

**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**

APNs 216-082-002-000 and 216-082-006-000; Harris area, County of Humboldt

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

May 2023

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.

A Modification to the approved Special Permit (SP) PLN-2020-16866, to relocate the cultivation area on APN 216-082-002-0002 to an existing natural flat area. The approved SP and ZCC allows operation of up to 43,560 square feet of new mixed-light cannabis cultivation on two contiguous parcels (APN 216-082-002 and APN 216-082-006-200-000) with ancillary propagation facilities. Cultivation takes place in one cultivation area consisting of four mixed-light greenhouses. A 12,960-square-foot immature plant propagation area is adjacent to the greenhouses. The project further proposes relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002-000 to APN 216-082-006-000 and repurposing the 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002-000 for immature plant propagation or wholesale nursery activities. A 1-million-gallon rainwater catchment pond is located in the southeast corner of APN 216-082-006-000. Additional proposed water storage consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the cultivation areas resulting in a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006-000. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006-000. Up to 12 employees may be utilized during peak operations. PG&E improvements are proposed to move to grid power. The approved project included a Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002-000.

Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-

082-006. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006. Up to 12 employees may be utilized during peak operations. There is one (1) residence proposed for on-site employee housing, and the applicant will be required to permit the existing residence with the Building Division. The applicant is proposing to utilize portable toilets at the cultivation area, or to utilize a restroom within the existing residence. The project was referred to the Department of Environmental Health (DEH) on May 5, 2023, and comments were received on May 16, 2023. Comments from DEH stated that seasonal cultivation without processing may use portable toilets to serve the operation, and that the permittee shall provide portable toilets to cultivation areas meeting appropriate setbacks, or install a permitted onsite wastewater treatment system associated with a permitted structure. DEH also specified that the owner shall either provide evidence of permits, destroy the wells, legalize the wells two (2) water wells through installation of new sanitary surface seals, or provide compelling evidence that the wells were installed prior to February, 1973. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained.

The proposed project will include the reconfiguration of the existing seven (7) greenhouses to make room for the additional 32,500 SF of mixed-light cultivation and 2,000 SF of additional ancillary nursery space. The previously approved project received a permit for the historic grading that was done. No additional grading will take place at the site, and the proposed cultivation area has been verified to be less than 15% sloped area utilizing Google Earth Pro. The project will have a total of eighteen (18) mixed-light cultivation greenhouses and one (1) nursery greenhouse. Other structures associated to cultivation activities that require building permits include: one (1) residence, one (1) drying structure, one (1) 100,000-gallon rain catchment tank, and one (1) 500,000-gallon rain catchment tank. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: eighteen (18) mixed-light greenhouses, one (1) nursery greenhouse, one (1) residence, one (1) drying structure, one (1) 100,000-gallon rain catchment tank, and one (1) 500,000-gallon rain catchment tank.

Setbacks

This project will not significantly change the setback from the previously approved project.

The applicant will obtain 100% renewable power from PG&E, and water is collected from rain catchment pond on site. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities. The project site is more than 600 feet from any school, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.

Energy

Electricity is provided by four generators, two on each parcel. PG&E improvements are proposed to move to grid power. Prior to the issuance of building permits or initiation of any activities requiring the use of electricity, the applicant shall provide documentation demonstrating adequate electricity is available to the project site, to the satisfaction of the Planning Director. The applicant plans to source renewable energy by enrolling in PG&E's 100% Solar Choice program or the RCEA Power+ plan, and is required to show proof of enrollment in a 100% renewable energy plan

with PG&E prior to commencement of cultivation activities. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.

Fire Hazard

The project is located in an area designated to have a High Fire Hazard Severity, and is located within the Alder Point Volunteer Fire District (APVFD) for local fire response area. The project is also located within the State Responsibility Area (SRA) for CalFire. The Site Plan shows a firetruck turnaround, and the applicant has one (1) 2,500 gallon water storage tank designated for fire suppression needs only. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements. The project proposes to include the management of trees and vegetation around the existing structures to maintain a 100-foot defensible space from structures.

Timber Conversion

The project was referred to CalFire on May 4, 2023, and no comments were received by the agency. The project includes the relocation to a non-previously forested area. The project proposes to include the management of trees and vegetation around the existing structures to maintain a 100-foot defensible space. Per Section 55.4.6.4.2 of the CCLUO, the cultivation site may only be located within a non-forested area that was in existence prior to January 1, 2016. The applicant shall not convert any timberland on-site, and shall adhere to the CalFire guidelines for maintaining defensible space (**Ongoing Condition B.4**), which includes:

1. Cutting or mowing annual grass down to a maximum height of four inches.
2. Create horizontal space between shrubs and trees.
3. Create vertical space between grass, shrubs, and trees.
4. Remove fallen leaves, needles, twigs, bark, cones, and small branches. However, they may be permitted to a depth of three inches.
5. Keep 10 feet of clearance around exposed wood piles, down to bare mineral soil, in all directions.
6. Clear area around outbuildings and propane tanks. Keep 10 feet of clearance to bare mineral soil and no flammable vegetation for an additional 10 feet around their exterior.

