

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*

APN 216-281-015 845 Steelhead Road Alderpoint, CA County of Humboldt

**Prepared By
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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 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 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 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. Existing and 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.

The modified project is a Special Permit for 10,000 square feet (SF) of existing mixed-light cannabis cultivation, two Zoning Clearance Certificates for a total of 38,940 SF of mixed-light cannabis cultivation under the Retirement, Remediation, and Relocation (RRR) program, a Special Permit for 33,560 SF of new mixed-light cannabis cultivation, and a Conditional Use Permit for an 8,000 square-foot commercial nursery. Total mature plant cultivation area will be 82,500 SF of mixed-light cannabis in hoop greenhouses. There will also be 8,000 SF of propagation space to support onsite operations. Drying and processing will be done on-site in an existing 4,680 square-foot building. There will be a maximum of six employees. A two-story 4,800 square-foot employee bunkhouse is proposed to house employees on site. The farm will use approximately 1.2 million gallons of irrigation water annually sourced from rain catchment and an existing non-diversionary well on site, to be stored in tanks totaling 837,556 gallons. Solar arrays will be the primary source of power

until renewable PG&E power becomes available, with a generator as back-up only. Mixed-light cultivation will not occur until renewable PG&E power is secured. Outdoor light-deprivation techniques will be utilized in the interim.

The project will comply with provisions 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; or
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 existing and new cannabis cultivation, nursery operations, and employee housing on a parcel where general agriculture is principally permitted. The project will not significantly impact scenic vistas or public views as the project site is surrounded by trees and the project will not change the existing character of the area due to the numerous other permitted cultivation operations nearby. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare as it is conditioned to adhere to International Dark Sky Standards. Less than significant impact.

Agriculture and Forestry Resources: The project will utilize land where general agriculture is 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 impact.

Air Quality and Greenhouse Gas Emissions: Any grading associated with the project will conform to County Building Code. 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 will require the use of up to six employees, and a minimal increase in traffic on the access road is anticipated as part of the project. Less than significant impact.

Biological Resources: Per review of CDFW's California Natural Diversity Database in January 2022, there is potential habitat for foothill yellow-legged frog associated with the man-made on-stream pond on site, which is to be decommissioned. The nearest Northern spotted owl positive sighting and activity center is located approximately 3.4 miles from the project site. A Biological Resource Assessment, Botanical Survey, and Wetland Assessment were conducted for the project. There were no special status animals, plants, natural communities identified on site, and no wetlands were identified on or near the terrace where the project is proposed. Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. All cultivation activities and respective infrastructure will be located outside of any streamside management area buffers. As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively impact sensitive species. Less than significant impact.

Cultural Resources: A Cultural Resources Investigation was conducted by Archaeological

Resource and Supply Company in June 2018. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist on the site proposed for cannabis cultivation. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. After reviewing project materials, the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria has requested that a Tribal Monitor from the Bear River Band be onsite during excavation activities and that the standard inadvertent discovery protocol be applied to the project. These requests have been made conditions of project approval. Less Than Significant Impact.

Energy: The project is for mixed-light cannabis cultivation and nursery operations with on-site drying and on-site processing. Solar arrays will be the primary source of power until renewable PG&E power becomes available, with a generator as back-up only. Less than significant impact.

Geology and Soils: The project site is mapped in the County GIS as high instability. The location of the project has slopes of approximately 5%. Any grading associated with the project will conform to County Building Code. Less than significant impact.

Hazards and Hazardous Materials: All fertilizers and amendments are located in the Multi Use Building on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept, and directions are followed when nutrients are applied. The project does not expose the public to hazards. The project site is in a rural area rated as a high fire risk area; however, the new hoop houses and employee bunkhouse will comply with all building and fire codes. 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 98,500 square feet of cannabis cultivation and nursery operations. The project will not degrade any water sources or contribute to sedimentation. Water for irrigation will be sourced from rain catchment and an existing non-diversionary well on site. Less than significant impact.

Land Use and Planning: The project proposes an agricultural activity on a parcel where general agriculture is principally permitted. 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: Solar arrays will be the primary source of power until renewable PG&E power becomes available, with a generator as back-up only. Noise sources from the operation will include drying and processing activities, which will occur within enclosed structure, and emergency generator use. Drying would involve the use of fans and dehumidifiers. Mixed-light cultivation would likely include the use of ventilation fans. The noise impacts from these activities would not create a substantial increase in noise levels. Noise from the generator will be required not to exceed 50 decibels at 100 feet, or at the nearest tree line, whichever is closer. The project is conditioned that operational noise does not exceed three decibels above ambient noise levels at the property lines. There is no reason to believe that noise will be increased substantially on-site. The project will not result in the generation of excessive groundborne vibration or noise levels. Less than significant impact.

Population and Housing: The project is for cannabis cultivation and nursery operations. Temporary employee housing is proposed. No impact.

Public Services: The project is for cannabis cultivation and nursery operations on a site where agriculture is the historical use. The project will not increase the need for fire or law enforcement services. Less than significant 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 require the use of up to six employees. An increase in traffic would be minimal. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: A Cultural Resources Investigation was conducted by Archaeological Resource and Supply Company in June 2018. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist on the site proposed for cannabis cultivation. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. After reviewing project materials, the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria has requested that a Tribal Monitor from the Bear River Band be onsite during excavation activities and that the standard inadvertent discovery protocol be applied to the project. These requests have been made conditions of project approval. Less Than Significant Impact.

