

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 217-391-012-000; Blocksburg 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 Special Permit to add 8,400 Square Feet (SF) of cannabis cultivation to an approved Conditional Use Permit (CUP) for 12,000 SF, for a total cultivation area of 20,400 SF of cultivation. The proposed expansion would add (12) 10' x 70' light deprivation hoop houses to a preexisting graded flat on the parcel. The expansion would also include 840 SF of additional ancillary nursery space for a total of 2,000sf of nursery. Water is sourced from a preexisting 550,000-gallon rain catchment pond. Domestic water is supplied from a ground water well. Cannabis is dried on site; further processing occurs off site at a licensed facility. Power is sourced from a preexisting solar system with a backup 7000KW Honda generator.

The project site contains streamside management areas associated with a class II watercourse. A biological report and a botanical report have been prepared which documents that there will be no significant impacts to sensitive biological resources from the project with adherence to the Management Recommendations within the report. 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. Which is 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 combined project is outdoor cannabis cultivation in 20,400 square feet of light deprivation greenhouses. The project will not significantly impact scenic vistas or public views as the project is tucked below the highpoint of the ridge and is surrounded by similar cannabis operations. The site is located on a private road. 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 agricultural 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 development of the flat where the 8,400 square foot expansion of cannabis cultivation area will occur. The applicant will be required to secure a grading permit prior to grading for the project; grading permit conditions will adequately protect air quality. 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 does utilize a gravel road, and traffic on gravel roads contribute to PM-10, for which the North Coast Air Basin is already in non-attainment, however the EIR for the CCLUO identified this as a significant and unavoidable impact and a Statement of overriding considerations was made by the Board of Supervisors. The use of this gravel road for this cannabis project is therefore not a substantial change or additional significant impact not considered under the EIR. Less than significant impact.

Biological Resources: The project is in the Blocksburg area at 2000 feet elevation. The land to the west, east and south, like the subject parcel, is partially wooded grassland. The northern portion of the site is forested and hilly. The project is in the middle main stem of the Eel River watershed. A Class II watercourse drains southwest towards Basin Creek on the western edge of the site. The proposed project will occur in fields that have been used in historic agricultural production. A Biological Assessment Report was prepared for the site by Naiad Biological Consulting in June 2023. A Botanical Survey of the project area was conducted by Sarah Mason in August 2023. The biologists evaluated the site for the presence of sensitive plant and wildlife species. No sensitive plant species were found in the project area. Habitat for listed or sensitive wildlife species was identified in the vicinity of the project for northern spotted owl (*Strix occidentalis caurina*), and obscure bumble bee *Bombus caliginosus*. It was determined that the project and operations will have less than significant impacts if management recommendations from the Biological Assessment and mitigation Measures of the EIR are adhered to. The findings and conclusions of the Biological Report are consistent with the findings and conclusions of the EIR for the CCLUO. Less than significant impact.

Cultural Resources: A Cultural Resources Investigation was conducted by William Rich and Associates in September 2021. No artifacts, features, sites, or other cultural resources were identified during the field survey. The Bear River Tribal Historic Preservation Officer requested the standard inadvertent discovery protocol. The expansion project authorized by this special permit was referred to Northwest Information Center, the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkiyone Wilderness Council on October 11, 2023. No response was received. Staff reviewed the Cultural Resources Investigation and determined that the expansion area was covered in the survey. The inadvertent discovery protocol is included as (Condition of Approval C1). No Impact.

Energy: The project is for outdoor cannabis cultivation with on-site drying and off-site processing.

Energy is provided by an onsite solar panel and battery system. A backup generator is used in emergencies to charge batteries. The project is conditioned requiring transition to renewable sources no later than January 1, 2026, after which generators will then be reserved for emergency use only. Less than significant impact.

Geology and Soils: The project parcel is mapped in the County GIS as high instability. The applicant submitted a grading plan that shows no areas proposed for development exceed 15% slope. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall provide documentation demonstrating enrollment State Water Board General Order No. WQ 2019-0001-DWQ by providing a copy of the Notice of Applicability and a Site Management Plan. Less than significant impact.

Greenhouse Gas Emissions: The project is for outdoor cannabis cultivation with on-site drying and off-site processing. Energy is provided by an onsite solar panel and battery system. A backup generator is used in emergencies to charge batteries. The project is conditioned requiring transition to renewable sources no later than January 1, 2026, after which generators will then be reserved for emergency use only. 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 are 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 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. While the project site is accessible year-round on a private category 4 road. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 20,400 square feet of outdoor cannabis cultivation. The project utilizes rainwater catchment gather cultivation water which is stored in a pond and tanks. The project is conditioned to protect watercourses and water resources. Less than significant impact.

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 in an area of actively managed agricultural land. The area has been in agricultural production for more than 10 years. Noise sources from the operation will include typical farm equipment such as fans, dehumidifiers, and go carts. The grading for, and

construction of hoop houses would create minimal noise. The applicant is proposing to dry on-site in an existing shed/garage structure. Drying would involve the use of dehumidifiers. The temporary noise impacts from these activities would not create a substantial increase in noise levels. 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 significant impact.

