

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 222-156-013; Garberville 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 for 28,500 square feet of new outdoor cannabis cultivation utilizing light deprivation techniques and 1,980 square feet of ancillary nursery space. Cultivation includes two harvests cycles annually. Irrigation water is provided by rainwater catchment from one proposed greenhouse and will be stored in forty 5,000-gallon water tanks or eighty 2500-gallon tanks (200,000 gallons total storage). The applicant estimates an annual water use of approximately 125,000 gallons for cannabis operations, approximately 4.39 gallons per square foot per year. Processing will be completed off site at a licensed third-party processing facility. Power will be provided by a solar array. No employees are proposed for this project.

The applicant has submitted a Biological Resource Assessment, Invasive Species Report, and a Botanical Survey Report. The results of the Biological Resource Assessment, prepared by Hohman and Associates Forestry Consultants, include mitigation measures to reduce potential impacts to sensitive species and wildlife to less than significant levels, and indicate the project is not expected to impact any sensitive or rare species in their habitat. Recommended Conditions of Approval include adherence to biologist recommendations.

The submitted Botanical Survey Report prepared by Hohman and Associates Forestry Consultants concludes the project contains no rare, threatened, or endangered species or sensitive natural communities within the project footprint or the surrounding area. The survey was conducted at a seasonally appropriate time, and the report indicates all potential rare plant habitats were surveyed, and false negative results are unlikely.

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 outdoor cannabis cultivation in hoop houses. The project will not significantly impact scenic vistas or public views. 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 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. Less than significant impact.

Biological Resources: The applicant has submitted a Biological Resource Assessment, Invasive Species Report, and a Botanical Survey Report. The results of the Biological Resource Assessment, prepared by Hohman and Associates Forestry Consultants, include mitigation measures to reduce potential impacts to sensitive species and wildlife to less than significant levels, and indicate the project is not expected to impact any sensitive or rare species in their habitat. Recommended Conditions of Approval include adherence to biologist recommendations.

The submitted Botanical Survey Report prepared by Hohman and Associates Forestry Consultants concludes the project contains no rare, threatened, or endangered species or sensitive natural communities within the project footprint or the surrounding area. The survey was conducted at a seasonally appropriate time, and the report indicates all potential rare plant habitats were surveyed, and false negative results are unlikely. 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: The project is located in Bear River and Sinkyone ancestral territory, and referral requests were sent to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments indicated a Cultural Resources Investigation was warranted. The applicant submitted a Cultural Resources Investigation prepared by Archaeological Resource and Supply Company. The survey covered the proposed project area, as well as a 600-foot buffer around the project area. No historic or prehistoric resources were identified as a result of the investigation. No Impact.

Energy: Power will be provided by an existing solar array. All drying and processing will occur offsite at a licensed third-party processing facility, and no lights are proposed for use in the cultivation areas. Minimal power needs are anticipated. 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, and topsoil is preserved through reuse and the addition of nutrients and amendments.

The subject parcel is mapped in the County GIS as both low and high instability. All proposed project activities and infrastructure are proposed in areas mapped as low instability. The parcel is mapped with 0% to 15% slope in the proposed project area. Historic landslides are mapped in the northwest area of the parcel, however no mapped historic landslides are mapped on areas proposed for cannabis use.

Greenhouse Gas Emissions: The site uses electricity sourced from a solar array. 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 as

required by the manufacturer and Best Practical Treatment or Control (BPTC) guidelines. The project does not expose the public to hazards. The project is in a rural area rated as a moderate 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. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 28,500 square feet of new outdoor cannabis cultivation utilizing light deprivation techniques and 1,980 square feet of ancillary nursery space in an open field. The project will not degrade any water sources or contribute to sedimentation. The applicant is required to maintain enrollment in the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ and submit evidence demonstrating ongoing enrollment. The applicant will be required to prepare a Site Management Plan pursuant to enrollment under the General Order to protect water quality and prevent sedimentation. 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: Noise sources from the operation will include typical farm equipment. The construction and dismantling of temporary hoop houses would create minimal noise. Drying and further processing will occur on licensed third party processing facility. The temporary noise impacts from these activities would not create a substantial increase in noise levels. Permit conditions require an increase of no more than 3 decibels above ambient noise levels at the property line. 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. Less than significant impact.

Population and Housing: The project is for outdoor cannabis cultivation in light deprivation greenhouses. 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 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: No employees will be required for project operations, as project operations will be conducted by the permit holder only. The parcel is accessed from Connick Creek Road, which the agent of record for the project self-certified is a category 4 road. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: The applicant submitted a Cultural Resources Investigation prepared by Archaeological Resource and Supply Company. The survey covered the proposed project area, as well as a 600-foot buffer around the project area. The lead agency consulted with local tribes through the project referral process. The project will adhere to the Inadvertent Discovery Protocol. Less than significant impact.