Water Resources

Existing available water storage is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage consists of ten (10) 5,000-gallon rainwater catchment storage tanks for a total available water storage of 1.05 million gallons. Estimated annual water usage for the combined 32,100 sf of cultivation and 12,960 sf ancillary nursery area is approximately 600,000 gallons (13.9 gal/SF). The rainwater catchment pond was constructed in September 2020 and all management measures identified in the Grading and Erosion Control Plan and Soils Report were implemented for the parent project. All water tanks shall be installed and filled with rainwater prior to commencement of cultivation activities at the site.

The applicant has a Site Management Plan (SMP) prepared for the approved project, and the applicant shall continue to adhere to the Best Practicable Treatment or Control (BPTC) measures and annual monitoring/treatment timelines in the SMP.

Biological Resources

The applicant submitted a *Biological Assessment* for the proposed relocation areas, prepared by Kyle S. Wear, Biological Consultant, April 4, 2022. The proposed relocation areas are grassland dominated (90% or more) by a non-native species, Harding grass (*Phalaris aquatica*). A *Nesting Bird & Pre-construction Survey* was conducted July 5, 2022 and a *Botanical Survey* was conducted July 5, 2022 by Leopard Wildlife Associates (Attachment 4).

Biological Assessment

No special status plants were observed on the relocation areas, however, a protocol-level botanical survey, which would include multiple site visits over the growing seas, was not conducted. The subject parcels do include habitat for several special status plants, of which three taxa are associated with grasslands like the relocation areas, however, the heavy infestation of Harding grass, dry conditions, absence of any special status species, and the lack of more mesic grasslands. The criterion for a grassland to be considered a special status grassland was not met due to the high infestation of Harding grass, even with a <1% coverage of California oatgrass (*Danthonia californica*).

Special status wildlife was assessed and no mature forests, snags, caves, waterbodies, riparian vegetation, or other habitat likely to provide nesting or foraging habitat for most sensitive wildlife species within or near the relocation areas. There is, however, potential foraging habitat for raptors such as golden eagle (*Aquila chysatos*) and Cooper's hawk (*Accipter cfooperii*).

With regard to aquatic resources, there were no indicators of wetland such as standing water, saturated soil, or hydrophytic vegetation like stands of sedges or rushes within or near the relocation areas. The relocation sites appeared to be outside the streamside setbacks. Overall, the assessment cultivation relocation on the proposed relocation areas will impact the invasive Harding grass-dominant grassland. According to the assessment, there is a less than significant risk of impacts to sensitive biological resources. Further, the assessment postulated the project had the potential to be environmentally beneficial in that it would allow access to PG&E power and eliminate the use of generators.

Nesting Bird & Pre-construction Survey

The survey was conducted on July 3, 2022. The objective of the survey was to search for active nests and or avian breeding behavior in the project area. Denning badgers were also surveyed for. No nesting birds or badger dens were observed in association with the project area. However, heavy ground disturbance indicative of feral pigs was observed, and in addition to one boar, turkey vulture, California Quail, Savannah Sparrow, Barn Swallow, Common Raven, and Retail Hawk were also observed in association with the project area.

Botanical Survey

No Special status were encountered in the project area. California oatgrass (*Danthonia californica*) was recorded along the road system but was restricted to a small area and is well below the minimum of 10% required to meet the membership rules for Idaho fescue - California oatgrass grassland (*Festuca idahoensis* - *Danthonia californica* Herbaceous Alliance). Although the cultivation areas are dominated by non-native vegetation, no plants with Cal-IPC ratings of High

were observed. The survey results noted the potential for a false negative survey that could lack the detection of special status plants that are not currently germinated/emerged. Special status plants can also be consumed by wildlife/livestock or succumb to disease and therefore be undetectable to the professional conducting the survey. During 2021/2022, there was a below normal rainfall accumulation in the months prior to the surveys. However, rainfall in April and May was relatively normal for the time of year. The temperature was relatively in the normal range. Overall, the survey findings postulated that there would not be an impact to special status plants of natural communities and offered no recommendations.

