

ATTACHMENT 2

**CEQA ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION
FOR THE COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration
(State Clearinghouse # 2015102005), January 2016**

APN 095-201-005 & 095-041-013; Weott Area, County of Humboldt

**Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501**

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Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for 7,914 square feet (sf) of outdoor commercial cannabis cultivation with 790 sf of ancillary propagation. The applicant had 8,064 sf of pre-existing cultivation area that was verified by the County through Evidence of Guerrilla Grow Report submitted by the applicant, and the applicant has chosen to transition some of the pre-existing cultivation area for additional on-site nursery space. Of the 7,914 sf of taxed cultivation area, 614 sf will be designated as additional ancillary propagation for a total of 1,404 sf of ancillary propagation on-site, and 7,300 sf will be designated as flowering cultivation area.

The project includes the relocation of historic cultivation areas and the associated activities that occurred within streamside management areas (SMA’s) on-site. The pre-existing cultivation areas existed as guerrilla grows scattered around the residence on both subject parcels, and associated drying and propagation activities occurred within the residence which is located within the SMA. A Less-Than-3-Acre Conversion Exemption Permit was approved for a home-site on APN 095-201-005 in April of 2016, which was prior to the adoption of the CMMLUO in May of 2016. A post-2016 timber conversion occurred on APN 095-201-005, under the approved Less-Than-3-Acre Conversion Exemption Permit (1-16EX-110-HUM). All relocated cannabis activities are proposed to be relocated within the conversion area, though the site does not meet the pre-2016 environmental baseline for the CMMLUO. As the timber clearing was in line with a conversion permit that was approved prior to the adoption of the CMMLUO, and pre-existing cultivation activities occurred as guerrilla grows within an SMA, it has been determined that the relocation site within the less-than-3-acre conversion area is environmentally superior to the pre-existing cultivation areas. As well, Planning staff is recommending that the applicant be allowed to have up to 600 sf of new structures within the conversion area to allow for the continued drying and propagation associated with the pre-existing cultivation activities.

The site will utilize up to two (2) employees for operations on-site. Drying and curing will take place in proposed storage containers, and trimming will occur off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of a licensed processing facility, to be furnished during an annual inspection. The applicant is proposing to provide portable toilets to the cultivation area. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained.

The project will include three (3) full-sun outdoor cultivation areas totaling 3,050 sf, and six (6) light-deprivation hoop houses totaling 4,250 sf, and two (2) nursery hoop houses. The full-sun outdoor cultivation will have one (1) cycle per year, and the light-deprivation cultivation will have up to two (2) cycles per year. Ancillary propagation areas totaling 1,324 sf will exist in two (2) hoop houses and will not utilize lights. The applicant is proposing to have one (1) 8' x 20' storage container for drying, and an 8' x 10' area within that will be used to keep mother plants during the winter. Two (2) additional storage containers are proposed for additional drying area, and one (1) 10' x 12' shed is proposed for cannabis waste storage area. The total square footage of new structures for the project is 600 sf in line with the recommended amount. The project was referred to the Building Division on September 5, 2017, and a building inspection was conducted on November 20, 2017. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: six (6) light-deprivation hoop houses, two (2) nursery hoop houses, and three (3) storage containers. Historic grading has occurred on the site in association with the cannabis cultivation. The applicant is conditioned to permit the historic grading that occurred in association to cannabis activities on-site with the Building Division.

Setbacks

The project is located within 600 feet of Public Lands, the Humboldt Redwood State Park, and the applicant is requesting a Special Permit to approve a setback reduction to Public Lands. The project was referred to the California State Parks on April 2, 2021, and no response was received. The nearest cultivation area is approximately 135 feet to the shared parcel boundary with the Humboldt Redwood State Park. The project is consistent with recreational uses on public lands as it is not located near developed campgrounds, trails, or other related facilities. The project site is more than 600 feet from any school, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.

