

ATTACHMENT 3
CEQA Addendum

**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 201-311-016; Alton area, 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 the 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 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 EIR prepared for the CCLUO also established local land use regulations to allow for 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. New commercial cannabis cultivation operations were included in the environmental analysis 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 project is a Modification to Conditional Use Permit PLN-2019-15835. The applicant proposes to increase annual irrigation water use from 334,000 gallons to 937,000 gallons. Water would be sourced from a 160' deep well installed in 2018 that, based on hydrogeologic well assessment prepared by Lindberg Geologic Consulting, is not hydrologically connected to surface water. No additional modifications to the project are proposed.

The project was referred to the Humboldt County Department of Public Works, serving as the Humboldt County Groundwater Sustainability Agency (GSA) Administrator. GSA analysis concluded that the proposed increase water use would not affect interfere substantially with the Public Trust or substantially impair the public rights to navigation, fisheries, water related recreation, public access, open space, or other Public Trust needs and values. The analysis also concluded that the proposed increase in water use is consistent with the Eel River Valley Groundwater Sustainability Plan.

Compliance with the measures of the CCLUO would 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; 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 effect 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 includes an increase of annual irrigation water only. The project will not impact scenic vistas or public views. The project will not create a source of light or glare. No impact.

Agriculture and Forestry Resources: The project includes an increase of annual irrigation water only. 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: The project includes an increase of annual irrigation water only. No 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. No increase in traffic is anticipated. The project would not result in significant sources of greenhouse gas emissions. No impact.

Biological Resources: The project includes an increase of annual irrigation water only. No ground disturbing activities are proposed. No changes to potential sensitive habitat areas are anticipated as a result of the project. No changes to noise and light levels are anticipated. The well utilized for irrigation has been analyzed by Lindberg Geologic Consulting, who concluded the well is drawing water from a confined bedrock aquifer(s) deeper than and not significantly connected to the alluvial aquifer of the greater Eel River Groundwater basin. The well is approximately 2,700 feet from the nearest surface water feature. No impact.

Cultural Resources: The project includes an increase of annual irrigation only. No ground disturbance is proposed for this project. No Impact.

Energy: The project includes an increase of annual irrigation water only. No changes to energy use are proposed. No impact.

Geology and Soils: The project includes an increase of annual irrigation water only. No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has historically been used for agriculture. No grading will occur. No impact.

Greenhouse Gas Emissions: The project includes an increase of annual irrigation water only. No changes to energy use are proposed. No changes in traffic or staffing needs are proposed. No impact.

Hazards and Hazardous Materials: The project includes an increase of annual irrigation water only. 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. No impact.

Hydrology and Water Quality: The project includes an increase of annual irrigation water only. The applicant has submitted a Hydrogeologic Well Assessment prepared by Lindberg Geologic Consulting that indicated in the opinion of the Certified Engineering

Geologist (CEG) the well is drawing water from a confined bedrock aquifer(s) deeper than and not significantly connected to the alluvial aquifer of the greater Eel River Groundwater basin. The project was referred to the Humboldt County Department of Public Works, serving as the Humboldt County Groundwater Sustainability Agency (GSA) Administrator. GSA analysis concluded that the proposed increase water use would not affect interfere substantially with the Public Trust or substantially impair the public rights to navigation, fisheries, water related recreation, public access, open space, or other Public Trust needs and values. The analysis also concluded that the proposed increase in water use is consistent with the Eel River Valley Groundwater Sustainability Plan. The project will not degrade any water sources or contribute to sedimentation. Less than significant impact.

Land Use and Planning: The project includes an increase of annual irrigation water only. 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: The project includes an increase of annual irrigation water only. 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 includes an increase of annual irrigation water only. No new noise sources are proposed as part of the project. The project will not result in the generation of excessive groundborne vibration or noise levels. No impact.

Population and Housing: The project includes an increase of annual irrigation water only. 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 includes an increase of annual irrigation water only. 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 includes an increase of annual irrigation water only. The project site is private property and contains no recreational facilities nor are recreational facilities accessed through the property. No impact.

Transportation: The project includes an increase of annual irrigation water only. No changes in traffic or staffing needs are proposed. The project site will also have adequate

emergency access. No impact.

Tribal Cultural Resources: The project includes an increase of annual irrigation water only. No ground disturbance is proposed for this project. No Impact.

Utilities and Service Systems: The project includes an increase of annual irrigation water only. No increase in solid waste is anticipated. On site operations are served by an existing septic system. Water for propagation and cultivation is sourced from an onsite groundwater well. No impact.

Wildfire: The project includes an increase of annual irrigation water only. The project will not interfere with any evacuation plan. There will be no 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 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 Final EIR, the County considered the following information and studies, among other documents:

- Well Completion Report WCR2018-008876 prepared by Fisch Drilling, August 2017
- Hydrogeologic Well Assessment of driller's report for Well WCR2018-008876 prepared by Lidberg Geological Consulting, August 2023
- Water Use Report, submitted by Kamino, LLC, May 2023
- Kamino, LLC, Nursery Operations Plan, amended September 2023
- Letter from Stillwater Sciences to Humboldt County Planning Department regarding well connectivity, September 2019

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.

