

**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 524-072-010; Willow Creek area, County of Humboldt

**Prepared By
Humboldt County Planning and Building Department
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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 for 32,500 square feet (SF) of new mixed-light commercial cannabis cultivation, and a Special Permit for a setback reduction to Public Lands, the Six Rivers National Forest. There is an existing approved permit on-site for 10,000 square feet of mixed-light cultivation. The total area of mixed-light cultivation on-site is proposed to be 42,500 SF, with a total of 3,000 SF of ancillary nursery to support cultivation activities. The applicant projects three (3) harvests annually. Prior to expansion of the site the applicant shall show that they have met the conditions of approval for the approved project PLN-12260-SP (Conditions 6 – 14 in Attachment 1 of the approved project 12260 Staff Report), and shall meet the general conditions set forth for this application PLN-18049-SP.

The applicant is proposing to conduct all trimming and packaging off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of a licensed processing facility, to be furnished during an annual inspection. This application is amending the approved project (PLN-12260-SP) to remove the commercial processing structure with ADA restroom, and will have drying and curing activities conducted in a proposed 2,400 square foot ag-exempt structure. There will be up to seven (7) employees on-site during peak operations. There is one (1) residence proposed for on-site employee housing, and the applicant will be required to permit the existing residence with the Building Division. The applicant is proposing to utilize portable toilets at the cultivation area, or to utilize a restroom within the existing residence. The project was referred to the Department of Environmental Health (DEH) on April 12, 2023, and comments were received on April 14, 2023. Comments from DEH stated that seasonal cultivation

without processing may use portable toilets to serve the operation, and that the permittee shall provide portable toilets to cultivation areas meeting appropriate setbacks, or install a permitted onsite wastewater treatment system associated with a permitted structure. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained.

The proposed project will include the reconfiguration of the existing seven (7) greenhouses to make room for the additional 32,500 SF of mixed-light cultivation and 2,000 SF of additional ancillary nursery space. The previously approved project received a permit for the historic grading that was done. No additional grading will take place at the site, and the proposed cultivation area has been verified to be less than 15% sloped area utilizing Google Earth Pro. The project will have a total of eighteen (18) mixed-light cultivation greenhouses and one (1) nursery greenhouse. Other structures associated to cultivation activities that require building permits include: one (1) residence, one (1) drying structure, one (1) 100,000-gallon rain catchment tank, and one (1) 500,000-gallon rain catchment tank. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: eighteen (18) mixed-light greenhouses, one (1) nursery greenhouse, one (1) residence, one (1) drying structure, one (1) 100,000-gallon rain catchment tank, and one (1) 500,000-gallon rain catchment tank.

Setbacks

The previously approved project was approved for a setback reduction to Public Lands, the Six Rivers National Forest (SRNF). This project is also requesting a Special Permit for a setback reduction SRNF, and will not significantly change the setback from Public Lands, and will lessen the setback from 70 feet for the approved project to 30 feet for the proposed activities. The project was referred to the SRNF on April 12, 2023, and no comments were received.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The applicant will obtain 100% renewable power from PG&E, and water is collected from rain catchment. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities. The project site is more than 600 feet from any school, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.

The project is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, school bus stop, church, or Tribal Cultural Resource. The project is less than 270 feet from an undeveloped parcel, the SRNF. As the undeveloped parcel is Public Lands, it is not anticipated that any future development will occur on the SRNF.

Energy

Energy for the operation will be supplied by PG&E renewable sources. The parcel is currently tied with the PG&E grid, and the applicant is working with PG&E, a licensed electrician, and an electrical engineer to develop the sites infrastructure for additional power delivery to ensure that the available power is sufficient for the full 42,500 SF of mixed-light cannabis cultivation. Prior

to the issuance of building permits or initiation of any activities requiring the use of electricity, the applicant shall provide documentation demonstrating adequate electricity is available to the project site, to the satisfaction of the Planning Director. The applicant plans to source renewable energy by enrolling in PG&E's 100% Solar Choice program or the RCEA Power+ plan, and is required to show proof of enrollment in a 100% renewable energy plan with PG&E prior to commencement of cultivation activities. The applicant proposes to have two (2) Honda 7,000 generators on-site for emergency backup only purposes, and they will be stored in a generator shed. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.