Fire Hazard

The parcel is located in an area designated to have a High Fire Hazard Severity, and is located outside of any local fire response area. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by the Board of Supervisors will be required. The project is located within the State Responsibility Area (SRA) for CalFire, and was referred to the agency on April 25, 2019. Comments were received by CalFire on December 17, 2020, and the agency stated that they had no comments regarding the project at that time. The Site Plan shows a firetruck turnaround, and

the applicant has designated a 3,000-gallon water tank for fire suppression needs only. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.

Timber Conversion

The previous applicant obtained an approved less-than-3-acre conversion exemption permit (1-16EX-110-HUM) which was approved on April 20th of 2016 for a road and home site in the northern section of the parcel. The less-than-3-acre conversion was for approximately 2.9 acres, and the site was converted to its current size between April and August of 2016. A Notice of Inspection Letter dated August 11, 2016, from CalFire states that during an inspection conducted on August 8, 2016, no violations were observed within the conversion area, that erosion control structures and drainage facilities were installed and functioning properly, and that no stocking report is required. The project was referred to CalFire on April 25, 2019, and comments were received on May 2, 2019, stating that the Department had no comments at that time.

Energy

One (1) small generator less than 50 HP is used for the well pump, and will be housed within a storage container. The applicant is proposing to transition to 100% solar power with a proposed solar array. The applicant is required to transition to 100% renewable energy source by 2026, and after transition shall only be allowed to keep one (1) generator on-site for emergency backup purposes only. The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be powered by the proposed solar array. The applicant shall permit the proposed solar array with the Building Division. The proposed solar array will power the water pump, fans for drying harvested product, and the lights within the mother plant nursery space over the winter season. The applicant has been awarded an energy grant from the County, which will fund the proposed solar system.

Water Resources

The total estimated annual water usage for the project is 72,750 gallons (8.4 gal/sf/yr). Water source for irrigation is proposed from a permitted well (Permit #16/17-1/27), a point of diversion, and 7,000 gallons of existing on-site rain catchment water tanks. The applicant shall meter water used for irrigation from the well separately from the point of diversion. The total existing water storage designated for irrigation is 19,700 gallons in hard tanks. An additional 50,000 gallons of rain catchment water storage is proposed in ten (10) 5,000-gallon rain catchment tanks. Total future water storage would be 69,700 gallons, and the applicant will primarily obtain water from rain catchment once all storage tanks are installed on-site

The applicant has obtained a Well Assessment Report (WAR) for well Permit #16/17-1/27, prepared by licensed geologist David Lindberg with Lindberg Geologic Consulting, dated December 6, 2022. The WAR states that a site visit was conducted on November 4, 2022 to observe the well and local site conditions. It was determined that the well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent wetlands or other surface waters in the vicinity. The well is located approximately 1,500 feet to the nearest watercourse shown on the Humboldt County Web GIS, an ephemeral tributary to the South Fork Eel River, which is located south of the well at an elevation of approximately 300 feet above sea level. The well is at an elevation of approximately 642 feet above sea level, and

has a depth to static water at 90 feet below ground surface. The bottom elevation of the well is 482 feet above sea level, making the elevation of the nearest watercourse to the south 182 feet lower than the total depth of the well. The South Fork Eel River to the west is approximately 1,540 feet from the well, and is 372 feet lower than the total depth of the well. The well is apparently cased and sealed through any potential shallow subsurface aquifers. The white rock, and grey black shale below 135 feet of the well appear to be the water-bearing aquifer materials tapped by the well. The WAR concludes that the well draws water from a confined subsurface aquifer not connected to surface waters or unconfined near-surface aquifer(s), and estimates that the aquifer has a recharge rate of approximately 3.8 million gallons per year.

