

**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 218-071-003, New Harris Area

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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 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 Conditional Use Permit for 13,560 square feet of existing outdoor and 20,000 square feet of new mixed light commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 456,200 gallons sourced from a rainwater catchment pond located on APN 218-081-003. Total water storage consists of a 2,000,000-gallon pond and 65,000 gallons of onsite tanks. Onsite processing is proposed to occur on adjacent parcel 218-081-003 and power is provided by PGE through an eligible renewable energy program and no generator use is proposed.

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, based on 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; or
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 13,560 square feet of existing outdoor and 20,000 square feet of new mixed light commercial cannabis cultivation with no separate ancillary nursery. The project will not significantly impact scenic vistas or public views as the project will occur within an area that is surrounded by forested land. The project is consistent with the agricultural visual character of the area. The project will not create a

source of light or glare as the project is conditioned to adhere to International Dark Sky Association standards. Less than significant impact.

Agriculture and Forestry Resources: The project involves agricultural activity on a parcel zoned as Forestry Recreation (FR), in which all general agricultural uses are principally permitted. 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 timber conversion is proposed or authorized under the permit. Less than significant impact.

Air Quality: No new construction is proposed. 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 PM₁₀, for which the North Coast Air Basin is already in non-attainment. However, no additional employees are proposed and an increase in traffic is not expected under the project, as this is an existing operation. As such, the continued use of the gravel road for the project is not a substantial change or additional significant impact not considered under the MND for the CMMLUO. Less than significant impact.

Biological Resources: A review of the California Natural Diversity Database does not indicate the presence of species or sensitive communities of concern. The project site contains one mapped surface waters that meets applicable setbacks. The nearest mapped Northern Spotted Owl activity centers are (HUM0644) approximately 0.85 miles to the south and (HUM0223) approximately 2.89 miles to the northwest. The proposed project will utilize the pre-existing disturbed areas or clearings in existence prior to baseline. The new proposed cultivation will occur in an area that was already disturbed therefore the cultivation will not impact Northern Spotted Owl habitat. The project has been conditioned to ensure supplemental lighting associated with the onsite nursery adheres to Dark Sky Association standards including security lighting. Conditions require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting for erosion control, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. It was determined that the project and operations will have less than significant impacts with adherence to the recommended conditions of approval. Less than significant impact.

Cultural Resources: The project was referred to the Northwest Information Center. A Cultural Resources Investigation was conducted. The project is located outside mapped aboriginal territories of local tribes. Project conditions include the standard inadvertent discovery protocol. Less than significant impact.

Energy: The project is for existing cannabis cultivation with on-site ancillary propagation. Power is provided by PGE through an eligible renewable energy program. No generator use is proposed. Less than significant impact.

Geology and Soils: No new structures are proposed that would expose people to risk of life from earthquakes. The project parcel is mapped in the County GIS as high instability. The existing and new cultivation is in areas ranging from 15% slope or less. Cultivation areas are located on existing pre-disturbed flats. The applicant will be required to secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing greenhouses, water tanks over 5,000 gallons, existing structures associated with drying, processing, and storage, or any activity with a nexus to cannabis, and any noise containment structures as necessary. Additionally, cultivation activities are limited to the immediate area surrounding the cultivation areas, and irrigation runoff and erosion control measures are implemented. The project must operate in accordance with a Site Management Plan in accordance with the State Water Board General Order. The Less than significant impact.

Greenhouse Gas Emissions: Power is provided by PGE and no generator use is proposed. Less than significant impact.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides, and fuel in compliance with the California Water Resource Control Board pursuant to Cannabis General Order No. WQ 2019-0001-DWQ. 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 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 will not degrade any water sources or contribute to sedimentation, as irrigation runoff, erosion control, and watershed protection measures are implemented by the project, as described in the Cultivation and Operations Plan and Site Management Plan. Less than significant impact.