Tribal Cultural Resource Coordination

The project is located in the Bear River band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), Bear River Band Tribal Historic Preservation Officer and the Sinkyone Intertribal Wilderness Council on May 4, 2023. A Cultural Resource Investigation Report was prepared in November 2018 by Archaeological Research and Supply Company for the previously approved project (On file and confidential). For the proposed modification to the approved project, the THPO recommended that inadvertent discovery protocol be a condition of project approval. The applicant shall adhere to Inadvertent Discover Protocols, and shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Access

The site is accessed from the southwest side of Bell Springs Road, approximately 1.4 miles south from the intersection of Alderpoint Road and Bell Springs Road, on the property known as 1340 Bell Springs Road. The applicant shall adhere to the recommendations from Public Works as stated in the referral comments in Attachment A5.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined that approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located outside any impacted or refuge Planning Watershed.

The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light. Additionally, the project includes relocation to an environmentally superior location and habitat restoration, both of which are consistent with the original project and the EIR's mitigation measures. 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 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 is for a modification to relocate a 34,000 portion of the total previously approved 43,560 sf mixed light commercial cannabis cultivation to be cultivated in seasonal/temporary hoop houses. The project will not significantly impact scenic vistas or public views as the vast majority will be full sun outdoor cultivation. There is a row of vegetation along the road frontage that will block most public views of the cultivation site. 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 agricultural land for agricultural purposes as contemplated in the EIR. 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 the 34,000 square feet of temporary hoop houses

and water storage tanks all of which will require minimal grading for placement. 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 EIR for the CCLUO identified this as a significant and unavoidable impact and a Statement of overriding considerations was made by the Board of Supervisors. The use of this gravel road for this cannabis project is therefore not a substantial change or additional significant impact not considered under the EIR.

Biological Resources: The applicant submitted a *Biological Assessment* for the proposed relocation areas, prepared by Kyle S. Wear, Biological Consultant, April 4, 2022. The proposed relocation areas are grassland dominated (90% or more) by a non-native species, Harding grass (*Phalaris aquatica*). A Nesting Bird & Pre-construction Survey was conducted July 5, 2022 by and a Botanical Survey was conducted July 5, 2022.

No special status plants were observed on the relocation areas, however, a protocol-level botanical survey, which would include multiple site visits over the growing seas, was not conducted. The subject parcels do include habitat for several special status plants, of which three taxa are associated with grasslands like the relocation areas, however, the heavy infestation of Harding grass, dry conditions, absence of any special status species, and the lack of more mesic grasslands. The criterion for a grassland to be considered a special status grassland was not met due to the high infestation of Harding grass, even with a <1% coverage of California oatgrass (*Danthonia californica*).

Special status wildlife was assessed and no mature forests, snags, caves, waterbodies, riparian vegetation, or other habitat likely to provide nesting or foraging habitat for most sensitive wildlife species within or near the relocation areas. There is, however, potential foraging habitat for raptors such as golden eagle (*Aquila chysatos*) and Cooper's hawk (*Accipter cfooperii*).

With regard to aquatic resources, there are no indicators of wetland such as standing water, saturated soil, or hydrophytic vegetation like stands of sedges or rushes within or near the relocation areas. The relocation sites appeared to be outside the streamside setbacks.

Overall, the cultivation relocation on the proposed relocation areas will impact the invasive Harding grass-dominant grassland. According to the assessment, there is a less than significant risk of impacts to sensitive biological resources. Further, the assessment postulated the project had the potential to be environmentally beneficial in that it would allow access to PG&E power and eliminate the use of generators. It was determined that the project and operations will have less than significant impacts if management recommendations from the Biological Assessment and mitigation Measures of the EIR are adhered to. The findings and conclusions of the Biological Report are consistent with the findings and conclusions of the EIR for the CCLUO. Less than significant impact.

Cultural Resources: The project is located in the Bear River band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), Bear River Band Tribal Historic Preservation Officer and the Sinkyone Intertribal Wilderness Council

on May 4, 2023. A Cultural Resource Investigation Report was prepared in November 2018 by Archaeological Research and Supply Company for the previously approved project (On file and confidential). For the proposed modification to the approved project, the THPO recommended the that inadvertent discovery protocol be a condition of project approval. Ongoing conditions of approval are incorporated regarding compliance with the recommendations of the Cultural Inventory and the Inadvertent Discoveries Protocol to protect cultural resources. No Impact.

Energy: The project is for mixed light cannabis cultivation with on-site drying and off-site processing until such time as category 4 road access to the site is provided year-round. Power is currently provided by four (4) generators, however, will transition to PG&E with an ongoing operational condition, the project is required annually to furnish proof of the purchase of 100% renewable electricity through a program such as the Redwood Coast Energy Authority RePower+ program. Alternatively, if PG&E is unable to facilitate the power demand of the project, the applicant will transition to an alternative sustainable source such as photovoltaic panels. The requirement for renewable power does not conflict with or obstruct any state or local plan for renewable energy or energy efficiency. Less than significant impact.