The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B171602CHUM. The applicant has a Water Resource Protection Plan (WRPP) that was prepared by Timberland Resource Consultants, dated April 4, 2018, to address measures needed for the site to meet the standard conditions of the Order. The WRPP states that a site inspection was conducted on March 9, 2018, which found that there are two (2) Class III watercourses that run through the subject parcel. As historic cultivation had been relocated outside of the associated SMA's for the streams on-site, it was found that all cultivation was outside of the required stream buffers. Several remedial actions associated to erosion control and stream crossing maintenance necessary for the site to meet the standard conditions of the order were recommended in the table on page 6 of the WRPP. The applicant shall adhere to the remedial actions, monitoring, maintenance and protocols listed in the table on page 6 of the WRPP.

The site is currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The applicant has submitted a Notice of Applicability letter dated December 8, 2020, showing enrollment in the General Order under WDID 1_12CC428914 as a Tier 1 Moderate Risk site. The applicant is required to have a Site Management Plan (SMP) prepared for the project site to show measures required to meet compliance with the General Order, and a condition of approval for the project is to provide a copy of the final SMP report to the Planning Division, and to adhere to the corrective actions and ongoing monitoring and winterization methods recommended in the final SMP.

The point of diversion from the Class III stream on-site is under a claimed water right S028521. The project was referred to the Division of Water Rights on April 25, 2019. Comments were received on April 30, 2019, with a recommendation of approval due to the proposal to use the well on-site. The WRPP states that in 2018 there were no reporting documents associated to the surface diversion, and that the applicant shall file an Initial Statement of Water Diversion and Use (ISWDU) for the surface diversion. The applicant submitted the ISWDU in October of 2020, and has proof of a submitted Small Irrigation & Use Registration on December 21, 2020, to the Division of Water Rights. There is no Water Right Certificate on file for this diversion, and the applicant shall not utilize the stream diversion for irrigation until a Water Right Certificate has been obtained by the Division of Water Rights. The applicant shall submit the final Water Right Certificate received by the Division of Water Resources to the Planning Division once available. In the event that the applicant receives a Water Right Certificate from the Division of Water Resources, the applicant shall adhere to the terms and conditions set forth in the Certificate.

The applicant has obtained a Streambed Alteration Agreement with the California Department of Fish & Wildlife (CDFW) for the in-stream work needed to upgrade three (3) culverts on-site, and for the use and continued maintenance of a surface diversion for domestic and irrigation purposes (SAA No. EPIMS-HUM-13784-R1). The applicant shall complete and adhere to the project description and work outlined within the SAA No. EPIMS-HUM-13784-R1.

Biological Resources

The project is located approximately 0.7 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site does not contain potential habitat areas for any rare or endangered species. As the project is for pre-existing activities, and no new ground disturbance is proposed, no Biological Assessment was required. The project was referred to CDFW on September 9, 2017, and no comments were received. The applicant is required to comply with International Dark Sky Standards for lighting within the mother propagation area, and shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use.

As the site had historic guerrilla grows around the residence and within the SMA on-site, the applicant is required to restore those areas to pre-cannabis conditions. A Guerrilla Grow Report was submitted for evidence of pre-existing cultivation areas with map and photo documentation. The photo documentation shows evidence of water lines, soil, cages, grow bags, pots, and cultivation related refuse scattered around the property. The applicant submitted a Restoration Plan that states many truckloads of trash have been hauled to the Eel River Disposal in Fortuna. The applicant shall submit evidence to the Planning Division that all water lines, soil, cages, grow bags, pots, and all cultivation related refuse associated to the historic guerrilla grow areas on APN's 095-201-005 & 095-041-013 have been removed from the site and taken to an appropriate disposal facility, and to show the restoration of the historic cultivation areas at the satisfaction of the Planning Division.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band and Sinkyone Tribes ancestral aboriginal territories. The project was referred to the Bear River Band of Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, and the Northwest Information Center (NWIC) on September 5, 2017. A response was received from the Bear River Band on January 3, 2018, requesting that Inadvertent Discovery Protocols be a condition of approval for the project. The applicant shall adhere to Inadvertent Discover Protocols, and shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Access

