

ATTACHMENT 3

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

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

**APN 208-341-021; 16533 Cobb Road, Dinsmore
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 an existing 10,000-square-foot (SF) outdoor cannabis cultivation within four adjacent greenhouses and within a 971-SF ancillary nursery propagation greenhouse. The parcel does not include any existing residence or septic system. Drying and seasonal cloning would continue in an existing 288 SF drying shed. Security measures include locked containment for product storage, locked gate access, surveillance and monitoring systems, and an alarm system. The project anticipates 2 – 4 employees. The applicant would use generators for 100% of its energy needs until Pacific Gas and Electric connects to Cobb Road or a solar power system capable of supplying 80% of annual energy demands can be established by the beginning of the 2025 cultivation season. The project will ensure that noise from the generator will not be audible by humans on neighboring residences or exceed 50 decibels at the property line.

Irrigation water will be sourced from an existing 350-foot-deep well evaluated by David Lindberg, CEG, titled *Hydrologic Isolation of Existing Well from Surface Waters*. In Lindberg’s professional opinion, the subject well does not appear to be hydrologically connected to, or capable of influencing surface water flows in the Van Duzen River. Nor does this well appear to be hydrologically connected to any local springs or ephemeral wetlands. Given the horizontal distances involved, the elevation differences between the water-producing zone in the subject well, and the surface waters of the nearest watercourses, the potential for significant hydrologic connectivity between surface waters and groundwater in the deeper bedrock aquifer appears low.

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 supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project-related noise does not harass nearby wildlife, which will limit impacts on 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 MND if some changes or additions are necessary but none

of the conditions described in Section 15162 calling for a subsequent Environmental Impact Report (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 10,000 SF of cultivation with ancillary nursery propagation 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 A.M. Baird Engineering & Surveying dated 6/23/17, received 9/22/17.
- Operations Manual dated 8/6/17 prepared by AgDynamix, received 8/22/17.
- Water Resource Protection Plan dated 2/1/17 prepared by Natural Resource Management Corporation (NRM) for the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023-DWQ, received 8/22/17.
- Report of Unauthorized Timberland Conversion Inspection and Recommendations dated 12/28/17.
- CDFW No Lake or Streambed Alteration Agreement Needed, Notification No. EPIMSHUM-24860-R1; APN: 208-341-021-000, 2/4/22.
- Well Completion Report prepared by Travis Bowen, received 8/22/17.

- Building Inspection Division referral response dated 2/1/18.
- Cultural Resources Investigation of the Bowen Property prepared by Archaeological Research and Supply Company, dated April 2018, received 10/25/18.
- Confidential email from Erika Cooper, Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria, dated 4/5/18.
- Federal Aviation Administration Determination of No Hazard to Air Navigation issued on 4/5/22.
- Well Evaluation Report prepared by Lindberg Geologic Consulting dated August 29, 2022 received September 1, 2022.

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.