Fire Hazard

The project is located in an area designated to have a Very High Fire Hazard Severity, and is located within the Willow Creek Volunteer Fire District (WCVFD) for local fire response area. The project was referred to the WCVFD on April 12, 2023, and no comments have been received. The project is also located within the State Responsibility Area (SRA) for CalFire. The Site Plan shows a firetruck turnaround, and the applicant has one (1) 2,500 gallon water storage tank designated for fire suppression needs only. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements. The project proposes to include the management of trees and vegetation around the existing structures to maintain a 100-foot defensible space from structures.

Timber Conversion

The project was referred to CalFire on April 12, 2023, and no comments were received by the agency. The project includes the reconfiguration of pre-existing cultivation in order to make room for the additional greenhouses within the open non-forested area. The project proposes to include the management of trees and vegetation around the existing structures to maintain a 100-foot defensible space. Per Section 55.4.6.4.2 of the CCLUO, the cultivation site may only be located within a non-forested area that was in existence prior to January 1, 2016. The applicant shall not convert any timberland on-site, and shall adhere to the CalFire guidelines for maintaining defensible space (**Ongoing Condition B.4**), which includes:

1. Cutting or mowing annual grass down to a maximum height of four inches.
2. Create horizontal space between shrubs and trees.
3. Create vertical space between grass, shrubs, and trees.
4. Remove fallen leaves, needles, twigs, bark, cones, and small branches. However, they may be permitted to a depth of three inches.
5. Keep 10 feet of clearance around exposed wood piles, down to bare mineral soil, in all directions.
6. Clear area around outbuildings and propane tanks. Keep 10 feet of clearance to bare mineral soil and no flammable vegetation for an additional 10 feet around their exterior.

Water Resources

The project will source water from a rainwater catchment system which will be connected to proposed water tanks. The estimated annual water needed for irrigation of the full 42,500 SF of cultivation and 3,000 SF of propagation is approximately 595,000 gallons (13 gal/SF/yr). Once the site is fully developed with the additional proposed structures, there will be an available rain catchment surface area of 52,599 SF. The applicant has provided calculations to show that the site

would have the capacity to collect approximately 1,635,400 gallons of water from an average rainfall year with approximately 50.78 inches of rainfall. In a drought year the site would have the capacity to collect approximately 626,784 gallons of rainfall, which would still be enough to meet the annual needs for the project. There is a total of 17,500 gallons of existing water storage on-site, and the applicant is proposing to replace these tanks with one (1) 100,000-gallon water tank, and is proposing to add another 500,000-gallon water tank, for a total of 600,000 gallons of water storage on-site. This application is amending the approved application, which proposed to have a 230,000 gallon tank installed on-site, and this is no longer being proposed. All water tanks shall be installed and filled with rainwater prior to commencement of cultivation activities at the site.

The site was historically enrolled in the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, under WDID: 1B171453CHUM, and is grandfathered into the Regional Order setbacks for streamside management areas (SMA). The site is currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The applicant has submitted a Notice of Applicability letter for the approved project, dated January 31, 2020, showing enrollment in the General Order under WDID 1_12CC417141 as a Tier 1 Low Risk site. The applicant has a Site Management Plan (SMP) prepared for the approved project, and the applicant shall continue to adhere to the Best Practicable Treatment or Control (BPTC) measures and annual monitoring/treatment timelines in the SMP.

The Site Plan shows one (1) Class III intermittent stream and a man-made impoundment pond (not utilized for cannabis irrigation) with the associated 50-foot streamside management area (SMA) buffers. A Wetland and Watercourse Evaluation (WWE) was performed by J. Regan Consulting in November 2021, and was approved with the approved permit PLN-12260-SP. The WWE concludes that the pond/wetland feature is completely man-made and does not appear to require a buffer under the County's Streamside Management Areas and Wetlands Ordinance (SMAWO). As noted in the WWE, "under current cannabis cultivation guidelines this feature should be regarded as a "man-made water supply reservoir that supports native aquatic species" (a Class IV watercourse)." Existing cultivation areas and ancillary infrastructure to support commercial activities (both existing and proposed) are outside of the required SMA buffers. Approval of this permit does not authorize use of the pond feature to support any commercial cannabis cultivation activities.