Access to the project site is from Sunny Lane, from Sewell Drive, from Newton Road, from State Highway 101. The project was referred to the Department of Public Works on September 5, 2017. Comments from Public Works were received on March 2, 2018, stating that Road

Evaluation Reports are required for the non-county maintained access roads. The applicant has submitted a Road Evaluation Report form for all three private access roads (Sunny Lane, Sewell Drive, and Newton Road) designating them as being developed to the equivalent of a road category 4 standard. As the site is located from private roads off of a State Highway, the project was referred to CalTrans on April 18, 2023. No comments were received from CalTrans. The site will be operated by the applicant and up to two (2) employees. Up to six vehicle trips are anticipated per day, the operations are pre-existing, and no increase in traffic is anticipated.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined that approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 302 cultivation permits and the total approved acres would be 91.8 acres of cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include obtaining a Site Management Plan, restoring historic cultivation site, ensuring onsite lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources because of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or

alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

A review of Appendix G impacts:

Aesthetics: The project is for pre-existing outdoor cannabis cultivation in an existing flat. The project will not significantly impact scenic vistas or public views as the project site is surrounded by trees and other agricultural sites. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare. No impact.

Agriculture and Forestry Resources: The project will utilize timberland production zone land for agricultural purposes. The project will not convert prime farmland or conflict with existing zoning for agricultural use or Williamson Act contract. The project will not result in the loss of forest land or conversion of forest land to non-forest use as an approved less-than-3-acre conversion exemption permit was issued for the property for residential purposes and the relocation of the pre-existing cultivation area outside of the streamside management areas to the conversion area is an appropriate use of the previously converted area. Historic cultivation will be relocated to the less-than-3-acre conversion area, as it has been determined to be environmentally superior to the pre-existing cultivation site. Less than significant.

Air Quality: No new construction activities are associated with the project. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. No impact.

Biological Resources: The project is located approximately 0.7 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDB) for rare and endangered species, the project site does not contain potential habitat areas for any rare or endangered species. As the project is for pre-existing activities, and no new ground disturbance is proposed, no Biological Assessment was required. The project was referred to CDFW on September 9, 2017, and no comments were received. The applicant is required to comply with International Dark Sky Standards for lighting within the mother propagation area, and shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use. Less than significant impact.

Cultural Resources: The project is located within the Bear River Band and Sinkyone Tribes ancestral aboriginal territories. The project was referred to the Bear River Band of Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, and the Northwest Information Center (NWIC) on September 5, 2017. A response was received from the Bear River Band on January 3, 2018, requesting that Inadvertent Discovery Protocols be a condition of approval for the

project. No impact.

Energy: The project obtains power from a small generator less than 50 HP, and will transition to full renewable power with a proposed solar array. Cultivation will be outdoor with no use of lights. Less than significant impact.

Geology and Soils: No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has already been graded. No significant grading will occur. Less than significant impact.

Greenhouse Gas Emissions: The site utilizes a small generator less than 50 HP, and will transition to full renewable energy with a proposed solar array. Minimal power is needed for the well pump, drying, and lights in the mother plant area used during the winter season. Cultivation and ancillary nursery space is outdoor with no lights. The site will be run by the applicant who lives on-site, and up to two employees. The operations are pre-existing and no increase in traffic is anticipated. Less than significant impact.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides and fuel for use in farm equipment in storage structures. All hazardous materials are stored in a locked area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a high fire risk area, however no significant wood framed structures will be constructed as part of this project. The project would not impair emergency response or create a significant risk from wildfire. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 7,914 square feet of cannabis cultivation in an existing open flat. The project will not degrade any water sources or contribute to sedimentation. There are no streams or stream crossings located near the project area. All cultivation will be irrigated with a drip irrigation system. The project will utilize a well, which has been determined to have a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent wetlands or other surface water features. The project also proposes the use of a point of diversion, as well as rain catchment from catchment water tanks. The primary water source will be rain catchment once all tanks have been installed on-site. Less than significant impact.

