

ATTACHMENT 1D

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

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

APN 108-023-008; Ettersburg Area, County of Humboldt

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

November 2023

Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of 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 Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel, and a Special Permit to reduce the setback to BLM public land. An approximately 1.1-acre area at the southern parcel line will be planted with trees under the guidance and review of a Registered Professional Forester to increase the buffer to publicly owned and managed lands, and to increase the habitat buffer. Cultivation occurs in six (6) greenhouses utilizing light deprivation to achieve two harvest cycles. Propagation occurs onsite in a 2,190 SF ancillary nursery. Irrigation water is sourced from a groundwater well which has been evaluated for connectivity to surface waters, supplemented by rain catchment. The estimated annual irrigation water usage is 219,000-gal. (9.9 gal./SF/year). Water storage totals 86,600-gal. in hard tanks, and applicant has secured grant funding to install an additional 50,000-gal. of storage tanks for a total of approximately 138,700-gal. Processing such as drying and curing will occur onsite in an existing 30' x 40' garage attached to the 1,200 square foot residence, or in the existing 30' x 40' storage shed. All other processing such as trimming and packaging will occur offsite at a licensed facility. Power for the cultivation operation is provided by P.G.&E., and generators for emergency backup power. Five employees are anticipated to meet operational needs during peak season.

Energy:

The project will obtain power from an existing connection with PG&E. Generators are proposed only as emergency backup.

Water Resources:

Water will be sourced from a hydrologically disconnected and permitted groundwater well, and rain catchment stored in approximately 88,700-gal. of hard sided tanks. One tank is a 40,000-gal. metal rain catchment tank, with the remaining 48,700-gal. in plastic hard tanks. Grant funding has been approved which will allow the applicant to increase existing water storage onsite by 50,000-

gal., to a total of 138,700-gal. The annual irrigation budget has been estimated at 219,000-gal., which represents approximately 63% of total water for irrigation in storage.

The applicant provided a Notice of Intent for Enrollment Under Waiver of Discharge Requirements, Order No. R1-2015-0023, from the North Coast Regional Water Quality Control Board (NCRWQCB), and an Initial Statement of Water Diversion and Use from the State Water Resources Control Board. The applicant has also provided a site specific Water Resources Protection Plan (WRPP) prepared in accordance with NCRWQCB Order. No. R1-2015-0023.

There are 6 stream crossings or culverts located on the parcel, and a Lake or Streambed Alteration Agreement with the California Department of Fish & Wildlife (CDFW) was provided by the applicant (Notification No. 1600-2018-0086-R1). The applicant is required to increase the culvert sizes at all 6 stream crossings within two years of project approval.

Fire Hazards:

The project is in an area designated to have High Fire Hazard Severity. The project is located within the Telegraph Ridge Fire Protection District (TRFPD), and the project was referred to TRFPD on Oct. 24, 2017. Comments were received by the agency included increasing water storage for fire suppression, providing employee fire safety training, installing a standpipe for fire department to connect to, and installing an emergency turnaround. These requirements have since been fulfilled or made conditions of project approval. The applicant will obtain a will serve letter from the TRFPD or shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by the Board of Supervisors will be required. The project is also within the State Responsibility Area for California Department of Forestry and Fire Protection (CalFIRE). The site has ample room for a firetruck turnaround, and the applicant has designated a 3,000-gallon water tank for fire suppression only. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.

Timber Conversion:

No trees have been removed for cannabis cultivation, and no tree removal is a part of the applicant's proposal.

Biological Resources:

According to the California Natural Diversity Database (CNDDDB), there are no endangered or threatened species located on the parcel. However, the project is in close proximity to sensitive habitat. The proposed project is located on a ridge in the North Fork Bear Creek watershed in the Mattole River drainage. A Northern Spotted Owl (NSO) activity center is mapped 0.3 miles to the southeast of Greenhouse #4, and sightings connected to this activity center appear to the northwest of the project site. Marbled Murrelet critical habitat is located 0.5 miles to the southwest of the subject property. A portion of Jewett Creek originates in the northeast portion of the parcel. Approximately 0.5 mile downstream, the main stem of Jewett Creek is mapped as having the potential to support a winter steelhead run. The project area is outside of the required buffer for all Streamside Management Areas (SMAs) or other surface waters. Conditions of approval are included based on consultation with the California Department of Fish and Wildlife (CDFW). A

noise and light attenuation plan will be required prior to the use of lights, fans, or emergency backup generator in the cultivation operation. Any supplemental lighting used for ancillary propagation will be shielded to meet International Dark Sky Standards. The project utilizes grid energy, and a generator is used for emergency backup purposes. The conditions of approval require containment for any generators used on the subject parcel. The maximum allowable noise exposure level for the cannabis operation is 50 dB when measured from the noise source at a distance of 100 feet or at the edge of habitat, whichever is closer. Project conditions regarding mitigation of light and noise are designed to prevent direct or indirect impacts to northern spotted owl or marbled murrelet species into the future. Staff verification of generator noise attenuation and light shielding are required prior to their use.