The project site has a shallow well (Permit No. 16/17-0181). The well is located in the central portion of the site, adjacent to the cultivation area and approximately 180 feet south from the nearest SMA. The well is included as a point of diversion in the applicant's final Streambed Alteration Agreement (SAA) (Notification No. 1600-2019-0376-R1) authorized on September 13, 2019, by the California Department of Fish and Wildlife (CDFW). The SAA includes four encroachments, including two (2) points of diversion (the well and an on-stream pond) and two (2) stream crossing upgrades. Conditions of approval require the applicant to implement any remaining projects and to comply with the requirements established under the SAA. Approval of this permit does not authorize the use of these points of diversion to support commercial cannabis irrigation needs, as sufficient rainwater catchment and storage is available to serve the project and the well's potential for hydraulic connectivity to streams has not been evaluated by a licensed professional hydrogeologist, as noted in the SAA.

Biological Resources

According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site does not contain potential habitat areas for any rare or endangered species. The applicant had an Initial Biological Scoping Report (IBSR) that was prepared by Biologist Corrina Kamoroff with Hohman & Associates Forestry Consultants, dated June 24, 2022. The IBSR states that there was a floristic survey conducted for the site in 2020 to address any potential protected plant species on-site, and is included in the IBSR (discussed below). The IBSR also includes the recommendation for pre-construction bird surveys, prior to any further construction or vegetation removal during the breeding season. Raptor surveys were completed for the 2020 season (included in the IBSR) and should be continued to protocol until required permits are acquired. The applicant may avoid indirect impacts to special-status fish, amphibians, and reptiles by adhering to state and regional waterboard guidelines to minimize runoff from cultivation and observing SMA buffer distances. Minimizing light pollution and adhering to International Dark Sky Association standards will minimize potential impacts on birds, bats and other light-sensitive species. Minimizing noise pollution from generators is also important for sensitive birds, bats, and other wildlife. The applicant is required to comply with International Dark Sky Standards for all greenhouses, and shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use.

The Botanical Survey Report (BSR) was prepared by Botanist Caitlyn Allchin with Hohman and Associates Forestry Consultants, dated June 24, 2022. The BSR states that the botanical surveys were conducted on May 18, 2020, and July 15, 2020. No protected rare or endangered plants were detected at the project's cultivation site. However, Tracy's tarplant (*Hemizonia congesta ssp. Tracyi*) was found growing along a decommissioned road. As well, a population of *Erythronium* species was found in a vegetative state during the May 18, 2020 survey, located to the south of the entrance to the property that is located on the southeastern side of the parcel. The population was marked with pink Native Plant Protection Flagging, and is unlikely to be impacted due to its proximity to the cultivation area. There is a decommissioned logging road that runs to the northwest adjacent to the *Erythronium* population, and if the road needs to be accessed, a professional botanist should be consulted to identify the population to species during its blooming period between March and July. If the population is found to be a rare or threatened species of *Erythronium*, then a 100-foot buffer should be delineated with flagging around it to ensure its protection during road use. The BSR found invasive species on-site, star thistle and Himalayan blackberry to the north of the cultivation area, and the BSR recommends removing the non-native plants prior to operations to minimize impacts to the native plant community. The applicant shall adhere to the recommendations for invasive star thistle and Himalayan Blackberry, described in page 3 and 4 of the BSR, prior to commencing operations on-site, and monitoring and removal of these species shall be conducted for the life of the project. No additional surveys are recommended at this time.

The Raptor Survey Report (RSR) was prepared by Biologist Grace Sanderson with Hohman and Associates Forestry Consulting, dated June 24, 2022. The RSR states that two (2) raptor surveys were conducted on April 1, 2021, and May 20, 2021. No sensitive species were observed during both surveys, no nesting behavior was observed on or near the property, and the proposed operations are not expected to impact any nesting raptors at that time. Additional raptor surveys are recommended if construction is planned for 2022 or later. The applicant shall obtain additional

raptor surveys during the breeding season prior to any construction activities on-site.

The project is located approximately 0.74 miles to the nearest known Northern Spotted Owl (NSO) activity center, and is approximately 0.43 miles to the nearest positive NSO observation site. The applicant has obtained an NSO Survey Report (NSOSR) that was prepared by Biologist Corrina Kamoroff with Hohman and Associates Forestry Consultants, dated May 25, 2022. The NSOSR discusses the effects of the Knob fire that occurred in 2021, which burned approximately 2,421 acres surrounding the project area. There were three (3) known activity center within 1.3 miles of the project area, two (2) of which were located on the edge of the fire perimeter and may no longer be considered NSO habitat. There was an on-going Willow Creek Northern Spotted Owl Demographic study which has been surveying from the early 1990's through 2022, with five (5) site being monitored. At the end of the 2021 NSO survey season, only one of the sites (HUM1059) has been documented to be occupied by NSO since 2017, and there have been no additional NSO detections outside of the historic sites since 2021. The NSOSR states that no additional NSO surveys are recommended at this time.