Land Use and Planning: The project proposes an agricultural activity on a parcel zoned for Agriculture. The project will not physically divide an established community or result in a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impact.

Mineral Resources: No mining is proposed. The project will not result in the loss of availability of a known mineral resources that would be of value to the region and the residents of the state. The project will not result in the loss of availability of a locally important mineral resource recover site. No impact.

Noise: The project will be powered by a small generator less than 50 HP, and will transition to

100% renewable power with a solar array by 2026. Noise sources from the operation will include the use of the generator, and drying activities which will occur within an enclosed structure. Drying activities would involve the use of fans. The temporary noise impacts from these activities would not create a substantial increase in noise levels. There is no reason to believe the noise source will be increased substantially on-site. The project is required to ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use. The project will not result in the generation of excessive groundborne vibration or noise levels. Less than significant impact.

Population and Housing: The project is for outdoor cannabis cultivation. No housing is proposed nor is any removal of housing proposed. The project will not induce substantial unplanned population growth in an area nor displace substantial numbers of existing people or housing necessitating the construction of replacement housing. No impact.

Public Services: The project is for 7,914 square feet of cannabis cultivation on a site where agriculture is the historical dominant use. The project will not increase the need for fire or law enforcement services. The project is not within 600 feet of a park or a school. No impact.

Recreation: The project site is private property and contains no recreational facilities nor are recreational facilities accessed through the property. There are no recreational facilities located within 600 feet of the project. No impact.

Transportation: Access to the project site is from Sunny Lane, from Sewell Drive, from Newton Road, from State Highway 101. The applicant has submitted a Road Evaluation Report form for all three private access roads designating them as being developed to the equivalent of a road category 4 standard. The site will be operated by the applicant and up to two (2) employees. Up to six vehicle trips are anticipated per day, the operations are pre-existing, and no increase in traffic is anticipated. The project site will also have adequate emergency access. No impact.

Tribal Cultural Resources: The project is located within the Bear River Band and Sinkyone Tribes ancestral aboriginal territories. The project was referred to the Bear River Band of Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, and the Northwest Information Center (NWIC) on September 5, 2017. A response was received from the Bear River Band on January 3, 2018, requesting that Inadvertent Discovery Protocols be a condition of approval for the project. No impact.

Utilities and Service Systems: Solid waste is taken to the Eel River Disposal Transfer Station in an amount the service station is capable of handling. The project will utilize portable toilets at the cultivation site. Water for propagation and cultivation is sourced from a permitted well, a point of diversion and rain catchment. Power is sourced by a small generator less than 50 HP, and the project will transition to 100% renewable power with a solar array, by 2026. The residence on-site is serviced by PG&E. Less than significant impact.

Wildfire: The project will not interfere with any evacuation plan. There will be no significant new structures that will increase the risk of wildfire. Less than significant impact.

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 7,914 square feet of cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Cultivation & Operations Plan
- Site Plan
- Final Streambed Alteration Agreement with CDFW
- Notice of Applicability letter from the State Water Resources Quality Control Board
- Water Resource Protection Plan
- Evidence of Guerrilla Grow Report
- Restoration Plan
- Road Evaluation Reports
- Claimed Water Right ISWDU
- Small Irrigation & Use Registration Application
- Less-Than-3-Acre Conversion Exemption Permit
- CalFire Inspection Report
- Well Assessment Report prepared by licensed Geologist David Lindberg
- Department of Environmental Health Worksheet
- County GIS

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted.

Project impact analysis of conformance to the Mitigated Negative Declaration Substituted Mitigation Monitoring and Reporting Program

Mitigation Measure 1: Required setback from tribal cultural resources and tribal consultation process (55.4.10(n) and 55.4.10(c)).

- The project is located within the Bear River Band and Sinkyone Tribes ancestral aboriginal territories. The project was referred to the Bear River Band of Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, and the Northwest Information Center (NWIC) on September 5, 2017. A response was received from the Bear River Band on January 3, 2018, requesting that Inadvertent Discovery Protocols be a condition of approval for the project.

