

**CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL
CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report
(EIR)
(State Clearinghouse # 2017042022), January 2018**

APN 207-141-007, 21328 State HWY 36, Carlotta, County of Humboldt

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Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for a 3,000 square foot existing outdoor cannabis cultivation operation, a Special Permit for a reduced setback to a school bus stop, and a Conditional Use Permit for an exception to the planting within native Prime Agricultural Soils requirement. The proposed project includes 320 square feet of propagation area located in the on-site garage. Water for irrigation will be provided by a rain catchment system. There are 24,500-gal. of water storage. Projected water usage is 18,000 gallons per year. The mature plants are dried in the garage and then machine trimmed by the applicants on site. There will be no employees. Electricity is provided by PGE.

The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light and noise. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 area of previous ground disturbance. The project will not significantly impact scenic vistas or public views as the project site is privately owned and cultivation will not be visible from the road. 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 unclassified 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. No impact.

Air Quality: Minimal construction activities are associated with the project. All construction activities are associated with the development of temporary hoop houses. 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. The project does utilize a gravel road, and traffic on gravel roads contribute to PM-10, for which the North Coast Air Basin is already in non-attainment. However, the project is owner-operated with no use of employees, and no increase in traffic on the gravel road is anticipated as part of the project. No impact.

Biological Resources: The project is located approximately 3,000' from the nearest Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species there is habitat for North American porcupine (*Erethizon dorsatum*) on or near the project site, and the Van Duzen River bordering the southern parcel line supports the summer run of steelhead (*Oncorhynchus mykiss irideus*). However, the project is for pre-existing outdoor cultivation without the use of lights, water will be sourced by rain catchment, power is supplied by PG&E, the parcel and surrounding area are developed and previously disturbed, and the applicant will adhere to a Site Management Plan (SWRCB) for the project that will protect erosion, sedimentation, and nutrient runoff from the project. Less than significant impact.

Cultural Resources: The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center at Sonoma State and Bear River Tribal Historic Preservation Officer (THPO). A Cultural Resources Investigation dated October 2018 prepared by Archaeological Research and Supply Company concluded that no archaeological or historical resources, for the purposes of CEQA, exist in the project area. The standard inadvertent discovery protocol has been incorporated into the project as a condition of approval. No impact.

Energy: The project will obtain power from an existing connection with PG&E. No generators are proposed, and cultivation will be outdoor with no use of lights. Generators are limited to emergency backup use only, and generator use is subject to appropriate noise limitations. Less than significant impact.

Geology and Soils: No new structures are proposed that would expose people to risk of life from earthquakes. The cultivation site is situated in an area of less than 15% slope. No historic landslides are mapped on the parcel. The subject property is outside all earthquake fault hazard zones. No impact.

Greenhouse Gas Emissions: The site uses PG&E grid electricity for project energy needs. Cultivation is outdoor and generators are proposed as emergency backup only. Less than significant impact.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides and fuel for use in farm equipment existing storage structures. All hazardous materials are stored in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a very 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 enrolled in the State Water Resources Control Board General Order, and has prepared a Site Management Plan as part of enrollment. The project will not degrade any water sources or contribute to sedimentation. The Van Duzen River borders the southern parcel line, and a small ephemeral tributary to the Van Duzen River flows south through the west side of the parcel. All cultivation will utilize outdoor cultivation methods in raised garden beds within greenhouses or hoop houses. The greenhouses or hoop houses will be required to receive Flood Elevation Certificates, or be removed from the site no later than Oct. 15 and return no sooner than April 15 to ensure any flooding will not negatively impact the nearby Van Duzen River. The project will utilize primarily rain catchment and a supplemental permitted groundwater well for irrigation. Less than significant impact.

Land Use and Planning: The modified project to continue an existing operation 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: The modified project to continue an existing operation 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 modified project to continue an existing will not increase existing noise levels from the operation which includes typical farm equipment. Power for the project is supplied via PG&E grid power. Project conditions require a cultivation related noise limit of 50 decibels at 100 feet from the noise source or at the edge of tree line, whichever is more restrictive. The project will not result in the generation of excessive groundborne vibration or noise levels. No 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: No employees are proposed to support project operations. The continued operation of 3,000 square feet of existing outdoor cannabis cultivation 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. No impact.