The project was referred to CDFW on April 12, 2023, and comments were received on June 22, 2023. Comments from CDFW states that a site visit was conducted on June 16, 2023 to inspect the site for work included in the SAA, and to assess the project proposal. CDFW mentioned concerns regarding nearby NSO habitat and the projects potential to disturb the species, and requested that an NSO survey be conducted prior to project implementation, and all construction activities be limited outside of the NSO breeding season. There are several positive NSO observations within 1.3 miles to the proposed activities, and the most recent NSO observation with in 2004. As the project will not be doing significant construction work, and all proposed activities are within the existing project footprint, no NSO surveys are being required, in line with the recommendations of the NSOSR. However, the applicant is conditioned to limit any ground-disturbing or construction activities to outside the NSO breeding season (March 1st through July 10th). Other comments from CDFW included concerns regarding potential grading required for the project, concerns about storm water management, existing trash and debris within a stream, the installment of the proposed 100,000-gallon water storage tank near a failing culvert, and the work completion date for the SAA 1600-2019-0376-R1. The approved project (PLN-12260-SP) has already obtained a grading permit with the Building Division, and all associated grading has been completed. No additional grading is required for the proposed project activities. The applicant shall adhere to the following recommendations from CDW.

Tribal Cultural Resource Coordination

The project is located within the Hoopa Tribe and Tsnungwe Tribes ancestral aboriginal territories. The applicant has submitted a Cultural Resource Investigation Report (CRIR) that was prepared for the approved project 12260, and included an investigation of the proposed cultivation site. The CRIR was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated May 2021, and was submitted to the Tsnungwe Council for review on May 15, 2023. The Tsnungwe Council responded on May 16, 2023, stating that they are okay with the project proposal and the findings of the CRIR. The CRIR found no significant archaeological or historical-period cultural resources within the limits of the project area. The applicant shall adhere to Inadvertent Discover Protocols, and shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation

Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Access

The site is accessed from private road Staton Drive, from county-maintained Friday Ridge Road, from State Hwy 299. The applicant had a Road Evaluation Report (RER) prepared by Northpoint Consulting Group, dated January 2021, which assesses the 0.6 miles of the private access road Staton Drive. The RER shows that the entire road segment is on average 18-20 feet in width with adequate shoulders and turnouts at all pinch points. The RER concludes that the road system used to access the project has been determined to be within conformance of Section 55.4.12.1.8 of the CCLUO, with the recommended improvements listed in Table 1 of the RER. The applicant shall complete the road improvements listed in Table 1 of the RER prior to commencing the additional cultivation activities on-site. The project was referred to the Department of Public Works on April 12, 2023, and comments were received by the agency on April 20, 2023. Comments from Public Works included the same recommended conditions on the project as the approved project (PLN-12260-SP). As the access also connects to State Hwy 299, the project was referred to CalTrans, and no comments were received. There are several approved cannabis projects that are accessed from Staton Drive (Applications 12270, 12099, 12213, 12098, and 12101), and all permit holders shall enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance. The project will utilize up to seven (7) employees for the proposed operations, and up to one (1) visitor may come to the site per day. Up to 16 daily vehicle trips are anticipated at a maximum per day. As the site has been determined to be developed to the equivalent of a road category 4 standard, it has been determined that the road meets the functional capacity needs for the project.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined that approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 61 cultivation permits and the total approved acres would be 26.6 acres of cultivation.

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 new mixed-light cannabis cultivation in an existing agricultural field, along with approximately 42,500 square feet to be cultivated in seasonal/temporary hoop houses. The project will not significantly impact scenic vistas or public views as the site is already developed with an approved cannabis operation, and the site is surrounded by large trees. The project is consistent with the agricultural visual character of the area. The project is required to adhere to the International Dark Sky Standards for lighting within the greenhouses, and shall not allow light to escape between dusk and dawn. Less than significant 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 temporary hoop houses and rainwater catchment tanks all of which will require minimal grading for placement. 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 dirt road, and traffic on dirt 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 dirt road for this cannabis project is therefore not a substantial change or additional significant impact not considered under the EIR.

