

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 220-272-003; Sections 7 and 12 of Township 04 South, Range 02 East, H.B.&M., Briceland area
County of Humboldt**

**Prepared By
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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 the continued operation of 9,600 square feet (SF) of existing cultivation (4,200 SF outdoor and 5,400 SF mixed light) and 960 SF of ancillary propagation. Irrigation water is sourced from a groundwater well. Existing available water storage is 48,500 gallons in a series of hard-sided tanks. Estimated annual water usage is 60,000 gallons. Drying, curing, and processing occurs onsite. A maximum of five (5) people may be utilized during peak operations. Power is provided by solar, with two (2) propane generators utilized for back-up.

The project site does not contain riparian habitat, as no watercourses traverse the subject property. All approved cultivation activities and respective infrastructure would occur outside of all required stream setbacks and on slopes less than 30%. Per review of CDFW’s California Natural Diversity Database (CNDDDB) in September 2022, there are no mapped sensitive species onsite and the nearest Northern Spotted Owl (NSO) activity center is located approximately 0.81 miles from the nearest cultivation area, with the nearest NSO sighting located approximately 0.48 miles away. Artificial lighting is utilized within the mixed light and propagation areas. Power for the project is currently provided by solar, with two (2) propane generators utilized for back-up only. 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 September 2021.

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 supplemental 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 9,600 square feet of cultivation with ancillary propagation, drying, 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 (see Attachment 3 for a complete listing of document):

- Site Plan, received 9/24/22.
- Cultivation and Operations Plan, received 9/13/17, and addendum, received 12/2/19, with additional information provided by the applicant's agent in email correspondence to Megan Marruffo (Assigned Planner), dated 9/24/22, and agent, dated 10/3/22.
- Water Resource Protection Plan (WDID 1B170267CHUM) prepared by the applicant for the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, dated 5/29/18.
- Hydrologic Isolation of Existing Well from Surface Waters prepared by Lindberg Geologic Consulting, dated 8/26/22.
- Notice of Applicability (WDID 1_12CC404183) issued by the North Coast Regional Water Quality Control Board, dated 11/21/18.
- Notification of Lake or Streambed Alteration Agreement submitted to the California Department of Fish and Wildlife, received 1/13/21.
- Road Evaluation Report for Perry Meadow Road, from Elk Ridge Road to Briceland-Thorne Road, prepared by the applicant, dated 7/25/18.
- Timber Conversion Evaluation prepared by Timberland Resource Consultants, dated 5/15/18.

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.