Utilities and Service Systems: Solid waste is taken to the nearest Transfer Station in an

amount the service station is capable of handling. The project will provide portable toilets and handwashing stations for cultivation staff while permanent ADA accessible facilities are developed. Water for cultivation and nursery operations is sourced from an onsite groundwater well and rainwater catchment tanks. 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 proposed hoop houses and employee bunkhouse 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
- Cultural Resources Investigation
- Site Management Plan
- Hydrological Isolation of Existing Well from Surface Waters
- Lake or Streambed Alteration Agreement
- Botanical Survey
- Invasive Species Control Plan
- Wetland Assessment
- Road Evaluation
- Engineering-Geologic Prime Agricultural Soils Exploration Letter-Report
- Sound Evaluation Report
- Operations Plan
- Site 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 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 Resource Assessment was prepared by TransTerra Consulting in February of 2019.

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

- Habitat for foothill yellow-legged frog was identified in the vicinity of the project, however according to the site plan for the proposed project, no construction is proposed within riparian areas or associated buffers.

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

- The western pond turtle occurs within the Eel River, using adjacent upland habitats for reproduction. Due to the historic agricultural use of project area flat, it is assumed turtles avoid this area for nesting. In addition, the Eel River is approximately 620 feet west of the project site and approximately 240 feet lower in elevation.

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

- Habitat for Cooper's hawk was not identified in the vicinity of the project Biological Resource Assessment.

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

- Habitat for is marginal on-site for nesting spotted owls due to stand age and structure, however conifer forest with deformed trees and species diversity is present. The nearest Northern spotted owl positive sighting and activity center is located approximately 3.4 miles from the project site.

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

- No habitat is in the immediate vicinity of the proposed project site.

Mitigation Measure 3.4-1g: Marbled murrelet preconstruction habitat suitability surveys and establishment of protective buffers.

- Habitat for marbled murrelet was not identified in the vicinity of the project per the Biological Resource Assessment.

Mitigation Measure 3.4-1h: Generator noise reduction.

- PG&E is planned to supply power to the site. Solar power will be used in the interim and will supplement PG&E power once obtained. There is one generator on site for emergency use only that is not proposed to be used as part of the project. Noise from the generator will be required not to exceed 50 decibels at 100 feet, or at the nearest tree line, whichever is closer.

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

- Habitat for marbled murrelet was not identified in the vicinity of the project per the Biological Resource Assessment.

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

- Habitat for fisher could occur in the vicinity of the project. No tree removal is proposed as part of the project. Upland foraging habitat and denning habitat is likely in vicinity of Northern spotted owl activity centers, the nearest approximately 3.4 to the north. Light and noise impacts from this project are minimal and will not impact possible denning habitat. The nearest CNDDDB record is located 12 miles northwest of the project site.

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

- No habitat was identified in the vicinity of the proposed project per the Biological Resource Assessment.

Mitigation Measure 3.4-1l: Preconstruction vole survey and relocation.

- Habitat for Sonoma tree vole was identified in the vicinity of the project. The project would have a less than significant impact as the project site is outside of dense Douglas fir habitat (preferred food) and the nearest CNDDDB record is located five miles east of the project site. Light and noise impacts from this project are and will not impact possible habitat.

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 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 or wetlands were found within the project area. The subject parcel includes Class II watercourses and Class III

watercourses. The site plan developed for the project exhibits appropriate buffers for all the watercourses. There is no development proposed within the streamside buffers and no impacts to sensitive natural communities, riparian habitat or wetland vegetation are anticipated.

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

- There was a Wetland Assessment prepared for the project area. No wetlands were found within the project area 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.

- There are no structures over 45-years of age on site.

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

- A Cultural Resources Investigation was conducted by Archaeological Resource and Supply Company in June 2018. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist on the site proposed for cannabis cultivation. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. After reviewing project materials, the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria has requested that a Tribal Monitor from the Bear River Band be onsite during excavation activities and that the standard inadvertent discovery protocol be applied to the project. These requests have been made conditions of project approval.

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 Sections 314-4.6.1 and 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; WDID 1B161173CHUM) was prepared by Green Road Consulting for the subject site in May 2019 and revised in April of 2024 in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge. The SMP provides an overview of existing site conditions and assesses compliance with the required elements and standard conditions established in the Order to protect water quality. As noted in the SMP, the existing cultivation area is noted to have a natural slope of approximately 4%, comprise a disturbed area of approximately 10,000 SF, and be located more than 160 and 180 feet from the nearest water bodies (Class II and Class III). Six (6) stream crossings were identified on the subject property. Included in the SMP is a prioritized list of recommended treatments and actions to be implemented to meet the requirements of the Order. Specifically, seventeen (17) items were identified requiring remediation, including but not limited to installing or upgrading culverts, adding rock armoring and rip rap, installing rolling dips, covering, and installing secondary containment on fuel tank, installation of erosion control measures, and removing cultivation related waste that is improperly stored throughout the site. The project is conditioned to require the applicant to implement all remaining corrective actions contained in the SMP.

Mitigation Measure 3.8-5: Implement water diversion restrictions and monitoring and reporting requirements.

- No water diversion will be utilized for the proposed project. Water will be supplied by rainwater catchment and supplemented by a groundwater well.

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 private 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 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.