Mitigation Measure 2: Curing violations of state, county code (55.4.11(a)).

- The project is for pre-existing cultivation and project approval includes a compliance agreement to cure unresolved violations of state or county code.

Mitigation Measure 3: Required setbacks from watercourses, wetlands, and Environmentally Sensitive Habitat Areas (55.4.11(d)).

- The project is located within the inland portion of the county and is subject to the setback standards in the Streamside Management Areas and Wetlands Ordinance as well as Chapter 10 (Conservation and Open Space Elements) of the General Plan. The project meets the setbacks required from property lines, schools, school bus stops, church or other place of religious worship, or tribal cultural resource. The project is requesting a setback reduction to Public Lands.

Mitigation Measure 4: Permitting Tiers and related requirements (55.4.8.2 et seq.)

- The project is for 7,914 square feet of pre-existing cultivation in a Timberland Production Zone (TPZ) zone which requires a Special Permit. The project complies with the requirements described in 55.4.8.2 et seq.

Mitigation Measure 5: Retirement, Remediation, and Relocation Program (55.4.14)

- The project is not participating in the Retirement, Remediation, and Relocation program therefore this mitigation measure does not apply.

Mitigation Measure 6: Cannabis Cultivation on Forest Lands

- This project is for pre-existing cultivation that existed as guerrilla grows around the residence and within a streamside management area. A Less-Than-3-Acre Conversion Exemption Permit was approved for a home-site on in April of 2016, which was prior to the adoption of the CMMLUO in May of 2016. A post-2016 timber conversion occurred on APN 095-201-005, under the approved Less-Than-3-Acre Conversion Exemption Permit. All relocated cannabis activities are proposed to be relocated within the conversion area, though the site does not meet the pre-2016 environmental baseline for the CMMLUO. As the timber clearing was in line with a conversion permit that was approved prior to the adoption of the CMMLUO, and pre-existing cultivation activities occurred as guerrilla grows within an SMA, it has been determined that the relocation site within the less-than-3-acre conversion area is environmentally superior to the pre-existing cultivation areas. No new increased cultivation will occur.

Mitigation Measure 7: Use of fertilizer, pesticide, fungicide, rodenticide, or herbicide (55.4.11(j)).

- The project operations plan describes measures that will be taken to properly store and handle hazardous materials. Compliance with the operations plan is a condition of project approval. The use of anticoagulant rodenticide is prohibited. The project is conditioned requiring the applicant to provide written compliance with the Certified Unified Program Agency (CUPA) requirements.

Mitigation Measure 8: Diversion of surface water and trucked water (55.4.11(l)-(m)).

- The project will utilize a permitted well, a point of diversion, and rain catchment tanks for irrigation needs. The applicant shall not utilize the point of diversion until a final Water Right Certificate is obtained with the Division of Water Rights.

Mitigation Measure 9: Generator Use (55.4.11(o)).

- The project will be powered by a small generator less than 50 HP, and will transition to 100% renewable power with a solar array by 2026. The project is required to ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use.

Mitigation Measure 10: Storage of Fuel (55.4.11(p)).

- The project is conditioned that fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.

Mitigation Measure 11: Performance Standards for Cultivation and Processing Activities (55.4.11(q)-(u)).

- Applicant has provided a statement declaring they are an agricultural employer as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code).

Mitigation Measure 12: Performance Standards for Mixed Light Cultivation (55.4.11 (v) (w)).

- The project is required to adhere to International Dark Sky Standards for all lighting in the mother plant area.

Mitigation Measure 13: Humboldt Artisanal Branding Provision (55.4.15).

- The proposed project is for more than 3,000 square feet therefore this measure does not apply.

Mitigation Measure 14: Sunset Clause for applications

- The application was received on November 21, 2016, prior to the sunset of the ordinance.

Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.