Transportation: The project will be owner-operated without the use of employees, and will therefore not increase Vehicle Miles Traveled (VMT) above baseline conditions assessed for purposes of CEQA. The applicant is required to maintain the private access road, Van Duzen Avenue, and contact CalTrans to determine if the driveway approach needs any upgrades to meet commercial driveway requirements. Less than significant impact.

Tribal Cultural Resources: The project will adhere to the Inadvertent Discovery Protocol as recommended by local tribes. No impact.

Utilities and Service Systems: Project conditions require the applicant to keep refuse contained in wildlife proof storage containers at all times and dispose of refuse at an authorized waste management facility. The project will primarily utilize an existing onsite wastewater treatment system connected to the residence. Water for propagation and cultivation is sourced from rain catchment from roof tops. Power is sourced 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. No impact.

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation Operations Plan, Amended Sections prepared by Green Road Consulting.
- Site Plan prepared by Green Road Consulting.

- Site Management Plan prepared by Green Road Consulting, dated December 30, 2019.
- Notice of Applicability.
- Division of Environmental Health form.
- Preliminary Biological Resource Assessment prepared by TransTerra Consulting, dated February 2020.

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 EIR was adopted.

Project impact analysis of conformance to the Final Environmental Impact Report Mitigation Monitoring and Reporting Program

Mitigation Measure 3.3-4: Prohibit burning of cannabis and other vegetative material.

- Condition of project approval.

Mitigation Measure 3.4-1a: Pre-approval biological reconnaissance surveys.

- Preliminary Biological Resource Assessment prepared by TransTerra Consulting dated February 2020, was considered. Adherence to and implementation of the recommendations described in the report and recommendations made by CDFW are conditions of project approval.

Mitigation Measure 3.4-1b: Special-status amphibian preconstruction surveys.

- Per the Preliminary Biological Resource Assessment, habitat for Pacific tailed frog, northern red-legged frog, and foothill yellow-legged frog was identified in the vicinity of the project, however according to the project site plan, no construction is proposed within riparian areas and identified habitat is outside of any impacted areas.

Mitigation Measure 3.4-1c: Western pond turtle preconstruction surveys and relocation.

- Aquatic habitat for the Western pond turtle was identified in the Preliminary

Biological Resource Assessment, however identified habitat is outside of areas impacted by the project.

Mitigation Measure 3.4-1d: Nesting raptor preconstruction survey and establishment of protective buffers.

- Per the Preliminary Biological Resource Assessment, there was a high probability of an occurrence of Cooper's hawk in the vicinity, however the habitat identified was outside of areas impacted by the cannabis cultivation.

Mitigation Measure 3.4-1e: Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence.

- Habitat for Northern spotted owl (NSO) was identified in the project vicinity, and a recorded activity center is located approximately 0.6 miles from the cultivation area. CDFW recommendations after a site visit include implementation of substantive noise containment for any generators and water pumps to minimize disturbance to NSO.

Mitigation Measure 3.4-1f: Special-status nesting bird surveys and establishment of protective buffers.

- Per the Preliminary Biological Resource Assessment, there was a high probability of an occurrence of bank swallow in the vicinity, however the habitat identified was outside of areas impacted by the cannabis cultivation.

Mitigation Measure 3.4-1g: Marbled murrelet preconstruction habitat suitability surveys and establishment of protective buffers.

- Per the Preliminary Biological Resource Assessment, there was a low probability of an occurrence of marbled murrelet in the vicinity.

Mitigation Measure 3.4-1h: Noise reduction.

- Pacific Gas and Electric supplies power the site. There is one generator on site for emergency backup use only.

Mitigation Measure 3.4-1i: American badger preconstruction survey and establishment of protective buffers.

- No occurrences of American badger were identified in the nine quad area reviewed per the Biological Assessment Report.

Mitigation Measure 3.4-1j: Fisher and Humboldt marten preconstruction survey and preservation of active den sites.

- Per the Preliminary Biological Resource Assessment, there was a high probability of an occurrence of fisher in the vicinity, however the habitat identified was outside

of areas impacted by the cannabis cultivation. There was moderate likelihood for Humboldt marten to occur in the vicinity. No new development is proposed.

Mitigation Measure 3.4-1k: Preconstruction bat survey and exclusion.

- Per the Preliminary Biological Resource Assessment, there was a high probability of an occurrence of Townsend's big-eared bat in the vicinity, however the habitat identified was outside of areas impacted by the cannabis cultivation.

Mitigation Measure 3.4-1l: Preconstruction vole survey and relocation.