Land Use and Planning: The project proposes agricultural activity on a parcel zoned as Forestry Recreation (FR), in which all general agricultural uses are principally permitted. The project will not physically divide an established community or result in 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 resource 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 is in a rural portion of the County, surrounded by open and forested land. The project will not result in the generation of excessive groundborne vibration or noise levels. Noise sources from the operation will include those of typical agricultural operations. The project is conditioned limiting noise to what is allowed under the CCLUO which is no more that 3dB over baseline. Less than significant impact.

Population and Housing: No housing is proposed nor is any removal of housing proposed. No employee housing is as part of the project. 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 existing outdoor and new mixed light cannabis cultivation with ancillary propagation and processing activities on a parcel where agricultural activities are principally permitted. The project will not increase the need for fire or law enforcement services. The project is not within 600 feet of a school or park. Less than significant impact.

Recreation: The project site is private property and contains no recreational facilities nor are recreational facilities accessed through the property. No impact.

Transportation: Up to eight employees at peak operation are expected as part of the project. Access roads have been determined to be adequate for the area. Less than significant impact.

Tribal Cultural Resources: No known archaeological or historic resources occur within the project area. The project was referred to the Northwest Information Center. The project is not within the mapped aboriginal territories of local tribes. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources. Less than significant impact.

Utilities and Service Systems: Trash and recycling are stored then hauled to an approved transfer station/disposal facility. Toilet and handwashing are available through portable facilities. Water for propagation and cultivation will be sourced from rainwater catchment and associated ponds and tanks. Less than significant impact.

Wildfire: The project will not interfere with any evacuation plan. The project will not develop any significant new structures that will increase the risk of wildfire. Project conditions require the removal of unpermitted structures. Less than significant impact.

No changes are proposed for the original MND recommended mitigation measures. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 18,953 square feet of outdoor cultivation with ancillary processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project is conditioned to implement responsible agency recommendations, resulting 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.

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 implements responsible agency recommendations, resulting 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:

- Operations Plan
- Site Plan
- County GIS
- Water Analysis
- Road Maintenance Agreement
- Road Evaluation
- Northern Spotted Owl Assessment
- Site Management Plan

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.

- No new ground disturbance is proposed by this project.

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

- There is no known occurrence of this species within the project area.

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

- There is no known occurrence of this species within the project area.

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

- No new construction is proposed.

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

- Protocol level surveys have been conducted in the vicinity of the project site in association with Timber Harvest Plans. These surveys did identify a positive occurrence of Northern Spotted Owl within 1.3 miles of the project site. However, the proposed project will not occur in an area that will impact nesting, roosting, or foraging habitat.

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

- No presence or habitat was identified in the vicinity of the proposed project.

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

- No presence or habitat was identified in the vicinity of the proposed project.

Mitigation Measure 3.4-1h: Noise reduction.

- Pacific Gas and Electric supplies power the site. There will be no generator usage. Project is subject to multiple performance standards for noise.

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

- No presence or habitat was identified in the vicinity of the proposed.

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

- No habitat for fisher was identified in the vicinity of the project.

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

- No presence or habitat was identified in the vicinity of the proposed project.

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

- No habitat for Sonoma tree vole was identified in the vicinity of the project.

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

- Project is occurring on pre-disturbed areas.

Mitigation Measure 3.4-3b: Invasive plant species.

- The project is conditioned requiring the development of an invasive species management plan.

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

- No sensitive natural communities, riparian habitat or wetlands are near the proposed project.

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

- There are no known waters of the United States present on the project property.

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.

- No known historical resources are present.

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

- Project conditions of approval include inadvertent discovery protocol to protect any unknown 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 subject parcel exceeds 10 acres in size and is not subject to the requirements of Section 55.4.12.9 of the CCLUO regarding well drawdown testing. No well is being used.

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

- Applicant provided a copy of the Notice of Applicability and a Site Management plan demonstrating Enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ.

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.

- Project is accessed off a privately maintained road that intersects a public road maintained by the County of Humboldt.

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 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.