

ATTACHMENT 3

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

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

**APN 220-011-021; 8200 Salmon Creek Road, Miranda 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 Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit for operation of an existing 18,300 square foot (SF) mixed-light cultivation, including 1,830 SF of ancillary propagation. Irrigation water is sourced from one (1) point of diversion on an unnamed Class II tributary of Salmon Creek. A gutter rain catchment system will also be developed to capture rainwater off the 40'x50' (2,000 SF) barn to reduce reliance on the diversion. Existing available water storage is 15,000 gallons in a series of hard-sided tanks, with an additional 190,000 gallons proposed, for a total of 205,000 gallons of onsite water storage. Drying will occur in an existing 40'x50' barn, with all other processing occurring offsite at a licensed processing or manufacturing facility. Power is provided by a generator. The proposed project also includes Special Permits for development within the Streamside Management Area (SMA) for the continued use and maintenance of the one (1) point of diversion on the project parcel and for removal of portions of existing greenhouses located within the SMA and associated restoration.

The project site contains riparian habitat associated with Class II and Class III watercourses, which traverse the subject parcel. All approved cannabis cultivation activities would occur outside of the required stream setbacks, once portions of five (5) existing greenhouses located within the Streamside Management Area (SMA) buffers are removed, required as a condition of approval, and on slopes less than 15%. Per review of the *Biological Resource Assessment*, prepared by Corrina Kamroff in May 2021, no rare threatened or endangered animals or plants are present within 1,000 feet of the cultivation area; however, it is further noted that there is the potential for numerous species to occur. Mitigation measures are proposed for each potentially significant biological impact of current and planned operations on the property, which have been included as conditions of approval. Additionally, per the Biological Report, Additionally, per the Assessment, there are no documented Northern Spotted Owl (NSO) activity centers within the 1.3-mile Biological Assessment Area (BAA) of the cultivation site and no NSO surveys are recommended for the project. The applicant is required to provide proof of enrollment with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Cultural Resources Investigation prepared by Archaeological Research and Supply Company in March 2021 (on file and confidential), as well as the Bear River Band of the Rohnerville Rancheria.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 18,300 square feet of cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by SL Consulting Services, Inc., dated 6/29/21.
- Cultivation and Operations Manual for Krystal Kings prepared by SL Consulting Services, Inc., dated January 2022.
- Water Resource Protection Plan (WRPP) (WDID No. 1B16553CHUM) prepared by Pacific Watershed Associates Inc., dated February 2017.
- Final Streambed Alteration Agreement (Notification No. EPIMS-HUM-21027-R1C) issued by the California Department of Fish & Wildlife (CDFW), dated 8/27/21.
- Less than 3 Acre Conversion Mitigation Plan prepared by Integrated Horticulture Systems, LLC, dated 5/18/21.
- Road Evaluation Reports for Salmon Creek Road and Private Road prepared by Steven Luu, SL Consulting Services, Inc., dated 7/8/21.
- Road Evaluation Report for Salmon Creek Road prepared by Chapman Engineering, dated 2/18/22.

- Biological Resource Assessment: Young Jacobsen APN: 221-011-021 CEQA Compliance, prepared by Corrine Kamoroff, dated 5/20/21.
- A Cultural Resources Investigation of the Salmon Creek Clark Property: Final Report, prepared Abby Barrios-Gonzales, BA, and Nick Angeloff, MA., Archaeological Research and Supply Company, Rio Dell, CA, dated March 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 MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.