- Per the Preliminary Biological Resource Assessment, there was a moderate probability of an occurrence of Sonoma tree vole in the vicinity. No tree removal or additional development is proposed for the project.

Mitigation Measure 3.4-3a: Special-status plants.

- No special status plant species or sensitive natural communities were found identified in the project area per the Preliminary Biological Resource Assessment. The assessment notes that although habitat for riparian/aquatic species habitat is present, the existing disturbance on the site likely precludes species occupying the site. Referral comments received from CDFW do not indicate concern regarding operational impacts to special status plants.

Mitigation Measure 3.4-3b: Invasive plant species.

- Ongoing project conditions require that invasive plant species be eradicated and managed at existing and proposed cultivation areas for the duration of the project lifespan.

Mitigation Measure 3.4-4: Sensitive natural communities, riparian habitat, and wetland vegetation.

- No special sensitive natural communities were found within the project area. There is no development proposed within the streamside buffers and no impacts to sensitive natural communities or riparian habitat are anticipated.

Mitigation Measure 3.4-5: Waters of the United States.

- The site plan developed for the project depicts appropriate buffers for all watercourses. There is no development proposed within the watercourse buffers and no impacts to watercourses are anticipated.

Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5: Waters of the United States.

- See Mitigation Measure 3.4-5 above.

Mitigation 3.4-6b: Retention of fisher and Humboldt marten habitat features.

- See Mitigation Measure 3.4-1j above.

Mitigation Measure 3.5-1: Protection of historic resources.

- A Cultural Resources Investigation dated October 2018 prepared by Archaeological Research and Supply Company concluded that no archaeological or historical resources, for the purposes of CEQA, exist in the project area.

Mitigation Measure 3.5-2: Avoid potential effects on unique archaeological resources.

- A Cultural Resources Investigation dated October 2018 prepared by Archaeological Research and Supply Company concluded that no archaeological or historical resources, for the purposes of CEQA, exist in the project area. Project conditions of approval are incorporated regarding an inadvertent discovery protocol to protect cultural and archaeological resources.

Mitigation Measure 3.6-5 Protection of discovered paleontological resources.

- See Mitigation Measure 3.5-2 above.

Mitigation Measure 3.7-2a: Prepare Environmental Site Assessments.

- Project does not propose development of commercial cannabis facilities on existing commercial, business park, or industrial sites.

Mitigation Measure 3.7-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities.

- See Mitigation Measure 3.7-2a above.

Mitigation Measure 3.8-2: Minimum Size of Commercial Cultivation Activities.

- The subject parcel exceeds the minimum parcel size for the proposed project at full buildout per Section 55.4.6.5.9(d) of the CCLUO.

Mitigation Measure 3.8-3: Annual groundwater monitoring and adaptive management.

- The project does not include the use of a groundwater well for cannabis activities.

Mitigation Measure 3.8-4: Provision of drainage facilities to attenuate increases in drainage flows.

- A Site Management Plan was prepared by Green Road Consulting, dated December 2019 for the proposed project. The Site Management Plan includes best management practices for erosion control and sediment capture mechanisms, as well as road maintenance and runoff activities. Maintaining enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ is a condition of project approval.

Mitigation Measure 3.8-5: Implement water diversion restrictions and monitoring and

reporting requirements.

- No water diversion will be utilized for the proposed project.

Mitigation Measure 3.10-1: Implement construction-noise reduction measures.

- Condition of project approval.

Mitigation Measure 3.12-2: Proper design of highway access points.

- The property is accessed via Van Duzen Ave, a privately maintained road which connects to State HWY 36. The project was referred to California Department of Transportation (CalTrans) August 22, 2022, and to date no response has been received. No employees are proposed for the project, applicants are property residents, and the cannabis farm is an existing operation. A significant increase in traffic is not expected as a result of permit approval.

Mitigation Measure 3.13-1a: Prepare a treatment program for all new indoor cultivation and non-cultivation activities.

- The proposed project is not for new commercial indoor cultivation or a non-cultivation cannabis operation.

Mitigation Measure 3.13-1b: Verification of adequate wastewater service and necessary improvements for public wastewater systems.

- The property is not serviced by a public wastewater system.

Mitigation Measure 3.13-2: Verification of adequate water supply and service for municipal water service.

- The property is not serviced by a municipal water service.

Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit a new 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 EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects. 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.