

ATTACHMENT 3

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

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

**APN 314-203-008; 7211 Mountain View Road, Kneeland
County of Humboldt**

**Prepared By
Humboldt County Planning and Building Department
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Background

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

The modified project involves a Special Permit for 10,000 square feet (SF) of existing outdoor cannabis cultivation utilizing light deprivation techniques and 1,000 SF of ancillary propagation. Irrigation water is sourced from a spring diversion, with plans to add rainwater catchment and install a groundwater well. Existing available water storage is 36,500 gallons in six (6) HDPE water storage tanks and a 10,000-gallon bladder. Estimated annual water usage is 107,600 gallons. Processing, including drying, trimming, and packaging, occurs onsite. A maximum of two (2) people will be on-site during peak operations. Power is provided by two (2) Honda generators, with long-term plans to convert to solar. A Special Permit is also requested for development within the Streamside Management Area (SMA) for continued use and maintenance of the point of diversion infrastructure.

Per review of the County’s GIS, two (2) watercourses are shown to traverse the central and very northeastern portions of the subject parcel. All approved cannabis cultivation activities would occur outside of required Streamside Management Area (SMA) buffers and on slopes less than 15% on historic log decks. The Nearest Northern Spotted Owl (NSO) positive sighting and NSO activity center are located approximately 0.26 and 0.33 miles from the nearest cultivation area, respectively. Artificial lighting will only be utilized within the ancillary propagation area. Conditions of approval require the applicant use light and noise attenuation to ensure the project has a Less than Significant Impact on NSO. Additionally, while power to the site is currently provided by two (2) Honda generators, the applicant has long-term plans to switch to solar, which would further reduce potential impacts. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than

required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026.

The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria in August 2017.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result 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;
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

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

authorize the continued operation of an existing cannabis cultivation site consisting of 10,000 square feet of cultivation with ancillary propagation and processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plans prepared by Mother Earth Engineering, received 1/15/21 and 10/8/22.
- Cultivation and Operations Plan, received 1/15/21.
- Additional project information provided by the applicant via email correspondence to the assigned planner, dated 7/28/22 and 10/8/22.
- Site Management Plan (WDID-1_12CC418188), prepared by Timberland Resource Consultants, received 6/2/21, for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Road Evaluation Report for Unnamed Private Road prepared by the applicant, dated 1/3/21.
- Timber Conversion Evaluation prepared by Timberland Resource Consultants, dated 11/18/20.
- Right to Divert and Use Water (Registration H507752, Certificate H100586) issued by the State Water Resources Control Board, dated 9/5/19.
- Streambed Alteration Agreement (Notification No. 1600-2019-0980-R1) issued by the California Department of Fish and Wildlife, received 6/2/21.
- Notice of Applicability (WDID-1_112CC418188) issued by the North Coast Regional Water Quality Control Board, dated 12/15/20.
- Historical Cultivation Evaluation and Images prepared by Timberland Resource Consultants, not dated.
- Memo to File – Existing Cultivation and Alleged Violation Resolution, dated 4/12/19.

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. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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