

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

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

**APNs 209-301-012, -013; Redcrest area, County of Humboldt**

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

**September 2023**

## **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 new cannabis operations by establishing regulations for an unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted cultivation operations. The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all possible environmental impacts of the project to a less than significant level.

The modified project involves a Zoning Clearance for 10,000 square feet of new outdoor light-deprivation cannabis cultivation, a Special Permit for a setback reduction from Humboldt Redwoods State Park, and a Lot Line Adjustment between three parcels, resulting in two parcels. 1,000 square feet of propagation space is proposed. The cannabis will be partially dry farmed, with supplemental water for irrigation provided by rainwater catchment. Approximately 30,700 gallons of water will be required annually for irrigation. A total of 52,800 gallons of water storage is proposed. Processing will occur off site at a licensed processing facility. There will be a maximum of two employees on site. Power for the project will be provided by solar. A generator will be kept on site for emergency purposes only.

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 cannabis cultivation operations. These include, but are not limited to, 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 new outdoor cannabis cultivation. The project will not significantly impact scenic vistas or public views. The project will not change the existing character of the area due to the numerous other permitted cultivation operations nearby. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare. Less than significant impact.

**Agriculture and Forestry Resources:** The project will utilize Agriculture Exclusive 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:** Though 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. The project will utilize up to two employees, and a negligible increase in traffic on the road is anticipated as part of the project. Less than significant impact.

**Biological Resources:** According to the California National Diversity Database the site is mapped with a non-specific historical record of maple-leaved checkerbloom. The nearest Northern Spotted Owl (NSO) activity center is approximately 0.7 miles north of the project site, and the nearest positive observation is approximately 0.68 miles north of the project site. Mapped marbled murrelet mapped critical habitat is located approximately 100 feet south of the proposed cultivation site on the adjacent parcel owned by the California Department of Parks and Recreation (Humboldt Redwoods State Park). Due to the proximity of habitat, the project has been conditioned to limit noise exposure to 50 decibels at 100 feet from the noise source or the edge of habitat, whichever is closer. The project has been conditioned to include requirements for keeping artificial light fully contained within structures such that no light escapes. The project was referred to the California Department of Fish and Wildlife and no response was received. Less than significant impact.

**Cultural Resources:** The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone. The Bear River Band Rancheria recommended a Cultural Resource Investigation to be conducted on the parcel. The applicant submitted a Cultural Resource Survey prepared by Archaeological Research and Supply Company dated May 2018. According to the survey there were no historic or prehistoric era resources located during the survey. The project has an ongoing condition to include inadvertent archaeological discovery language. Less than significant impact.

**Energy:** Power for the project will be provided by solar. A generator will be kept on site for emergency purposes only. Less than significant impact.

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

**Greenhouse Gas Emissions:** Power for the project will be provided by solar. A generator will be kept on site for emergency purposes only. Construction on site will be in conformance with State and local building code. Less than significant impact.

**Hazards and Hazardous Materials:** No fertilizers or pesticides will be stored onsite. No fuels are proposed to be stored on site. The project will not expose the public to hazards. The project is in a rural area rated as a moderate fire hazard area. 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 10,000 square feet of new outdoor cannabis cultivation on agricultural land. The project will not degrade any water sources or contribute to increased sedimentation. Cannabis activities will take place

outside of any streamside management areas. The project will utilize rain catchment for irrigation. 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 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:** Power for the project will be provided by solar. A generator will be kept on site for emergency purposes only. 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 new 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 10,000 square feet of new outdoor cannabis cultivation on a site where agriculture is principally permitted. 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:** The project will utilize up to two employees, and a negligible increase in traffic on the road is anticipated as part of the project. The project site will also have adequate emergency access. Less than significant impact.

**Tribal Cultural Resources:** The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone. The Bear River Band Rancheria recommended a Cultural Resource Investigation to be conducted on the parcel. The applicant submitted a Cultural Resource Survey prepared by Archaeological Research and Supply Company dated May 2018. According to the survey there were no historic or prehistoric era resources located during the survey. The project has an ongoing condition to include

inadvertent archaeological discovery language. Less than significant impact.

**Utilities and Service Systems:** Solid waste and recycling will be taken to a licensed transfer station. A portable toilet and hand washing station will be available for the use of employees on-site. Water for cultivation will be sourced from rain catchment. Power for the project will be provided by solar. A generator will be kept on site for emergency purposes only. Less than significant impact.

**Wildfire:** The project is in a rural area rated as a moderate fire hazard area. The project will not interfere with any evacuation plan. Proposed new structures will be constructed in accordance with State Building Code. Less than significant impact.

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project 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:

- Operations Plan
- Site Plan
- Lot Line Adjustment Map
- Flood Certifications
- DEH 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 in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone. The Bear River Band Rancheria recommended a Cultural Resource Investigation to be conducted on the parcel. The applicant submitted a Cultural Resource Survey prepared by Archaeological Research and Supply Company dated May 2018. According to the survey there were no historic or prehistoric era resources located during the survey. The project has an ongoing condition to include inadvertent archaeological discovery language.

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

- The project is for new cultivation and involves no 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. According to the site plan there are no cannabis facilities within any Streamside Management Areas.

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

- The project is for 10,000 square feet of new cultivation in an Agriculture Exclusive (AE) zone which requires a Zoning Clearance Certificate. 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 new cultivation, which is eligible in an AE zone. There is no tree removal required for cannabis cultivation activities.

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

- The project operations plan and DEH worksheet describe measures that will be taken to properly handle hazardous materials. No fertilizers or pesticides will be stored onsite. 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 rain catchment for irrigation. No surface water diversion is a part of the project.

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

- A generator will be kept on site for emergency purposes only and will be required to operate at 50 decibels or less at 100 feet from the generator or the edge of habitat, whichever is closer.

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. No fuel is proposed to be stored on site.

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

- The project will utilize up to two employees. Processing will occur off site at a licensed processing facility.

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

- The project is for outdoor cultivation and artificial lighting used for propagation will adhere International Dark Sky Association standards as set forth in the CMMLUO.

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 December 2, 2016, prior to the sunset of the ordinance.

Based upon this review, the following findings are supported:



## **FINDINGS**

1. The proposed project will permit a new cannabis operation found to be following 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.
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.