

ATTACHMENT 3

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

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

**APN 220-191-027, Briceland-Thorne Road, Whitethorn Area
County of Humboldt**

**Prepared By
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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 applicant is seeking a Conditional Use Permit for 13,350 square feet of existing commercial cannabis cultivation of which 8,830 square feet is outdoor cultivation and 4,520 square feet is mixed light cultivation. The project will be supported by 1,340 square feet of propagation space. Water for irrigation will be sourced from an existing permitted groundwater well and a 400,000-gallon rainwater catchment pond from a neighboring parcel (220-191-029). The projected annual water usage totals 140,000 gallons and hard tank water storage totals 58,000 gallons. Processing occurs onsite and the applicant may utilize a licensed third-party processing facility. The project is owner operated therefore no employees are required. Energy for the project will be sourced from a generator although the applicant is actively pursuing solar power. Once installed, solar will be the primary energy source.

The project was referred to the Northwest Information Center, Bear River Band of Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. The existing project is not anticipated to impact any tribal cultural resources. The Bear River Band recommended the applicant be required to adhere to the inadvertent discovery protocol. This recommendation has been included as an ongoing requirement of the project.

A review of the California Natural Diversity Database found that there are no special status plant or animal species, or sensitive natural communities mapped on the subject parcel. A Northern Spotted Owl activity center has been mapped approximately .5 miles east of the project site, however, the existing project is not anticipated to impact the species as light and noise attenuation measures have been included as ongoing requirements of the project.

The subject parcel contains a Class I watercourse, McKee Creek, and an unnamed Class III watercourse. All cultivation related infrastructure adheres to the Streamside Management Area setback requirements. The applicant has submitted a *Site Management Plan* which includes provisions to prevent sediment discharge to surface waters and protect water quality. The plan identifies 13 map points requiring maintenance. The applicant will be required to implement the 13 recommendations which include clearing inboard ditches, installing rolling dips, and applying straw and mulch to exposed soil.

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 project and the minor improvements necessary to bring the operation into compliance with the CMMLUO 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):

- *Site Plan* submitted by the applicant received 9/29/2021.
- *Cultivation and Operations Plan* prepared by Rain & Zepp dated 10/12/2021
- *Site Management Plan (SMP)* prepared by Northpoint Consulting for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

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.