nature of such areas makes them completely unsuitable for this species.

Scientific Name Common Name	Status Fed/State ESA	Habitat Requirements	Potential to Occur	Discussion
western bumble bee (*Bombus occidentalis*)	None/SC	The western bumble bee inhabits a variety of habitats, including grasslands, meadows, agricultural fields, and open woodlands. It requires areas with abundant flowering plants for foraging and undisturbed ground or vegetation for nesting. This species is closely tied to ecosystems that provide diverse and consistent floral resources throughout its active season.	**Not Expected**	The potential for the western bumble bee to occur on a paved lot surrounded by commercial and industrial buildings is very low. This species depends on habitats with abundant flowering plants for foraging and undisturbed ground or vegetation for nesting. A paved lot lacks these essential resources, including floral diversity and nesting habitat, making it unsuitable for the western bumble bee. Their presence in such an area would only be possible if suitable habitat existed nearby. No CNDDB records occur within 5-miles of the site.
Mollusks				
western ridged mussel (*Gonidea angulata*)	None/None	The western ridged mussel inhabits freshwater rivers, streams, and lakes with clean, well-oxygenated water and stable substrates such as gravel, sand, or cobble. It requires minimal sedimentation and relies on a host fish for the parasitic larval stage of its life cycle. This species is highly sensitive to habitat degradation, including pollution, sedimentation, and changes in water flow.	**None**	The site lacks clean, well-oxygenated freshwater habitats with stable substrates, such as rivers or streams, which are essential for their survival and reproduction. No CNDDB records of this species have been observed within five miles of the project site.

FE = Federally Endangered
FPT = Federally Proposed Threatened
ST = State Threatened
SFP = State Fully Protected
SSC = CDFW Species of Special Concern
FT = Federally Threatened
FEX = Federally Extinct
SEX = State Extinct
SC = State Candidate
WL = Watch List
FC = Federal Candidate Species
FD = Federal Delisted
SE = State Endangered
SS = State Sensitive