Population and Housing: The project is for outdoor cannabis cultivation. 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 20,400 square feet of cannabis cultivation on a site where agriculture is the historical dominant use. 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: Up to three workers will be on-site. The parcel is accessed from Sunset Ridge Road, which is a private category 4 road. A Road Evaluation Report was prepared by which concluded that the access was sufficient for the commercial traffic. The project has been conditioned to maintain membership in the road association. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: A Cultural Resources Investigation was conducted by William Rich and Associates in September 2021. No artifacts, features, sites, or other cultural resources were identified during the field survey. The Bear River Tribal Historic Preservation Officer requested the standard inadvertent discovery protocol. The expansion project authorized by this special permit was referred to Northwest Information Center, the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkiyone Wilderness Council on October 11, 2023. No response was received. Staff reviewed the Cultural Resources Investigation and determined that the expansion area was covered in the survey. The inadvertent discovery protocol is included as (Condition of Approval C1). No Impact.

Utilities and Service Systems: Solid waste is taken to the Eel River 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 propagation and cultivation is sourced from an onsite groundwater well and proposed 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. Pond provides a source of emergency water for firefighting. CalFire required water tank for firefighting is included in the project. 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 prepared by Naiad Biological Consulting, June 2023.
- Botanical Survey by Sarah Mason in August 2023.
- Cultural Resources Investigation Report prepared by William Rich, September 2021.
- Lake and Streambed Alteration Agreement (LSAA, 1600-2018-0038-0000-R1).
- Site and Operations Plans for Whipsawasons, 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 Naiad Biological Consulting, June 2023, and Botanical Survey by Sarah Mason in August 2023. Adherence to and implementation of the recommendations described in the report is a condition of project approval.

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 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.

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

The biological survey found the potential for Western Pond turtle in the project area was low since the stream habitat on the parcel does not exhibit features suitable for this species.

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

- Habitat for cooper's hawk and sharp shinned hawk was identified in the vicinity of the project, however the Biological Assessment Report determined there would be no impact. Both species may use the project area for foraging, but suitable woodland habitat for nesting is greater than 500 feet away. The project does not involve the removal of trees or vegetation.

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 one mile north of the project. 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. Also, the management recommendations in the Biological Assessment Report require that if project construction uses heavy equipment and it occurs during the breeding season (March to August), then the project should do one year of "disturbance only" surveys to ensure no NSO are nesting within 0.25 miles of the project area. Alternatively, the project construction could not use any heavy equipment, or construction could take place outside of the breeding season. Lastly, propagation hoop houses utilizing early-season, low watt lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise.

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

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report. To minimize the potential for impacts to nesting birds, vegetation removal, construction, or other on-site work is prohibited during the migratory bird breeding season of March 1 to August 16 unless a qualified professional conducts a nesting bird survey. If the survey finds nesting birds, a report by a qualified Biologist must be provided recommending appropriate protection measures if needed. Construction may not proceed without review and approval by the Planning and Building Department

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

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report. The closest optimal habitat exists north of the parcel in the vicinity of Humboldt Redwoods SP.

Mitigation Measure 3.4-1h: Noise reduction.

- A solar panel and battery system supplies power the site. There is one generator on site for emergency use only that is not proposed to be used as part of the project.

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

- The applicant should survey the site before any ground disturbance for burrows which may indicate American badger presence. If burrows are observed, pre-construction surveys should be completed by a qualified biologist, before site development occurs. Ground disturbance of the project site, with the use of construction equipment, may result in the potential to injure or kill American badgers by crushing them in their dens or crushing den entrances, which would prevent badgers from escaping. The survey should be conducted to determine if the site location contains active dens and determine if avoidance of these active dens can occur. If active dens are determined to be present, badger relocation should occur to other onsite suitable habitat. The client can avoid the need for a pre-construction survey if above ground pots are utilized for cultivation and no ground disturbance will occur.

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

- Habitat for Fisher was not identified in the vicinity of the project. The nearby forests are not mature. No tree removal is proposed as part of the project. The Biological Assessment Report determined the project would have a less than significant impact stating that the project area is in proximity to potential, but less than optimal, upland foraging habitat and that denning habitat is likely in vicinity of NSO Activity Centers, the nearest approximately 1.5 northwest of the 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 suitable for Townsends Big Eared Bat was identified in the vicinity of the proposed project per the Biological Assessment Report, however the potential for impact is less than significant because the project will not remove trees or damage habitat. Use of the area for foraging bats will not be impinged.

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

- No habitat for Sonoma tree vole was identified in the vicinity of the project. The project does not include mature forests. Light and noise impacts from this project are non-existent to minimal.

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 were found within the project area. The subject parcel includes one Class II watercourse, The site plan developed for project exhibits appropriate buffers for the watercourse. 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 the wetland and all the watercourses. There is no development proposed within the streamside management buffers 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.

- An existing residence on the property is assumed to have been constructed in 1942, per consultation with the Humboldt County Assessor, April 28, 2020. This is the only structure on the property that is assumed to be over 45-years of age. As there is no proposal to remove or modify the residence, no impact is anticipated.

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

- William Rich conducted a cultural resources investigation for the project site. 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.

The subject parcel exceeds the minimum parcel size for the proposed project at full buildout per Section 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.

- The project is conditioned to produce and implement a Site Management Plan. The Site Management Plan will include best management practices for erosion control and sediment capture mechanisms, as well as road maintenance and runoff activities. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of drip irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone. The Site Management Plan will include corrective actions to reduce sediment delivery from roads on the property, including rocking roads, replacing culverts, installing rolling dips and water bars, and unplugging ditch relief culverts as needed. Maintaining enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ is a condition of project approval.

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.

- The project has met the conditions required by the Humboldt County Public Works Land Use Division regarding the junction of the Sunset Ridge Road and Alderpoint 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.

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.