

ATTACHMENT 3

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 314-131-073; Kneeland 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 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 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. 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 involves a Modification to a Special Permit to construct a one-million-gallon rainwater catchment pond, and Zoning Clearance Certificates for off-site commercial processing, off-site commercial propagation, distribution and non-volatile manufacturing of infused pre rolls, and a Special Permit for hosting farm tours. There is 43,560 sf of existing permitted outdoor cannabis cultivation on site. Irrigation water for cultivation is supplied by rainwater catchment and a groundwater well. The previously approved project included a 450,000 gallon rainwater catchment pond, and the applicant is now proposing the construction of an approximately 1,000,000 gallon rainwater catchment pond, as well as the utilization of an existing permitted well. The applicant is proposing the construction of a 1,000,000-gallon rainwater catchment pond to reduce the use of the previously approved pond and groundwater well. Power will be provided by PG&E and a 7Kw grid tied solar system.

The proposed project will occur in existing structures, and the applicant is proposing the addition of a rainwater catchment pond. A Biological Assessment Report was prepared for the site by Tributary Biological Consultants in October 2018 for the originally approved project. It was determined that the project and operations will have less than significant impacts if management and mitigations recommendations from the Biological Assessment and mitigation Measures of the EIR are adhered to. A subsequent Botanical Assessment was prepared by Naiad Biological Consulting to assess the location of the proposed rainwater catchment pond. The Botanical Assessment found that no special status vegetation communities or habitats were observed during the assessment. The Botanical Assessment found that negative impacts to sensitive species or

habitats will not occur as a result of developing the proposed rainwater catchment pond. No further botanical surveys were recommended. The site has been analyzed for cultural resources and determined to not have sensitive cultural or archaeological resources that could be impacted from the project.

The project will also comply with provision 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;
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 off-site commercial processing, off-site commercial propagation, distribution and non-volatile manufacturing of infused pre rolls, and a Special Permit for hosting

farm tours. All new project activities are proposed within the confines of existing structures. The applicant is also proposing a rainwater catchment pond for permitted cannabis cultivation in an area with slopes below 15% on a parcel zoned for agricultural use. The project will not significantly impact scenic vistas or public views as the only addition to the existing cultivation/structures is a pond. The project is consistent with the agricultural 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 appropriately zoned land for agricultural purposes as contemplated in the EIR. 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 rainwater catchment pond. 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 is accessed via a Category 4 paved road with a centerline stripe. Less than significant impact.

Biological Resources: The proposed project will occur in existing structures, and the applicant is proposing the addition of a rainwater catchment pond. A Biological Assessment Report was prepared for the site by Tributary Biological Consultants in October 2018 for the originally approved project. It was determined that the project and operations will have less than significant impacts if management and mitigations recommendations from the Biological Assessment and mitigation Measures of the EIR are adhered to. A subsequent Botanical Assessment was prepared by Naiad Biological Consulting to assess the location of the proposed rainwater catchment pond. The Botanical Assessment found that no special status vegetation communities or habitats were observed during the assessment. The Botanical Assessment found that negative impacts to sensitive species or habitats will not occur as a result of developing the proposed rainwater catchment pond. No further botanical surveys were recommended. The findings and conclusions of the Biological Report and Biological Assessment are consistent with the findings and conclusions of the EIR for the CCLUO. Less than significant impact.

Cultural Resources: A Cultural Resource Survey was completed for the project area by Archaeological Research and Supply Company in November 2017 and amended in February 2023. No archaeological or historic resources were identified. No Impact.

Energy: The project is for previously approved cannabis cultivation with on-site drying and processing. Power is supplied by PG&E and a 7Kw grid tied solar array. Proposed cannabis related activities, including off-site commercial processing, off-site commercial propagation, distribution, non-volatile manufacturing, and farm tours constitute a marginal increase in power needs. As an ongoing operational condition, the project is required annually to furnish proof of the purchase of 100% renewable electricity through a program such as the Redwood Coast Energy Authority RePower+ program. The requirement for renewable power does not conflict with or obstruct any state or local plan for renewable energy or energy efficiency. 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.

