

**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 105-111-001; 105-042-002; 105-101-006; 105-071-004; Petrolia area, County of
Humboldt**

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Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt 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 existing and new cannabis operations by establishing regulations for an unregulated land use to help prevent and reduce environmental impacts that are known to result from 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. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The project is a Modification to Special Permit and Zoning Clearance Certificates PLN-2021-17034. The applicant proposes to change the irrigation water source from 2.6-million-gallon rainwater catchment to an existing permitted groundwater well and 50,000 gallons of hard tank storage. No changes are proposed to cultivation square footage or locations, staffing, needs, power source, water use, or project operations.

With the original approval (PLN-2021-17034), the applicant provided an Initial Biological Reconnaissance and Project Feasibility Assessment Report (Assessment) dated July 28, 2020, prepared by Naiad Biological Consulting. The applicant also provided a Botanical Report of Special Status Native Plant Populations and Natural Communities (Botanical Report) dated August 24, 2021, prepared by Naiad Biological Consulting. The Botanical Report concludes that impacts to sensitive species or sensitive habitats will not occur from the proposed cannabis project. A March 2018 Cultural Resources Investigation Report prepared by Roscoe and

Associates was provided by the applicant. A July 14, 2021, Cultural Resources Survey Letter prepared by William Rich and Associates was also provided. The Report and Letter were reviewed by the Bear River Tribal Historic Preservation Officer who recommended an inadvertent discovery protocol as well as cultural monitoring for the ground disturbing activities.

The modified project will comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light. 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 effects 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 the use of an existing permitted groundwater well to support approved cannabis cultivation. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare as the project is conditioned to adhere to International Dark Sky Association standards. Less than significant impact.

Agriculture and Forestry Resources: The project involves an agricultural activity on a parcel zoned Unclassified, in which all general agricultural uses are principally permitted. 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 timber conversion occurred after the CMMLUO environmental baseline date of January 1, 2016, and no additional timber conversion is proposed or authorized under the permit. Less than significant impact.

Air Quality: No new construction is proposed. 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. No additional employees are proposed as part of this project and increase in traffic is not expected under the project. Less than significant impact.

Biological Resources: A Biological Report and Botanical Report were prepared for the original project. The reports concluded that impacts to sensitive habitats would not occur from the proposed cannabis project. The reports also concluded negative impacts to sensitive habitats is unlikely if the project avoids and is sufficiently setback from wetlands and streamside management areas. Recommendations in the reports were included in the original Conditions of Approval, which remain in full force and effect. No changes as proposed include ground disturbance or development within streamside management areas or within wetland area buffers. Less than significant impact.

Cultural Resources: A Cultural Resources Investigation was prepared for the original project identifying two biface thinning flakes at two separate locations. Referral responses recommended inadvertent discovery protocol. Inadvertent discovery protocol was included as a condition of approval for the original project, and remains in full force and effect. No changes are proposed that would result in new ground disturbance. Less than significant impact.

Energy: The project is for a modification to allow an existing permitted well as an irrigation source for an approved cannabis cultivation operation. Approved power sources include PGE and solar. All power sourced from PGE will be sourced from renewable energy, such as the RCEA PowerPlus plan in conformance with Conditions of Approval imposed on the originally approved project. No changes to power source or use are proposed as part of this modification. Less than significant impact.

Geology and Soils: The project is for a modification to allow an existing permitted well as an irrigation source for an approved cannabis cultivation operation. No new structures are proposed that would expose people to risk of life from earthquakes. The project parcel is mapped in the County GIS as “moderate” (2) and “high instability” (3). The applicant will be required to secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, greenhouses, water tanks over 5,000 gallons, existing structures associated with drying, processing, and storage, or any activity with a nexus to cannabis, and any noise containment structures as necessary. Additionally, cultivation activities are limited to the immediate area surrounding the cultivation areas, and irrigation runoff and erosion control measures are implemented. Less than significant impact.

Greenhouse Gas Emissions: The project is for a modification to allow an existing permitted well as an irrigation source for an approved cannabis cultivation operation. Approved power sources include PGE and solar. All power sourced from PGE will be sourced from renewable energy, such as the RCEA PowerPlus plan in conformance with Conditions of Approval imposed on the originally approved project. No changes to power source or use are proposed as part of this modification. The proposed project is not anticipated to change the required staffing needs under the originally approved permit, nor change the anticipated traffic volumes. Less than significant impact.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides, and fuel in compliance with the California Water Resource Control Board pursuant to Cannabis General Order No. WQ 2019-0001-DWQ. The project does not expose the public to hazards. The parcel is in a rural area rated as a very high and moderate fire hazard severity area; however, no 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 applicant has submitted an evaluation prepared by an engineer assessing the connectivity of the well and has conducted a pump test to estimate well yield and recharge. The report concluded the nearest water body is outside the well’s radius of influence, and the proposed water use will not outpace the estimated annual groundwater recharge on the property. Based on the information in the report the engineer concluded the proposed water source is non-diversionary and would not impact surrounding wells or surface water features. The project will not degrade any water sources or contribute to sedimentation, as irrigation runoff, erosion control, and watershed protection measures are implemented by the project, as described in the Cultivation and Operations Plan. Less than significant impact.