Due to the close proximity of publicly owned lands and environmentally sensitive habitat, and extensive consultation with staff from CDFW and BLM, the applicant is proposing to restore an approximately 1.1-acre area with trees to provide a more comprehensive buffer between the public land, sensitive habitat, and the cannabis operation. BLM and CDFW staff had slight variations on specific planting recommendations. CDFW indicated conifers were preferred, as they would grow quickly compared to oak species like tanoak (*Notholithocarpus densiflorus*) or true oaks (*Quercus spp.*), and would provide denser canopy for habitat. BLM staff indicated both tanoak or true oaks would be acceptable, and treating for conifer encroachment would be up to the desires of the applicant. The applicant is managing the site, developed with a residence, with a Registered Professional Forester to mitigate fire risk, and they prefer to restock with tanoak. A Restocking Plan prepared by a Registered Professional Forester (RPF) from Timberland Resource Consultants dated June 26, 2023 describes site preparation and restocking of Dougals-fir or tanoak, a monitoring period to ensure seedling survival, and a five-year monitoring completion report prepared by an RPF to be provided to the Planning Division to certify the replanted area meets minimum stocking standards of 14 CCR 912.7.

Tribal Cultural Resource Coordination:

The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. A Cultural Resources Investigation was conducted for the proposed project in June 2018 by William Rich and Associates. No cultural, historic, or archeological resources were identified on the subject property. Correspondence was conducted with the Native American Heritage Commission (NAHC), a representative of the Bear River Band of the Rohnerville Rancheria, and a representative of the Intertribal Sinkyone Wilderness Council. The Northwestern Information Center (NWIC) indicated no records of any previous studies and no responses from the native tribes or other interested parties were received. The Bear River Band referral response stated the Tribal Historic Preservation Officer (THPO) was not aware of any sensitive cultural resources on the subject parcel. A comprehensive field survey was performed over the entire proposed cannabis cultivation area and much of the 600-foot buffer with the parcel. As a condition of approval, the inadvertent discovery protocol to protect cultural resources has been added to the proposed project.

Access:

The project is located in the Ettersburg area. The property is accessed via private road, 0.2 miles in length, that is accessed on the southerly side of Wilder Ridge Road. The private drive trends south and west to the project site. Wilder Ridge Road is accessed from Ettersburg Road. The

Department of Public Works has approved Ettersburg Road and Wilder Ridge Road for commercial cannabis use. The applicant has completed a road evaluation report self-certifying that the entire segment of the private road is developed to the equivalent of a Category 4 road standard. The proposed project is not anticipated to generate significant additional vehicle miles traveled (VMT) or average daily trips (ADT).

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 onsite lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources because of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

A review of Appendix G impacts:

Aesthetics: The project is for pre-existing outdoor cannabis cultivation in an existing open flat.

The project will not significantly impact scenic vistas or public views as the project site is surrounded by trees and cultivation will not be visible from the road. The project is consistent with the agricultural and timber production 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 land designated as general agriculture and timber production for agricultural purposes. The project will not convert prime farmland or conflict with existing zoning for agricultural use or Williamson Act contract. The project will not result in the loss of forest land or conversion of forest land to non-forest use. No impact.

Air Quality: Minimal construction activities are associated with the project. All construction activities are associated with the relocation of two greenhouses, one of which has already been moved. Due to the very rural location of the project parcel, 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 short dirt/gravel road, and traffic on dirt/gravel roads contribute to PM-10, for which the North Coast Air Basin is already in non-attainment. However, the project is owner-operated with no use of employees, and no increase in traffic on the gravel road is anticipated as part of the project beyond baseline conditions. No impact.

Biological Resources: The project is located approximately 0.3-miles to the nearest Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDB) for rare and endangered species, there is habitat for rare or endangered species located on or near the subject parcel. Specifically, the foothill yellow-legged frog habitat is mapped approximately 0.45-miles southwest of the project site, and Townsend's big-eared bat habitat is mapped approximately 0.75-miles west-southwest of the project site. The project is for pre-existing outdoor cultivation without the use of lights, water will be sourced from a permitted groundwater well and supplemented rain catchment. There are 6 stream crossings on-site, and applicant will increase culvert sizes within 2 years of project approval. Generator is proposed as emergency backup to grid power. No generator use, or lighting in ancillary nursery greenhouse, will be allowed until staff can verify the generator meets 50 decibel (dB) at 100 feet or nearest forested edge limitation, and no lighting until staff can certify the lights can be shielded between dusk and dawn daily when in use. As proposed and conditioned, biological resources are not likely to be affected. Less than significant impact.