Potential to Occur Classifications

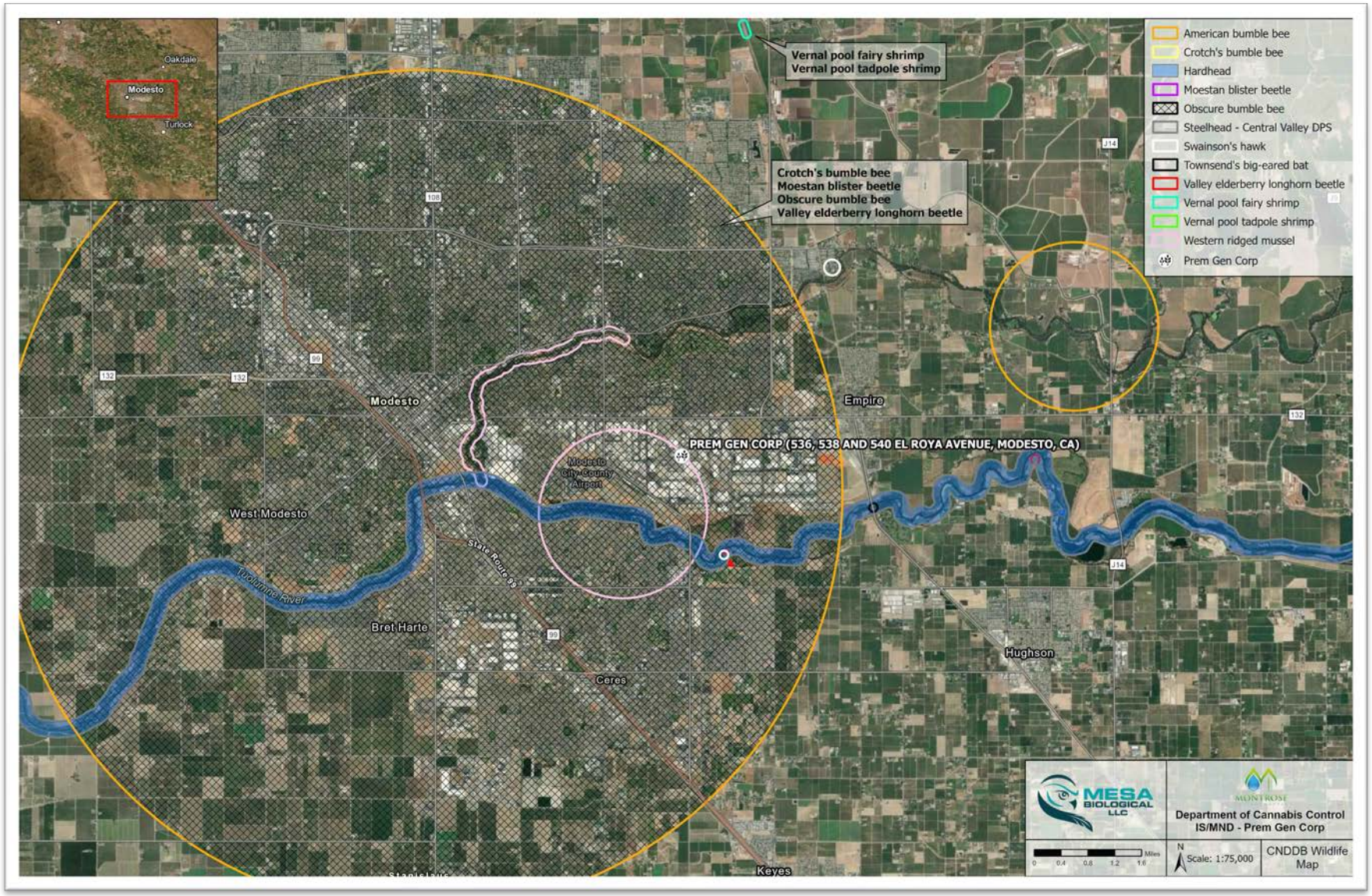
None: classification indicates that the species is determined to be completely absent from the site. This determination is based on the absence of suitable habitat features required by the species, a lack of documented occurrences in the local area or surrounding quadrangles, and environmental conditions incompatible with the species' known habitat requirements.

Not Expected classification is used for species that are unlikely to occur at the site but cannot be entirely ruled out. This classification applies when the site contains minimal or limited habitat features that are suboptimal for the species. Few or no documented occurrences exist in the surrounding area, and the site may experience environmental factors such as disturbance or habitat fragmentation that make it unlikely for the species to inhabit or use the area.

Possible classification is assigned to species that have a reasonable likelihood of occurring on the site. This classification applies when the site contains suitable habitat that meets the species' known requirements, and there are documented occurrences within a reasonable distance, such as nearby quadrangles or within the species' typical range. Species in this category may use the site seasonally, sporadically, or for specific life history activities like foraging, breeding, or migration.

Occurs: classification is used for species that are known to inhabit or regularly use the site. This determination is based on the presence of optimal or high-quality habitat that fully meets the species' requirements, along with confirmed records of the species' presence in close proximity, such as direct observations or documented data. Environmental conditions and habitat features at the site are well-suited for the species' long-term or consistent presence.

Attachment C – CNDDB Sensitive Wildlife Observations within 5-Miles of the Prem Gen Corp Site


Oakdale
Modesto
Turlock
Vernal pool fairy shrimp
Vernal pool tadpole shrimp
Crotch's bumble bee
Moestan blister beetle
Obscure bumble bee
Valley elderberry longhorn beetle
American bumble bee
Crotch's bumble bee
Hardhead
Moestan blister beetle
Obscure bumble bee
Steelhead - Central Valley DPS
Swainson's hawk
Townsend's big-eared bat
Valley elderberry longhorn beetle
Vernal pool fairy shrimp
Vernal pool tadpole shrimp
Western ridged mussel
Prem Gen Corp
PREM GEN CORP (536, 538 AND 540 EL ROYA AVENUE, MODESTO, CA)
Modesto
Empire
West Modesto
Modesto City-County Airport
State Route 99
Tuolumne River
Bret Harte
Ceres
Hughson
Keyes
MESA BIOLOGICAL LLC
MONTROSE
Department of Cannabis Control
IS/MND - Prem Gen Corp
Miles
Scale: 1:75,000
CNDDB Wildlife Map