Biological Resources: The project is in the Willow Creek area and is surrounded by the Six Rivers National Forest. Most of the site is forested and hilly. An Initial Biological Scoping Report (IBSR) was prepared by Biologist Corrina Kamoroff with Hohman & Associates Forestry Consultants, dated June 24, 2022. The ISBR recommended pre-construction bird surveys, a floristic survey, a raptor survey, and an NSO survey. A Botanical Survey Report (BSR) was prepared by Botanist Caitlyn Allchin with Hohman and Associates Forestry Consultants, dated June 24, 2022. The BSR found no sensitive plant species within the project area, and recommended management of invasive species on-site. A Raptor Survey Report (RSR) was prepared by Biologist Grace Sanderson with Hohman and Associates Forestry Consulting, dated June 24, 2022. The RSR found no raptors and no nesting behavior within the project area, and recommended additional surveys if construction is to occur after 2022. An NSO Survey Report (NSOSR) was prepared by Biologist Corrina Kamoroff with Hohman and Associates Forestry Consultants, dated May 25, 2022. The NSOSR states that after the 2021 Knob fire two of the three activity centers near the project were no longer in use, and states that no additional NSO surveys are recommended. It was determined that the project and operations will have less than significant impacts if management recommendations from the Biological Assessments and mitigation Measures of the EIR are adhered to. The findings and conclusions of the Biological Reports are consistent with the findings and conclusions of the EIR for the CCLUO. Less than significant impact.

Cultural Resources: A Cultural Resource Investigation Report (CRIR) that was prepared for the approved project 12260, and included an investigation of the proposed cultivation site. The CRIR was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated May 2021, and was submitted to the Tsnungwe Council for review on May 15, 2023. The Tsnungwe Council responded on May 16, 2023, stating that they are okay with the project proposal and the findings of the CRIR. The CRIR found no significant archaeological or historical-period cultural resources within the limits of the project area. No Impact.

Energy: The project is for mixed-light cannabis cultivation with on-site drying and off-site processing. 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. No significant grading will occur. No Impact.

Greenhouse Gas Emissions: The site uses Pacific Gas and Electric grid electricity and is required

to demonstrate the sourcing of 100% renewable power through an eligible program. The project includes a generator for emergency purposes which is not uncommon for agricultural operations in rural areas. 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 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 access road has been determined to be developed to the equivalent of a road category 4 standard. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 42,500 square feet of cannabis cultivation in an agricultural field. The project will not degrade any water sources or contribute to sedimentation. All existing and proposed cultivation is located outside of the required streamside management area buffers. The project will source water from rain catchment off of rooftops. 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 located in actively managed agricultural land. The area has been in agricultural production for more than 10 years. Noise sources from the operation will include fans and other typical farm equipment such as tractors. The construction and dismantling of temporary hoop houses would create minimal noise. The applicant is proposing to dry on-site in a new 2,400 square foot drying building. Drying would involve the use of fans and 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 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 mixed-light 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 32,500 square feet of additional mixed-light 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 school. The previously approved project was approved for a setback reduction to Public Lands, the Six Rivers National Forest (SRNF). This project is also requesting a Special Permit for a setback reduction SRNF, and will not significantly change the setback from Public Lands, and will lessen the setback from 70 feet for the approved project to 30 feet for the proposed activities. Less than significant 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 project will utilize up to seven (7) employees for the proposed operations, and up to one (1) visitor may come to the site per day. Up to 16 daily vehicle trips are anticipated at a maximum per day with this project. As the site has been determined to be developed to the equivalent of a road category 4 standard, it has been determined that the road meets the functional capacity needs for the project. A Road Evaluation Report was prepared by NorthPoint Consulting Group which concluded that the access was sufficient for the commercial traffic. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: A Cultural Resource Investigation Report (CRIR) that was prepared for the approved project 12260, and included an investigation of the proposed cultivation site. The CRIR was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated May 2021, and was submitted to the Tsnungwe Council for review on May 15, 2023. The Tsnungwe Council responded on May 16, 2023, stating that they are okay with the project proposal and the findings of the CRIR. The CRIR found no significant archaeological or historical-period cultural resources within the limits of the project area. No Impact.