Utilities and Service Systems: Solid waste is taken to the Redway Transfer Station in an amount the service station is capable of handling. The project will provide portable toilets and handwashing stations for cultivation activities. Water for propagation and cultivation is sourced from rainwater catchment and stored in hard sided 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, and all cultivation hoop houses will comply with all building and fire codes. Less than significant impact.

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted Final EIR, the County considered the following information and studies, among other documents:

- Biological Resource Assessment prepared by Hohman and Associates, dated January 2021.
- Botanical Survey Report prepared by Hohman and Associates, dated September 2023.

- Cultural Resources Investigation Report prepared by Archaeological Research and Supply Company, dated March 2021.
- 24 Hour Noise Assessment prepared by Clearwater Ag Services, dated May 2021.
- Road Evaluation Report prepared by Clearwater Ag Services, dated December 2020.
- Site Plan for PDCON Enterprises, LLC.
- Cultivation Operations Plan for PDCON Enterprises, 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.

- The applicant has submitted a Biological Resource Assessment prepared by Hohman and Associates dated January 2021, and a Botanical Survey prepared by Hohman and Associates dated September 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.

- The Biological Resource Assessment determined foothill yellow-legged frog, southern torrent salamander, and red bellied newt could be impacted by work in riparian or wetland areas, removal of vegetation cover in Streamside Management Areas (SMAs), or development that may inhibit dispersal through upland environments. Recommendations include amphibian surveys prior to any road

work on stream crossings or within SMAs. Adherence to and implementation of the recommendations described in the report is a condition of project approval.

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

- The Biological Assessment Area provides habitat for the western pond turtle. The nearest occurrence is over 2 miles from the project along the South Fork Eel River. The proposed site is over 200 feet from any riparian areas. Per the Biological Resource Assessment, the western pond turtle is not expected to be impacted by the proposed project.

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

- Flammulated owl may have potential to occur in the area of impact. The Biological Resource Assessment recommends incorporating measures to reduce disturbance from light and noise to birds and other sensitive wildlife. Project activities were not expected to impact any other bird species. 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.

- There have been no documented NSO within 1.3 miles of the project area. There is potential NSO habitat within the BAA, however, the proposed project is unlikely to impact NSO as the proposed operations will not be removing NSO habitat. Biological Resource Assessment recommends the project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

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

- No impacts to special-status nesting birds are anticipated as a result of the proposed project activities per the Biological Assessment 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 per the Biological Assessment Report.

Mitigation Measure 3.4-1h: Noise reduction.

- A solar array supplies power to the site. The applicant may keep generator on site for emergency backup use only.

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

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

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

- There may be habitat within the Biological Assessment Area, however as the project is not expected to impact structurally complex old growth forest with potential habitat structures for the fisher. Per the Biological Resource Assessment, the fisher is not expected to be impacted by the proposed project.

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

- Potential habitat for pallid bat and long-ear myotis was identified in the vicinity of the proposed project, and potential habitat for fringed myotis was identified in the Biological Assessment Area per the Biological Assessment Report. Recommendations include incorporating light and noise mitigation measures. The Biological Assessment Report concludes the project is not expected to significantly impact bat species with recommended mitigation measures.

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

- Habitat for Sonoma tree vole was not identified in the vicinity of the project; however, Sonoma tree vole may occur in the Biological Assessment Area. Per the Biological Assessment Report as the nearest occurrence mapped in the CNDDB is over 6 miles from the project no impacts are expected.

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 footprint or the surrounding area.

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

- There are no mapped wetlands or watercourses on the property. There is no development proposed within wetland buffers or Streamside Management Areas (SMAs) and no impacts to wetlands or surface waters 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.

- The applicant submitted a Cultural Resources Investigation prepared by Archaeological Resource and Supply Company. The survey covered the proposed project area, as well as a 600-foot buffer around the project area. No historic or prehistoric resources were identified as a result of the investigation. As there are no historic resources identified on the subject property, no impact is anticipated.

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

- The project is located in Bear River and Sinkyone ancestral territory, and referral requests were sent to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments indicated a Cultural Resources Investigation was warranted. The applicant submitted a Cultural Resources Investigation prepared by Archaeological Resource and Supply Company. The survey covered the proposed project area, as well as a 600-foot buffer around the project area. No historic or prehistoric resources were identified as a result of the investigation. 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 project does not utilize a groundwater well for irrigation and is therefore 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 will not degrade any water sources or contribute to sedimentation. The applicant is required to maintain enrollment in the State Water Resources Control Board (SWRCB) General Order and submit evidence demonstrating ongoing enrollment. The applicant will be required to prepare a Site Management Plan pursuant to enrollment under the State Water Resources Control Board (SWRCB) General Order to protect water quality and prevent sedimentation. Maintaining enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ and adhering to a final LSAA are conditions 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 via a privately maintained 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 project 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.