Attachment D – California Natural Diversity Database (CNDDB) Nine USGS 7.5-Minute Quadrangle Review Surrounding the Prem Gen Corp Site

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Riverbank (3712068) OR Waterford (3712067) OR Oakdale (3712077) OR Escalon (3712078) OR Brush Lake (3712151) OR Ceres (3712058) OR Denair (3712057) OR Avena (3712171) OR Salida (3712161))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
American bumble bee *Bombus pensylvanicus*	IIHYM24260	None	None	G3G4	S2	
Antioch multilid wasp *Myrmosula pacifica*	IIHYM15010	None	None	GH	SH	
beaked clarkia *Clarkia rostrata*	PDONA050Y0	None	None	G2G3	S2S3	1B.3
burrowing owl *Athene cunicularia*	ABNSB10010	None	Candidate Endangered	G4	S2	SSC
cackling (=Aleutian Canada) goose *Branta hutchinsii leucopareia*	ABNJB05035	Delisted	None	G5T3	S3	WL
California tiger salamander - central California DPS *Ambystoma californiense pop. 1*	AAAAA01181	Threatened	Threatened	G2G3T3	S3	WL
Colusa grass *Neostapfia colusana*	PMPOA4C010	Threatened	Endangered	G1	S1	1B.1
Crotch's bumble bee *Bombus crotchii*	IIHYM24480	None	Candidate Endangered	G2	S2	
great blue heron *Ardea herodias*	ABNGA04010	None	None	G5	S4	
green sturgeon - southern DPS *Acipenser medirostris pop. 1*	AFCAA01031	Threatened	None	G2T1	S1	SSC
Greene's tuctoria *Tuctoria greenei*	PMPOA6N010	Endangered	Rare	G1	S1	1B.1
hardhead *Mylopharodon conocephalus*	AFCJB25010	None	None	G3	S3	SSC
heartscale *Atriplex cordulata var. cordulata*	PDCHE040B0	None	None	G3T2	S2	1B.2
hoary bat *Lasiurus cinereus*	AMACC05032	None	None	G3G4	S4	
legenere *Legenere limosa*	PDCAM0C010	None	None	G2	S2	1B.1
moestan blister beetle *Lytta moesta*	IICOL4C020	None	None	G2	S2	
Northern California legless lizard *Anniella pulchra*	ARACC01020	None	None	G3	S2S3	SSC
Northern Hardpan Vernal Pool *Northern Hardpan Vernal Pool*	CTT44110CA	None	None	G3	S3.1	
northwestern pond turtle *Actinemys marmorata*	ARAAD02031	Proposed Threatened	None	G2	SNR	SSC

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
obscure bumble bee *Bombus caliginosus*	IIHYM24380	None	None	G2G3	S1S2	
prairie wedge grass *Sphenopholis obtusata*	PMPOA5T030	None	None	G5	S2	2B.2
San Joaquin Valley giant flower-loving fly *Rhaphiomidas trochilus*	IIDIP05010	None	None	G1	S1	
San Joaquin Valley Orcutt grass *Orcuttia inaequalis*	PMPOA4G060	Threatened	Endangered	G1	S1	1B.1
snowy egret *Egretta thula*	ABNGA06030	None	None	G5	S4	
steelhead - Central Valley DPS *Oncorhynchus mykiss irideus pop. 11*	AFCHA0209K	Threatened	None	G5T2Q	S2	SSC
subtle orache *Atriplex subtilis*	PDCHE042T0	None	None	G1	S1	1B.2
Swainson's hawk *Buteo swainsoni*	ABNKC19070	None	Threatened	G5	S4	
Townsend's big-eared bat *Corynorhinus townsendii*	AMACC08010	None	None	G4	S2	SSC
tricolored blackbird *Agelaius tricolor*	ABPBXB0020	None	Threatened	G1G2	S2	SSC
valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	IICOL48011	Threatened	None	G3T3	S3	
vernal pool fairy shrimp *Branchinecta lynchi*	ICBRA03030	Threatened	None	G3	S3	
vernal pool tadpole shrimp *Lepidurus packardi*	ICBRA10010	Endangered	None	G3	S3	
western bumble bee *Bombus occidentalis*	IIHYM24252	None	Candidate Endangered	G3	S1	
western mastiff bat *Eumops perotis californicus*	AMACD02011	None	None	G4G5T4	S3S4	SSC
western red bat *Lasiurus frantzii*	AMACC05080	None	None	G4	S3	SSC
western ridged mussel *Gonidea angulata*	IMBIV19010	None	None	G3	S2	
yellow-breasted chat *Icteria virens*	ABPBX24010	None	None	G5	S4	SSC
Yuma myotis *Myotis yumanensis*	AMACC01020	None	None	G5	S4	