Utilities and Service Systems: Solid waste is taken to the Willow Creek Transfer Station in an amount the service station is capable of handling. The project will provide portable toilets and handwashing stations for cultivation staff. Water for propagation and cultivation will be sourced from proposed rainwater catchment tanks. Operations will not commence until the rain catchment tanks are installed and filled with rain water. 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:

- Cultivation & Operations Plan prepared by Northpoint Consulting Group, December 2022.
- Site Plan for New Earth Farms, LLC.
- Initial Biological Scoping Report prepared by Hohman & Associates, June 2022.

- Botanical Survey Report prepared by Hohman & Associates, June 2022.
- Raptor Survey Report prepared by Hohman & Associates, June 2022.
- Northern Spotted Owl Survey Report prepared by Mad River Properties Forestry and Environmental Services, dated May 2022.
- Cultural Resource Investigation Report prepared by William Rich, M.A., RPA, with William Rich and Associates, dated May 2021
- Road Evaluation Report prepared by NorthPoint Consulting Group, Inc., 2021.

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.

- An Initial Biological Scoping Report that was prepared by Biologist Corrina Kamoroff with Hohman & Associates Forestry Consultants, dated June 24, 2022. Adherence to and implementation of the recommendations described in the reports 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 western pond turtle occurs within 1.5 miles of the project. The project will avoid impacts to the western pond turtle by minimizing runoff.

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

- A Raptor Survey Report was prepared by Biologist Grace Sanderson with Hohman and Associates Forestry Consulting, dated June 24, 2022. Adherence to and implementation of the recommendations described in the report is a condition of project approval.

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

- An NSO Survey Report that was prepared by Biologist Corrina Kamoroff with Hohman and Associates Forestry Consultants, dated May 25, 2022, which states that after the 2021 Knob fire two of the three activity centers near the project were no longer in use, and states that no additional NSO surveys are recommended. 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.

- Pre-construction bird surveys were recommended prior to construction activities in the Initial Biological Scoping Report.

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.

Mitigation Measure 3.4-1h: Noise reduction.

- Pacific Gas and Electric supplies power the site. There will be two small generators 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.

- No presence or habitat was identified in the vicinity of the proposed project.

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

- Habitat for fisher was identified within the vicinity of the project. No tree removal is proposed as part of the project. The Initial Biological Scoping Report determined the project would have no impacts.

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

- Per the Initial Biological Scoping Report there is mapped habitat for bats approximately 1.5 miles from the project area. The project will incorporate measures to reduce noise and light pollution, as well as adhering to restrictions and regulations of pesticide use.

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

- No presence or habitat was identified in the vicinity of the proposed project.

Mitigation Measure 3.4-3a: Special-status plants.

- A Botanical Survey Report was prepared by Botanist Caitlyn Allchin with Hohman and

Associates Forestry Consultants, dated June 24, 2022. 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. A Wetland and Watercourse Evaluation was performed by J. Regan Consulting in November 2021, and was approved with the approved permit PLN-12260-SP. The subject parcel includes one man-made pond, and one Class III watercourse on-site. The site plan developed for project exhibits appropriate buffers for the man-made pond and Class III 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.

- There was a Wetland and Watercourse Evaluation was performed by J. Regan Consulting, for the project area. The site plan developed for the project depicts appropriate buffers for the wetland and all the watercourses. There is no development proposed within the required streamside management area 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.

- William Rich & Associates conducted a cultural resources investigation, which found two (2) historic-period buildings on-site. The residence and the metal-sided shop existing on the property were constructed between 1947 and 1952. These are the only structures on the property that are assumed to be over 45-years of age. As there is no proposal to remove or modify the structures, no impact is anticipated.

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

- William Rich & Associates conducted a cultural resources investigation for the project site. The investigation did not identify any significant 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 55.4.6.1.12 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 prepared for the approved project, and the applicant shall continue to adhere to the Best Practicable Treatment or Control (BPTC) measures and annual monitoring/treatment timelines. 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.

- Project is accessed off a non-county-maintained road. A Road Evaluation Report (RER) was prepared by Northpoint Consulting Group, dated January 2021, which assessed the 0.6 miles of the private access road Staton Drive. The RER concludes that the road system used to access the project has been determined to be within conformance of Section 55.4.12.1.8 of the CCLUO, with the recommended improvements.

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 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.