

ATTACHMENT 4

**CEQA ADDENDUM TO THE
ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE
ORDINANCE**

*Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018*

APN 220-241-017, Briceland Area, County of Humboldt

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

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Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) 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 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. The EIR 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 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 project allows for a microbusiness to be established that allows for non-volatile manufacturing, distribution and a non-storefront sales. The current project is approved for the cultivation of 30,000 square feet of mixed light cultivation with 3,000 square feet of ancillary propagation. The non-volatile cannabis manufacturing would use ice, water, agitation, filtration, and mechanical separation to produce water hash and hash rosin. No volatile or flammable solvents are used at any time. This process will occur indoors within a permitted structure in compliance with the Humboldt County Code and state of California cannabis regulations. No chemical solvents are used at any time during this extraction process.

The proposed facility will operate as a licensed cannabis distributor in compliance with Humboldt County Code, California Department of Cannabis Control regulations along with all applicable state and local laws. Distribution will include receiving, storage, , transport coordination, and wholesale distribution of cannabis goods to licensed entities. Authorized activities will include distribution of the operators cultivated and manufactured goods. All products will be verified for required laboratory testing prior to distribution. All failed products will be quarantined and handled per regulatory requirements. Labeling reviewed for compliance prior to release. All storage will be secured, and storage of cannabis will be inventoried along with quality assurance review and compliance verification. No retail sales to the public will occur on site. On-site customer visits, walk-in sales, or consumption will not be permitted.

No known significant archaeological resources are in the project area. No new construction or earth moving is proposed for this project. However, an Inadvertent Discovery Protocol has been conditioned if any cultural resources are to be

encountered. The operator on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

There are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 9800 feet from the site. No new lighting is proposed for this project. Artificial lighting is currently being used in approved existing greenhouses. The project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting. Synthetic netting will not be utilized; refuse will be contained in wildlife proof storage and anticoagulant rodenticides will not be used to further protect wildlife. As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species. As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

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 onsite lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources because 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 (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; or
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 previous 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 EIR; B) significant effect previously examined will be substantially more severe than shown in the previous 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 previous 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

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the minor changes to the approved project is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

Other CEQA Considerations

Staff suggest no changes to 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. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation to include non-volatile manufacturing, distribution, and not-storefront sales is consistent 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 certified 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.