

**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 212-201-009; 950 Felt Road, Miranda, CA 95553  
County of Humboldt**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**October 2022**

## **BACKGROUND**

### **Purpose of Addendum**

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.

### **Project History**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a “project” under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

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 and 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. 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.” As applications are filed for new or differing cultivation activities, the “modification” to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

## **Modified Project Description**

Ivan Stoyanov seeks a Conditional Use Permit (PLN-11928-CUP) for a maximum of 11,900 square feet (SF) of mixed light cannabis cultivation, as allowed per the existing cultivation area verification. Plants would be propagated in a proposed 1,190-SF immature plant area/nursery and dried in a 4,608 SF barn on site. This allotment of 1,190 SF is consistent with the 10 percent maximum growing area. The project will utilize the applicant and up to three (3) family members for harvesting. Power will be provided by a 25kv Multiquip WhisperWatt generator. The project has been conditioned to either connect to a utility provider or have an alternative renewable power source starting January 1, 2025 (**Condition 15**).

Irrigation water is sourced from an engineered 348,864-gallon rainwater catchment pond located on the parcel. Water is pumped from the pond and stored in hard tanks on site, consisting of five (5) 2,500-gallon tanks (12,500 gallons of storage total), with an additional 15,000-gallon tank to provide 27,500 gallons total. Annual water use is estimated to be approximately 212,000 gallons per year (18.43 gallons/SF).

A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (TRC) to comply with State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B171718CHUM). The WRPP recommends recording use of fertilizer, soil amendments, and pesticide use are recorded for annual reporting; installing meters to track water use for irrigation of cannabis; store in-use fertilizers in a small container storage adjacent to the mixing tanks; avoid frequent use of un-surfaced roads, particularly when roads are soft/saturated; regularly inspect culverts during winter months to check for plugging, blockage or other issues; existing or newly installed road surface drainage structures such as water bars, rolling dips, ditch relief culverts, and intentionally in/out sloped segments of road shall be maintained to continue the function of capturing and draining surface runoff; use spill trays when fueling portable generators or water pumps to prevent leeching, seepage or spillage. The project has been conditioned to comply with all requirements and recommendations contained within the WRPP (**Condition 8**).

A Lake and Streambed Alteration Agreement (LSAA) was filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2016-0057-R1). The LSAA is limited to 5 encroachments (Table 1 of the LSAA) to allow water diversion (2 encroachments), remove an existing culvert (1 encroachments), maintenance of a stream to reduce erosion (1 encroachment); and sediment removal and installation of a spillway for an off-channel pond (1 encroachment). The project has been conditioned to comply with all requirements and recommendations contained within the LSAA (**Condition 9**).

The Department of Fish and Wildlife reviewed the Project and recommended the following conditions be included in the Project approvals: allow for a site inspection to comply with the final Lake or Streambed Alteration Agreement, contain all artificial light such that no light escapes and structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise, prohibit use of synthetic netting, leave wildlife unharmed, ensure that noise containing structures for generators do not allow for noise released exceeding no more than 50 decibels measured from 100 feet. The comments recommend that onsite irrigation ponds be drained at the end of each growing season in order to avoid the recruitment of American bullfrog (an invasive species) (**Condition 11**).

A records search of the project area was conducted by the Northwest Information Center (NWIC), which indicated no previous surveys had been conducted within ½ mile of the project area. The field survey

identified no historic or prehistoric archaeological resources within the project area on this parcel. The report recommends the use of Inadvertent Discovery Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 10**).

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.

### **Summary of Significant Project Effects and Required Mitigation**

No changes are proposed for the mitigation measures identified in the original 2016 MND. The proposal to authorize the continued operation of an existing cannabis cultivation site, consisting of 11,900 SF of mixed light cannabis cultivation, and a 1,190-SF immature plant area/nursery, 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 applicant, dated June 3, 2020.
- Cultivation and Operations Plan prepared by the applicant, dated June 3, 2020.
- Water Resources Protection Plan (WRPP) (WDID No. 1B171718CHUM) prepared by Timberland Resource Consultants, dated March 11, 2018.
- Lake and Streambed Alteration Agreement (Notification No. 1600-2016-0057-R1) received July 25, 2016.
- Northwest Information Center, Project Review Comments dated September 18, 2018.
- Email consultation with Bear River Band of the Rohnerville Rancheria dated January 23, 2019.

### **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.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Ivan Stoyanov would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO 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, Ivan Stoyanov. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.