- The project includes an increase of annual irrigation water only. Conditions of original project approval prohibit burning of cannabis and other vegetative material.

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

- The project includes an increase of annual irrigation water only. A Biological Resources Assessment was prepared for the originally approved projects.

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

The project includes an increase of annual irrigation water only. The Biological Resources Assessment prepared for the originally approved project indicated no impacts to amphibian or reptile species were anticipated.

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

- The project includes an increase of annual irrigation water only. The Biological Resources Assessment prepared for the originally approved project indicated no impacts to amphibian or reptile species were anticipated.

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

- The project includes an increase of annual irrigation water only. The Biological Resources Assessment prepared for the originally approved project indicated no impacts to bird species were anticipated.

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

The project includes an increase of annual irrigation water only. The Biological Resources Assessment prepared for the originally approved project indicated no impacts to bird species were anticipated. Original project approval required that no light escape from the nursery buildings between sunrise and sunset.

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

- The project includes an increase of annual irrigation water only. No presence was identified in the vicinity of the proposed project per the Biological Assessment

Report. The Biological Resources Assessment prepared for the originally approved project indicated no impacts to bird species were anticipated.

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

- The project includes an increase of annual irrigation water only. No presence of marbled murrelet was identified in the vicinity of the proposed project per the Biological Assessment Report. The Biological Resources Assessment prepared for the originally approved project indicated no impacts to bird species were anticipated.

Mitigation Measure 3.4-1h: Noise reduction.

- The project includes an increase of annual irrigation water only. Pacific Gas and Electric supplies power the site.

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

- The project includes an increase of annual irrigation water only. No presence of badger was identified in the vicinity of the proposed project per the Biological Assessment Report. The Biological Resources Assessment prepared for the originally approved project indicated no impacts to mammal species were anticipated.

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

- The project includes an increase of annual irrigation water only. No suitable habitat is present in the project area. Light and noise impacts from this project are non-existent and will not impact possible denning habitat.

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

- The project includes an increase of annual irrigation water only. Suitable foraging habitat is present near the project area, and roosting habitat may be present in nearby barns. The project would not impact possible foraging or roosting habitat.

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

- The project includes an increase of annual irrigation water only. No suitable habitat is present in the project area. The project would not impact possible habitat.

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

The project includes an increase of annual irrigation water only. All special status plant species or sensitive natural communities were found to have no or low likelihoods of occurring in the project area.

Mitigation Measure 3.4-3b: Invasive plant species.

- The project includes an increase of annual irrigation water only. The originally approved project includes an invasive species control plan that satisfies the requirements of this mitigation measure.

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

- The project includes an increase of annual irrigation water only. There would be no impacts to sensitive natural communities, riparian habitat or wetland vegetation.

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

- The project includes an increase of annual irrigation water only. There would be no impacts to wetlands or watercourses.

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.

- The project includes an increase of annual irrigation water only. A Cultural Resources Inventory Report was prepared for the original project (PLN-12381-SP), which identified no cultural resources on the property.

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

The project includes an increase of annual irrigation water only. A Cultural Resources Inventory Report was prepared for the original project (PLN-12381-SP), which identified no cultural resources on the property.

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.

- The project includes an increase of annual irrigation water only.

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 project includes an increase of annual irrigation water only. The subject parcel exceeds the minimum parcel size for the original project.

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

- The project includes an increase of annual irrigation water only. The subject parcel is not planned or zoned for lot sizes of 10 acres in size or smaller, and is not subject to the requirements of Section 55.4.12.9 of the CCLUO regarding well drawdown testing.

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

- The project includes an increase of annual irrigation water only. A Site Management Plan (SMP) was prepared by Stillwater Sciences, dated September 2019 for the previously approved project. The SMP includes best management practices for erosion control and sediment capture mechanisms, road maintenance and spoils management, maintaining enrollment with the State Water Resources Control Board (SWRCB) General Order. A Stormwater Management Plan was also prepared for the previously approved project, including retention in vegetated swales and monitoring and maintenance.

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

- The project includes an increase of annual irrigation water only. No water diversion will be utilized for the proposed project.

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

- The project includes an increase of annual irrigation water only. No construction is proposed as part of this project.

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

- The project includes an increase of annual irrigation water only. The previously approved project (PLN-2019-15835) was referred to the California Department of Transportation (Caltrans) which indicated no further road improvements were required of the applicant.

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

- The project includes an increase of annual irrigation water only.

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

- The project includes an increase of annual irrigation water only. 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 project includes an increase of annual irrigation water only. The property is not serviced by municipal water service. The applicant submitted a Hydrogeologic Well Assessment prepared by Lindberg Geologic Consulting that indicated in the opinion of the Certified Engineering Geologist (CEG) the well is drawing water from a confined bedrock aquifer(s) deeper than and not significantly connected to the alluvial aquifer of the greater Eel River Groundwater basin.

Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will increase the amount of irrigation water used for an existing cannabis nursery operation in 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 EIR was adopted as complete.