Greenhouse Gas Emissions: The site uses Pacific Gas and Electric grid electricity and a 7-kilowatt grid tied solar system and is required to demonstrate the sourcing of 100% renewable power through an eligible program. The project includes a noise pollution plan if a generator for emergency purposes is brought on site. 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 will be 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 and very 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. The project site is accessible year-round via a paved County maintained Category 4 road with a centerline stripe. Less than significant impact.

Hydrology and Water Quality: The project is for a distribution, manufacturing, processing, propagation, farm tours, and a rainwater catchment pond. The project will not degrade any water sources or contribute to sedimentation.

Land Use and Planning: The project proposes an agricultural activity on a parcel zoned for Agriculture. 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 is located in actively managed land zoned for agricultural use. Noise sources from the operation will include typical farm equipment. The applicant is proposing to dry on-site in an existing barn and process cannabis in an existing processing building. The temporary noise impacts from these activities would not create a substantial increase in noise levels. New proposed activities on the parcel are located within existing structures powered by PG&E power and a solar array. There is no reason to believe the noise source will be increased substantially onsite. The project will not result in the generation of excessive groundborne vibration or noise levels. No 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 off-site commercial processing, off-site commercial propagation, distribution and non-volatile manufacturing of infused pre rolls, and a Special Permit

for hosting farm tours. The new uses are proposed to operate within existing structures. The project proposal also includes a rainwater catchment pond for agricultural use on a parcel zoned for agricultural activities. 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. No impact.

Transportation: The applicant expects a maximum of 17 employees during peak operations. The parcel is accessed via Barry's Road, a Category 4 paved road with a centerline stripe. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: A Cultural Resource Survey was completed for the project area by Archaeological Research and Supply Company in November 2017 and amended in February 2023. No archaeological or historic resources were identified. The lead agency consulted with local tribes through the project referral process. The project will adhere to the Inadvertent Discovery Protocol. No impact.

Utilities and Service Systems: Solid waste is taken to the Eureka Humboldt Waste Management Authority Transfer Station in an amount the service station is capable of handling. The project will provide ADA accessible facilities in the processing facility. Water for propagation and cultivation is sourced from an existing rainwater catchment pond, permitted groundwater well and a proposed rainwater catchment pond. 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 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 Resource Assessment prepared by Tributary Biological Consultants, dated October 2018.
- Cultural Resources Investigation Report and subsequent addendum prepared by William Rich and Associates, dated November 2017 and amended February 2023.
- Botanical Report prepared by Sarah Mason, Consulting Biologist, in conjunction with Naiad Biological Consulting, dated August 2022.
- Operations Plan for Catch a Cloud Farms, LLC.

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 Assessment Report prepared by Tributary Biological Consultants dated October 2018, and a Botanical Survey prepared by Naiad Biological Consulting dated June 2022, were considered. Adherence to and implementation of the recommendations described in the Biological Assessment report is a condition of project approval.

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

- Habitat for special status amphibian species was identified in the vicinity of the project, however according to the project site plan, no construction is proposed within riparian areas. Furthermore, the recommendations in the Biological Assessment Report call for strict adherence to riparian setback requirements under Humboldt County and State Water Board regulations and the requirement to maintain quality habitat for amphibians. The proposed rainwater storage pond will be surveyed for American Bullfrogs and any American Bullfrogs identified will be removed. The project will follow Best Management Practices (BMP) for cannabis cultivator outlined by the NCRWQB to minimize erosion, runoff, sedimentation, and other pollution.

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

- The Biological Assessment indicates areas with permanent water should be considered Western pond turtle habitat, including water storage ponds. The Biological Assessment recommends a survey of all impacted areas within 200 feet of SMA or identified wet areas. Proposed project activities will take place within existing permitted structures, and the proposed rainwater catchment pond is over 200 feet from the SMA buffer surrounding the existing water storage ponds. The project will follow Best Management Practices (BMP) for cannabis cultivator outlined by the NCRWQB to minimize erosion, runoff, sedimentation, and other pollution.