Geology and Soils: 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 significant grading will occur, and topsoil is preserved through the use of annual rotation and cover cropping.

Greenhouse Gas Emissions: Power is currently provided by four (4) generators, however, will transition to PG&E with an ongoing operational condition, the project is required annually to furnish proof of the purchase of 100% renewable electricity through a program such as the Redwood Coast Energy Authority RePower+ program. Alternatively, if PG&E is unable to facilitate the power demand of the project, the applicant will transition to an alternative sustainable source such as photovoltaic panels. The requirement for renewable power does not conflict with or obstruct any state or local plan for renewable energy or energy efficiency. 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 a locked area with secondary containment in accordance with applicable regulations. 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. While the project site is accessible year round, it is only accessible from a category 4 road. All cultivation and processing operations will occur only during the period where the bridge and category 4 road access is in place. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 43,560 square feet of cannabis cultivation in an agricultural field. The project will not degrade any water sources or contribute to sedimentation. All cultivation will be conducted inside hoopouses and a 1-million-gallon rainwater catchment pond is located in the southeast corner of APN 216-082-006-000. Additional proposed water storage consists of ten (10) 5,000-gallon rainwater catchment storage tanks

adjacent to the cultivation areas resulting in a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). 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 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 is located in actively managed agricultural land. The area has been in agricultural production for more than 10 years. Noise sources from the operation will include typical farm equipment such as tractors. The construction and dismantling of temporary hoop houses would create minimal noise. The applicant is proposing to dry on-site in an existing shed/garage structure. Drying would involve the use of dehumidifiers. The temporary noise impacts from these activities would not create a substantial increase in noise levels. The operation will be planting in pots. There is no reason to believe the noise source will be increased substantially onsite. The project will not result in the generation of excessive groundborne vibration or noise levels. No impact.

Population and Housing: The project is for mixed light cannabis cultivation. No additional 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 43,560 square feet of cannabis cultivation on a site where agriculture is the historical dominant use. 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. No impact.

Transportation: Up to twelve employees will be on-site. The parcel is accessed from Bell Springs Road, which is a category 4 road. A Road Evaluation Report was prepared for the previously approved project (PLN-2020-16866) and will comply with the recommendations of the Public Works Consulting Group which concluded that the access was sufficient for the commercial traffic. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: The project is located in the Bear River band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), Bear River Band Tribal Historic Preservation Officer and the Sinkyone Intertribal Wilderness Council on May 4, 2023. A Cultural Resource Investigation Report was prepared in

November 2018 by Archaeological Research and Supply Company for the previously approved project (On file and confidential). For the proposed modification to the approved project, the THPO recommended the inadvertent discovery protocol be a condition of project approval. Ongoing conditions of approval are incorporated regarding compliance with the recommendations of the Cultural Inventory and the Inadvertent Discoveries Protocol to protect cultural resources. Less than significant impact.

Utilities and Service Systems: No changes to the proposed for the Modification of the approved permit. 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 other than the 2,400 square foot drying shed which will comply with all building and fire codes. Less than significant 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:

- Biological Assessment Report prepared by Kyle S. Wear, Biological Consultant, April 4, 2022.
- A Nesting Bird & Pre-construction Survey was conducted July 5, 2022 by Leopardo Wildlife Associates
- Botanical Survey was conducted July 5, 2022 by Kyle S. Wear, Biological Consultant,
- Oak Woodland Restoration Plan (OWRP) conducted by Timberland Resource Consultants (TRC) November 23, 202.
- Timberland Conversion Evaluation Report July 12, 2021 that was conducted June 16, 2021 by Blair Forestry, LLC
- Amended Site Operations Plan for Peakview, Inc.
- Amended Operations Plan for Peakview, Inc.

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.

- Biological Assessment Report prepared by Kyle S. Wear, Biological Consultant, April 4, 2022, was considered. Adherence to and implementation of the recommendations described in the report is a condition of project approval.

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

- Habitat for and presence of foothill yellow-legged frog was identified in the vicinity (1.5 miles) of the project downstream in an adjacent drainage. Extant in this portion of the Eel River; however, located outside 50-foot Stream Management Area (SMA) and suitable habitat is not present. The recommendations in the Biological Assessment Report call for strict adherence to riparian setback requirements under Humboldt County and State Water Board regulations and the requirement to maintain quality habitat for amphibians.