Land Use and Planning: The project proposes the use of an existing permitted groundwater well to supply irrigation water to a permitted cannabis cultivation operation, an agricultural activity, on a parcel zoned as Unclassified (U), in which all general agricultural uses are principally permitted. 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 resource 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 in a rural portion of the County, surrounded by forested land. The project will not result in the generation of excessive groundborne vibration or noise levels. Noise sources from the operation will include those of typical agricultural operations. Less than significant impact.

Population and Housing: 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 the use of an existing permitted groundwater well for an approved cannabis cultivation operation on a parcel where agricultural activities are principally permitted. The project will not increase the need for fire or law enforcement services. The project is not within 600 feet of a school or park. Less than significant impact.

Recreation: The project site is private property and contains no recreational facilities nor are recreational facilities accessed through the property. No impact.

Transportation: No changes to staffing needs or anticipated traffic are proposed as part of the project. A road evaluation was provided with the original permit approval that included evidence that the road segments evaluated were found be functionally appropriate for the expected traffic, and included recommendations to improve road drainage. These recommendations were included as conditions of approval for the original permit, and remain in full force and effect. Less than significant impact.

Tribal Cultural Resources: A Cultural Resources Investigation was prepared for the original project identifying two biface thinning flakes at two separate locations. Referral responses recommended inadvertent discovery protocol. Inadvertent discovery protocol was included in the conditions of approval for the original project and remains in full force and effect. No changes are proposed that would result in new ground disturbance. Less than significant impact.

Utilities and Service Systems: Green waste material will be composted onsite or hauled to a green waste management facility as needed. Trash and recycling will be stored then hauled to an approved transfer station/disposal facility. Toilet and handwashing will be available through portable facilities for cultivation on a temporary basis, until an onsite wastewater treatment system is installed subject to Division of Environmental Health review and approval. Water for

propagation and cultivation will be sourced from an existing permitted well and stored in water tanks. Less than significant impact.

Wildfire: The project will not interfere with any evacuation plan. The project will not develop any significant new structures that will increase the risk of wildfire. Less than significant impact.

No changes are proposed for the original EIR recommended mitigation measures. The proposal to authorize the use of an existing permitted groundwater well for to irrigate cannabis cultivation and related activities is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project is conditioned to implement responsible agency recommendations, resulting in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Operations Plan and Addendum Plan for Conklin Creek Farms, LLC
- Plot Plan for Conklin Creek Farms, LLC
- Noise Assessment dated October 2020, prepared by Northpoint Consulting Group.
- Initial Biological Reconnaissance and Project Feasibility Assessment Report dated July 28, 2020, prepared by Naiad Biological Consulting.
- A Botanical Report of Special Status Native Plant Populations and Natural Communities dated August 24, 2021, prepared by Naiad Biological Consulting.
- A March 2018 Cultural Resources Investigation Report prepared by Roscoe and Associates and a July 14, 2021, Cultural Resources Survey Letter prepared by William Rich and Associates
- A Road System Assessment Report dated November 2020 conducted by Northpoint Consulting Group

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.

- Vegetative material will be composted or hauled off-site to a green waste management facility as needed.

Mitigation Measure 3.4-1a through 3.4-6(b): Biological resource protections.

- A Biological Report and Botanical Report were prepared for the original project. The reports concluded that impacts to sensitive habitats would not occur from the proposed cannabis project. The reports also concluded negative impacts to sensitive habitats is unlikely if the project avoids and is sufficiently setback from wetlands and streamside management areas. Recommendations in the reports were included in the original Conditions of Approval, which remain in full force and effect. No changes as proposed include ground disturbance or development within streamside management areas or within wetland area buffers. The CCLUO indicates that the Planning Department shall determine necessity and focus of biological evaluations for pre-existing cultivation sites in consultation with the California Department of Fish and Wildlife (CDFW). No biological evaluation report was requested as part of the proposed modification due to the limited scope of work and referral responses.

Mitigation Measure 3.5-1: Protection of historic resources.

- There is no development proposed that would impact existing structures as part of this modification. No impacts to historic resources are anticipated.

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

- A Cultural Resources Investigation was prepared for the original project identifying two biface thinning flakes at two separate locations. Referral responses recommended inadvertent discovery protocol. No changes are proposed that would result in new ground disturbance. The project is not anticipated to have an adverse effect on significant cultural or archaeological resources. 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 approved project at full buildout per Section 55.4.6.5.9(d) of the CCLUO. The proposed modification does not alter the approved cultivation amounts, types, or locations.

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

- The subject parcel exceeds 10 acres in size and the minimum parcel size imposed by the AG Land Use Designation is 20 acres, therefore the project is not subject to the requirements of Section 55.4.12.9 of the CCLUO regarding well drawdown testing.

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

- The applicant is enrolled in the North Coast Regional Water Quality Control Board's Cannabis Waste Discharge Regulatory Program. No Notices of Violation issued by the State Water Board are available on file. No increase in water use is anticipated or proposed as part of this application.

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 via 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 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 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 MND was adopted as complete.