Cultural Resources: The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. A Cultural Resources Investigation was conducted for the proposed project in June 2018 by William Rich and Associates. No cultural, historic, or archeological resources were identified on the subject property. Correspondence was conducted with the Native American Heritage Commission (NAHC), a representative of the Bear River Band of the Rohnerville Rancheria, and a representative of the Intertribal Sinkyone Wilderness Council. The Northwestern Information Center (NWIC) indicated no records of any previous studies and no responses from the native tribes or other interested parties were received. The Bear River Band referral response stated the Tribal Historic Preservation Officer (THPO) was not aware of any sensitive cultural resources on the subject parcel. A comprehensive field survey

was performed over the entire proposed cannabis cultivation area and much of the 600-foot buffer with the parcel. As a condition of approval, the inadvertent discovery protocol to protect cultural resources has been added to the proposed project. No impact.

Energy: The project will obtain power from an existing connection with PG&E. Generator use is limited to backup during emergencies, which was considered part of assessment of baseline conditions. 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. No impact.

Greenhouse Gas Emissions: The site uses Pacific Gas and Electric grid electricity for the minimal power needed for drying. Cultivation is outdoor using no artificial lighting. A generator is proposed as emergency backup, which was considered as part of the assessed baseline conditions. 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. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 22,000 square feet of cannabis cultivation in a series of existing open flats. The project will not degrade any water sources or contribute to sedimentation. There are 6 stream crossings located near the project, and project conditions require upgrading of the culverts within two years of project approval. All cultivation utilizes outdoor cultivation methods, and site is required to undergo winterization for the seasonal rains to prevent erosion, sedimentation, and nutrient runoff. The project will utilize a permitted groundwater well and is supplemented by rain catchment for irrigation. Annual sit inspections will verify compliance with the winterization of the site. Less than significant impact.

Land Use and Planning: The project proposes an agricultural activity on a parcel zoned for agriculture and timber production. 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 will be powered by PG&E, and generators as emergency backup. Noise sources from the operation will include drying activities and backup generator use, both of which will occur within an enclosed structure. Drying would involve the use of fans and dehumidifiers. The temporary noise impacts from these activities would not create a substantial increase in noise levels. The operation will be planting directly in the ground or in beds in greenhouses without the use of noise generating equipment. Generator used as emergency backup will be limited to 50 decibels (dB) at 100 feet or nearest forested edge, whichever is closer, prior to their use being authorized. The project will not result in the generation of excessive groundborne vibration or noise levels. No impact.

Population and Housing: The project is for outdoor cannabis cultivation. No housing is proposed nor is any removal of housing proposed. The project will not induce substantial unplanned population growth in an area nor displace substantial numbers of existing people or housing necessitating the construction of replacement housing. No impact.

Public Services: The project is for 22,000 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. There are no recreational facilities located within 600 feet of the project. No impact.

Transportation: The project will utilize up to five employees, in addition to the listed operators. This was considered as part of baseline conditions assessed for CEQA, and will not increase Average Daily trips (ADT) or Vehicle Miles Traveled (VMT). The project site will also have adequate emergency access, as conditioned. No impact.

Tribal Cultural Resources: The project is located in the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council Aboriginal Ancestral Territories. A Cultural Resources Investigation was conducted for the proposed project in June 2018 by William Rich and Associates. No cultural, historic, or archeological resources were identified on the subject property. Correspondence was conducted with the Native American Heritage Commission (NAHC), a representative of the Bear River Band of the Rohnerville Rancheria, and a representative of the Intertribal Sinkyone Wilderness Council. The Northwestern Information Center (NWIC) indicated no records of any previous studies and no responses from the native tribes or other interested parties were received. The Bear River Band referral response stated the Tribal Historic Preservation Officer (THPO) was not aware of any sensitive cultural resources on the subject parcel. A comprehensive field survey was performed over the entire proposed cannabis cultivation area and much of the 600-foot buffer with the parcel. As a condition of approval, the inadvertent discovery protocol to protect cultural resources has been added to the proposed project. No impact.

Utilities and Service Systems: Solid waste is stored in a manner to prevent access by wildlife, and taken offsite regularly to a permitted/licensed waste transfer facility. The project will utilize an existing onsite wastewater treatment system connected to the residence. Water for

propagation and cultivation is sourced from a permitted groundwater well, and is supplemented rain catchment from roof tops. Power is sourced by PG&E. 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. Less than significant impact.

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 22,000 square feet of cultivation with ancillary propagation 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:

- Cultivation & Operations Plan
- Site Plan
- Property Boundary Survey
- Notice of Applicability letter from the North Coast Regional Water Quality Control Board
- Initial Statement of Water Diversion and Use from the State Water Resources Quality Control Board
- Water Resource Protection Plan
- Road Evaluation
- Department of Environmental Health Worksheet
- County GIS
- Hydrologic Isolation Assessment
- Light Management Plan
- Water Well Permit
- Well Completion Report
- Timber Stocking Plan

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted.