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

- The western pond turtle habitat was not observed within 200' of the project site and is unlikely to occur in any irrigation ponds created for cannabis cultivation. However, as this project cannot reasonably be expected to result in significant impacts to Aquatic/Wet Site Guild Species, pre-construction surveys and/or monitoring for special-status amphibians are not recommended for operations outside the SMA. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest. As is standard practice CDFW will be consulted when determining buffer sizing.

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

- The CNDDDB does not record nesting raptors within 1.3 miles of this project. Although no suitable raptor nesting sites or rookeries were observed in association with this project, golden eagles area known to forage in these mountain rangelands. However, the populations of these large birds are generally increasing, and given that the proposed cannabis cultivation did not involve substantial raptor habitat removal, it is reasonable to conclude that this project will not significantly impact these guild species. The proposed cannabis cultivation is unlikely to significantly impact nesting forest raptors and/or herons. A pre-construction raptor survey was conducted per the recommendation of the Biological Assessment A Nesting Bird & Pre-construction Survey was conducted July 5, 2022 by Leopardo Wildlife Associates.

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

- There are no known occurrences of Northern Spotted Owl within 1.3 miles from the project site. Further, Coastal Oak Woodland ecotone associated with this parcel is unsuitable as

habitat for NSO. No tree removal is proposed as part of the project. In addition, the project is conditioned to limit noise generated from the project to 50db at 100' or at the nearest tree line, whichever is closer. Also, the management recommendations in the Biological Assessment Report require that if project construction uses heavy equipment and it occurs during the breeding season (March to August), then the project should do one year of "disturbance only" surveys to ensure no NSO are nesting within 0.25 miles of the project area. Alternatively, the project construction could not use any heavy equipment, or construction could take place outside of the breeding season. Lastly, propagation hoop houses utilizing early-season, low watt lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise.

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

- No presence or habitat for willow flycatcher, bank swallow, tricolored blackbird, western yellow-billed cuckoo, and western snowy plover. A pre-construction raptor survey was conducted per the recommendation of the Biological Assessment A Nesting Bird & Pre-construction Survey was conducted July 5, 2022 by Leopardo Wildlife Associates, which found none.

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 per the Biological Assessment Report.

Mitigation Measure 3.4-1h: Noise reduction.

- The project is currently powered by four (4) generators, however, the applicant intends to transition to Pacific Gas and Electric supplies power the site. The project is conditioned to limit noise generated from the project to 50db at 100' or at the nearest tree line, whichever is closer.

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

- No presence was identified in the vicinity of the proposed project per the Biological Assessment Report. However, the American badger has a habitat range coinciding with this project.

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

- Habitat for fisher was not identified in the vicinity of the project. No tree removal is proposed as part of the project.

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

- No presence was identified in the vicinity of the proposed project per the Biological Assessment Report. However, both the pallid bat and Townsend's big-eared bat have a habitat range coinciding with this project.

Mitigation Measure 3.4-11: Preconstruction vole survey and relocation.

- Habitat for Sonoma tree vole and white-footed vole was not identified in the vicinity of the project. The Biological Assessment Report determined that the project would have no impact stating that the project site the project area lacks functional habitat for this species.

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

- No special status plant species or sensitive natural communities were found within the project area. It has been determined that there will be no impacts to special status plant species or sensitive natural communities.

Mitigation Measure 3.4-3b: Invasive plant species.

- The most prolific invasive is Harding grass (*Phalaris aquatica*). The 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.

- No special sensitive natural communities were found within the project relocation areas. There is a class III drainage ditch just west of the Phase 1 cultivation flat, however, this class does not fall under the Stream Side Management Regulations.

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

- There is no development proposed within the wetland buffers for the proposed modification and no impacts to wetlands 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.

- As there is no proposal to remove or modify any existing structure as, no impact is anticipated.

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

- A Cultural Resource Investigation Report was prepared in November 2018 by Archaeological Research and Supply Company for the previously approved project (On file and confidential). For the proposed modification to the approved project, the THPO recommended that inadvertent discovery protocol be a condition of project approval. 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 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.

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

- A Site Management Plan (SMP) was prepared by Mika Cook to fulfill the State Water Resources Quality Control Board Order No. 2019-0001-DWQ for the approved project. The Site Management Plan includes best management practices for erosion control and sediment capture mechanisms, as well as road maintenance and runoff activities, which are applicable to the proposed modification. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of drip irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone. The Site Management Plan includes corrective actions to reduce sediment delivery from roads on the property, including rocking roads, replacing culverts, installing rolling dips and water bars, and unplugging ditch relief culverts. 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.

- Project is accessed off a county-maintained road.

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 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.