Record Count: 38

Attachment E – California Native Plant Society (CNPS) Nine USGS 7.5-Minute Quadrangle Review Surrounding the Prem Gen Corp Site

Prem Gen Corp (536, 538, 540 El Roya Avernue, Modesto, CA)
California Native Plant Society's Online Rare Plant Inventory Nine Quadrangle Search
Riverbank, Waterford, Oakdale, Escalon, Brush Lake, Ceres, Denair, Avena, Salida USGS 7.5-Minute Quadragles

CommonName	ScientificName	Family	Lifeform	CRPR	CESA	FESA	BloomingPeriod
beaked clarkia	Clarkia rostrata	Onagraceae	annual herb	1B.3	None	None	Apr-May
Colusa grass	Neostapfia colusana	Poaceae	annual herb	1B.1	CE	FT	May-Aug
Greene's tuctoria	Tuctoria greenei	Poaceae	annual herb	1B.1	CR	FE	May-Jul(Sep)
heartscale	Atriplex cordulata var. cordulata	Chenopodiaceae	annual herb	1B.2	None	None	Apr-Oct
legenere	Legenere limosa	Campanulaceae	annual herb	1B.1	None	None	Apr-Jun
prairie wedge grass	Sphenopholis obtusata	Poaceae	perennial herb	2B.2	None	None	Apr-Jul
San Joaquin Valley Orcutt grass	Orcuttia inaequalis	Poaceae	annual herb	1B.1	CE	FT	Apr-Sep
subtle orache	Atriplex subtilis	Chenopodiaceae	annual herb	1B.2	None	None	(Apr)Jun-Sep(Oct)

Attachment F – United States Fish and Wildlife IPaC Resource List - Stanislaus County – Prem Gen Corp Site

The following species are potentially affected by activities in this location:

Reptiles

NAME	STATUS
Northwestern Pond Turtle Actinemys marmorata Wherever found **No critical habitat has been designated for this species.** https://ecos.fws.gov/ecp/species/1111	**Proposed Threatened**

Amphibians

NAME	STATUS
California Tiger Salamander Ambystoma californiense **There is final critical habitat for this species. Your location does not overlap the critical habitat.** https://ecos.fws.gov/ecp/species/2076	**Threatened**
Western Spadefoot Spea hammondii Wherever found **No critical habitat has been designated for this species.** https://ecos.fws.gov/ecp/species/5425	**Proposed Threatened**

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found **No critical habitat has been designated for this species.** https://ecos.fws.gov/ecp/species/9743	**Candidate**
Valley Elderberry Longhorn Beetle Desmocerus californicus dimorphus Wherever found **There is final critical habitat for this species. Your location does not overlap the critical habitat.** https://ecos.fws.gov/ecp/species/7850	**Threatened**

Crustaceans

NAME	STATUS

Vernal Pool Fairy Shrimp Branchinecta lynchi — Threatened
Wherever found
There is final critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/498

Vernal Pool Tadpole Shrimp Lepidurus packardi — Endangered
Wherever found
There is final critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/2246

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act[1] and the Migratory Bird Treaty Act[2].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats[3], should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds