

**ATTACHMENT 3**

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

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

**APN 314-191-014; Section 6 of Township 04 North, Range 03 East, H.B.&M., Maple Creek  
County of Humboldt**

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

**November 2022**

## 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 Conditional Use Permit for 22,000 square feet (SF) of existing outdoor cannabis cultivation utilizing light deprivation techniques and 1,170 SF of ancillary propagation. Irrigation water is sourced from a 700,000-gallon rainwater catchment pond. Annual water use is 175,000 gallons and there will be a total of 715,000 gallons of water storage on-site in the pond and a series of hard-sided tanks. Processing with a trim machine occurs onsite. A maximum of two (2) people may be onsite during peak operations. Power is provided by two (2) generators; however, the applicant has long-term plans to switch to solar power. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026.

The project site contains riparian habitat associated with Mad River, which traverses the northeastern-most portion of the subject parcel. All approved cultivation activities and respective infrastructure would occur outside of the required stream setbacks and on slopes less than 5%, per the WRPP prepared by Timberland Resource Consultants in September 2016. Per review of CDFW’s California Natural Diversity Database (CNDDDB) in August 2022, the northeastern cultivation area is located within and the southern cultivation area is located immediately adjacent to potential habitat for the North American porcupine (*Erethizon dorsatum*). The nearest NSO activity center is located approximately 0.37 miles from the nearest cultivation area, with the nearest NSO sighting located approximately 0.29 miles away. 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 Cultural Resources Investigation Report prepared by Arsenault and Associates (not dated) and the Bear River Band of the Rohnerville Rancheria in December 2017.

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

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

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 22,000 square feet of cultivation with ancillary propagation and processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO

ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing of document):

- Site Plan prepared by Green Road Consulting, received 6/6/22.
- Cultivation and Operations Plan, not dated, with additional project information provided by the applicant's agent via email correspondence, dated 8/29/22, 10/7/22, and 11/4/22.
- Water Resource Protection Plan (SMP; WDID 1B16444CHUM) prepared by Timberland Resource Consultants, dated 9/17/16, pursuant to the North Coast Regional Water Quality Control Board's Order No. 2015-0023 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Final Streambed Alteration Agreement (Notification No. 1600-2016-0517-R1) issued by the California Department of Fish and Wildlife, dated 1/30/17.
- Road Evaluation Reports for Butler Valley Road from Butler Valley Road to Black Creek Road, and for Black Creek Road from Black Creek Road to Butler Valley Road, prepared by the applicant, dated 1/21/18.
- Right to Divert and Use Water issued by the State Water Resources Control Board (Registration ID H500793; Certificate No. H100150), dated 7/18/18.
- Notice of Applicability (WDID 1\_12CC419185) issued by the North Coast Regional Water Quality Control Board, dated 9/6/19.
- Aquatic Resources Delineation prepared by Kyle Wear, Botanical Consultant, dated December 2021.
- A Cultural Resources Investigation for the Carnes Commercial Cannabis Cultivation, Humboldt County, California, prepared by Mark Arsenault, M.A., RPA, Arsenault and Associates, Sacramento, CA, not dated.

### **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.