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

- Potential habitat for cooper's hawk, sharp shinned hawk, Northern goshawk, golden eagle, bald eagle, osprey, marbled murrelet, great blue heron, American peregrine falcon, bank swallow, and black-crowned night heron was identified in the vicinity of the project, however the Biological Assessment Report determined there would be no impact with the inclusion of nesting bird and nesting raptor surveys and appropriate buffers if construction occurs during nesting seasons (March 1- August 31).

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

- Habitat for northern spotted owl was identified on the project parcel, however the proposed location of the rainwater catchment pond is over 300 feet from the nearest tree line. No tree removal is proposed as part of the project. In addition, the project is conditioned to limit noise generated from the project to 50db at 100' or at the nearest tree line, whichever is closer. Off-site commercial processing, off-site commercial propagation, distribution, farm tours, and non-volatile manufacturing are all proposed to occur within existing permitted structures.

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

- See Mitigation Measure 3.4-1d above

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

- Habitat structure was assessed for appropriate structure and size. If appropriate habitat is identified, the area within 0.25 miles will be searched for nests. A protective buffer shall be established around any active nests. No project activity may occur within the buffer area until the breeding season ends.

Mitigation Measure 3.4-1h: Noise reduction.

- Pacific Gas and Electric and a grid tied solar system supply power the site.

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

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report.

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

- Habitat for fisher and Humboldt marten include forested areas with high to moderate canopy closure and heavy canopy, respectively. No tree removal is proposed as part of the project. Biologist recommendations include a 400-foot buffer around habitat features that could support fisher and marten. Proposed project activities are within existing permitted structures, and the proposed rainwater catchment pond is beyond the buffer that may have been applied to the nearest forested area on site. Light and noise impacts from this project are non-existent to less than significant and will not impact possible denning habitat.

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

- Habitat for Townsend's big-eared bat and long-eared myotis was identified on the project parcel. Appropriate preconstruction surveys and mitigation measures have been included as recommended conditions of approval. Light and noise impacts from this project are non-existent to minimal and will not impact possible habitat.

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

- Habitat for Sonoma tree vole and White-footed vole was identified on the project parcel. Appropriate preconstruction surveys and mitigation measures have been included as recommended conditions of approval. Light and noise impacts from this project are non-existent to minimal 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 area of the proposed pond. All other proposed new project activities are proposed within existing structures. 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 were found within the area of the proposed pond. All other proposed project activities are proposed within existing structures. It has been determined that there will be no impacts to special status plant species or sensitive natural communities.. The site plan developed for project exhibits appropriate buffers for the wetland and all the watercourses. There is no development proposed within the streamside buffers or wetland 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.

- The site plan developed for the project depicts appropriate buffers for all watercourses. There is no development proposed within the buffers and no impacts to wetlands or watercourses 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.

- A Cultural Resource Survey was completed for the project area by Archaeological Research and Supply Company in November 2017 and amended in February 2023. No archaeological or historic resources were identified. No impact is anticipated.

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

- A Cultural Resource Survey was completed for the project area by Archaeological Research and Supply Company in November 2017 and amended in February 2023. The investigation did not identify any archaeological or cultural resources within the project area and concluded that the project is therefore 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.

At the time of adoption of the CCLUO provisions requiring compliance with the State Water Board in the application requirements and performance standards were present regardless of cultivation amounts. Annual inspections as part of permit renewals verify continued compliance with this mitigation measure, and compliance with SWRCB requirements is an ongoing condition of project approval.

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

- The subject parcel is not planned or zoned for lot sizes of 10 acres or less 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.

- Previously approved project activities have demonstrated compliance with State Water Board requirements. A Site Management Plan for the additional proposed uses has been conditioned as part of project approval. Maintaining enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ is a condition of project approval. BMPs described in the Cultivation Operations Plan will continue to be used to manage stormwater.

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.

- A description of manufacturing, distribution, and processing activities conducted on site are included in the Cultivation Operations Plan submitted by the applicant. Information regarding wastewater treatment, project water sources, consumer protection, hazardous materials, and solid waste/recycling has been submitted to the Division of Environmental Health. Referral responses indicate no deficiency in the materials management plan. The applicant has been conditioned to maintain compliance with Humboldt County CUPA requirements regarding any hazardous materials.

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 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.

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 EIR was adopted as complete.