Project impact analysis of conformance to the Mitigated Negative Declaration Substituted Mitigation Monitoring and Reporting Program

Mitigation Measure 1: Required setback from tribal cultural resources and tribal consultation process (55.4.10(n) and 55.4.10(c)).

- The project is located in the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council Aboriginal Ancestral Territories. A Cultural Resources Investigation was conducted for the proposed project in June 2018 by William Rich and Associates. No cultural, historic, or archeological resources were identified on the subject property. Correspondence was conducted with the Native American Heritage Commission (NAHC), a representative of the Bear River Band of the Rohnerville Rancheria, and a representative of the Intertribal Sinkyone Wilderness Council. The Northwestern Information Center (NWIC) indicated no records of any previous studies and no responses from the native tribes or other interested parties were received. The Bear River Band referral response stated the Tribal Historic Preservation Officer (THPO) was not aware of any sensitive cultural resources on the subject parcel. A comprehensive field survey was performed over the entire proposed cannabis cultivation area and much of the 600-foot buffer with the parcel. As a condition of approval, the inadvertent discovery protocol to protect cultural resources has been added to the proposed project.

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

- The project is for pre-existing cultivation and project approval includes a compliance agreement to cure unresolved violations of state or county code.

Mitigation Measure 3: Required setbacks from watercourses, wetlands, and Environmentally Sensitive Habitat Areas (55.4.11(d)).

- The project is located within the inland portion of the county and is subject to the setback standards in the Streamside Management Areas and Wetlands Ordinance as well as Chapter 10 (Conservation and Open Space Elements) of the General Plan. The project parcel does not contain any streams or wetlands and meets the setbacks required from property lines, schools, school bus stops, church or other place of religious worship or tribal cultural resource. Project is within 600 feet of publicly managed lands (Bureau of Land Management (BLM)). During the referral and consultation process staff engaged with BLM and CDFW staff regarding the close proximity to sensitive habitat near the southern parcel line. The applicant was willing to relocate two historic greenhouses and stock an approximately 1.1-acre area with tanoak or Douglas-fir to buffer the pre-existing project more adequately from these sensitive receptors. BLM and CDFW staff were in agreeance the stocking of timber would serve to increase the buffer and were also in agreeance the buffer setback would be adequate for the pre-existing project.

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

- The project is for 22,000 square feet of pre-existing cultivation on split zoned parcel,

Timber Production Zone (TPZ) and Agriculture Exclusive (AE) zones, which requires a Conditional Use Permit. The project complies with the requirements described in 55.4.9 et seq.

Mitigation Measure 5: Retirement, Remediation, and Relocation Program (55.4.14)

- The project is not participating in the Retirement, Remediation, and Relocation program therefore this mitigation measure does not apply.

Mitigation Measure 6: Cannabis Cultivation on Forest Lands

- This project is for pre-existing cultivation consistent with baseline conditions which is eligible in a Timber Production Zone (TPZ) and/or Agriculture Exclusive (AE) zone. No new increased cultivation will occur. There was no tree removal conducted for cannabis cultivation activities.

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

- The project operations plan describes measures that will be taken to properly store and handle hazardous materials. Compliance with the operations plan is a condition of project approval. The use of anticoagulant rodenticide is prohibited. The project is conditioned requiring the applicant to provide written compliance with the Certified Unified Program Agency (CUPA) requirements.

Mitigation Measure 8: Diversion of surface water and trucked water (55.4.11(l)-(m)).

- The project will utilize a permitted groundwater well for irrigation, and is supplemented by rain catchment. No surface water diversion is a part of the project.

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

- Power will be sourced by PG&E, and generators use is limited to emergency backup only. Generator use is not allowed until applicant can demonstrate to staff it operates at or below the 50 decibel (dB) threshold at 100 feet or nearest forested edge, whichever is closer. The 50 dB threshold is established by United States Fish and Wildlife Service to limit harassment of Marbled murrelet or Northern spotted owl.

Mitigation Measure 10: Storage of Fuel (55.4.11(p)).

- The project is conditioned that fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.

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

- The project will utilize up to five (5) employees, in addition to the listed permit holders. The Operations Plan describes employee practices and applicant has further provided a signed statement attesting to being an agricultural employer as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural relations Act of 1975.

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

- The project is for outdoor cultivation and does not use artificial light.

Mitigation Measure 13: Humboldt Artisanal Branding Provision (55.4.15).

- The proposed project is for more than 3,000 square feet therefore this measure does not apply.

Mitigation Measure 14: Sunset Clause for applications

- The application was received on December 15, 2016, prior to the sunset of the ordinance.

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.