

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

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative  
Declaration**

**(State Clearinghouse # 2015102005), January 2016**

**APN 221-061-034; Salmon Creek Area, County of Humboldt**

**Prepared By  
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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 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 Special Permit for 8,102 square feet of existing outdoor light-deprivation cannabis cultivation occurring in three greenhouses. There will be up to two flowering cycles per year. Water for irrigation is sourced from a 500,000-gallon rain catchment pond and a 25,000-gallon rain catchment tank. There is an additional 15,800 gallons of hard storage that is filled from the pond and catchment tank during the winter months. Annual water use for irrigation is 92,000 gallons. Magick Mountain Organics Salmon Creek, LLC will purchase clone stock from a licensed nursery. There will be one full time seasonal employee on site during cultivation cycles in addition to the applicant. Processing currently occurs on-site by the applicant utilizing a trim machine in an 8’x20’ conex container. The applicant is proposing to move processing off site to a licensed processing facility. Cannabis is dried and stored in an 8’x20’ conex container. Power is provided by a 45kW Whisper Watt generator and two solar panels, which provide 30-kW of power. The applicant proposes to install additional solar panels with the use of a backup generator in emergency situations. The application also includes a Special Permit as is required for development in the Streamside Management Area (SMA) to remediate or decommission encroachments on Class II and III streams.

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 (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; or
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**

A review of Appendix G impacts:

**Aesthetics:** The project is for pre-existing outdoor cannabis cultivation. The project will not significantly impact scenic vistas or public views. Though the cultivation will likely be visible from the road, the project will not change the existing character of the area due to the numerous other permitted cultivation operations nearby. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare. Less than significant impact.

**Agriculture and Forestry Resources:** The project will utilize unclassified land for

agricultural purposes. 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:** No construction activities are associated with the project. 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. The project is owner-operated with the use of one employee, and a negligible increase in traffic on the road is anticipated as part of the project. Less than significant impact.

**Biological Resources:** According to the California Natural Diversity Database (CNDDDB), there is no mapped potential habitat for any special status species. The project is located approximately 1.17 miles to the nearest Northern Spotted Owl (NSO) activity center. The project is for existing outdoor light-deprivation cannabis cultivation without the use of grow lights, water will be sourced by rain catchment, and a generator would only be used for emergency purposes as the applicant installs additional solar panels. The project is conditioned that noise from the generator does not exceed 50 decibels at 100 feet from the generator or at the nearest tree line, whichever is closer. The project was referred to CDFW on May 18, 2022, and CDFW had no comments on the project. Less than significant impact.

**Cultural Resources:** The project was referred to the Northwest Information Center (NWIC), the Bear River Band, and the Intertribal Sinkyone Wilderness Council. NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on February 3, 2023, stating that they recommend inadvertent archaeological discovery protocols for the project. This has been added as a condition of approval. Less than significant impact.

**Energy:** Electricity is sourced from solar, and a generator would only be used for emergency purposes as the applicant installs additional solar panels. The cultivation will take place with the use of ventilation fans but without the use of lights. 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 graded flats. No new significant grading will occur. Less than significant impact.

**Greenhouse Gas Emissions:** Electricity is sourced from solar for the minimal power needed for ventilation and drying harvested cannabis. A generator will be onsite for emergencies. Less than significant impact.

**Hazards and Hazardous Materials:** Fertilizers and pesticides are currently stored in an agricultural storage structure that meets all requirements for secondary containment. All hazardous materials are stored in a secure area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a high fire risk area; however, no 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 8,102 square feet of cannabis cultivation on graded flats. The project will not degrade any water sources or contribute to sedimentation. There are no streams or stream crossings located near the cultivation areas. The project will utilize rain catchment for irrigation. 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:** Electricity is sourced from solar, and a generator would only be used for emergency purposes as the applicant installs additional solar panels. Noise sources from the operation will include ventilation of the greenhouses, and drying activities, which will occur within an enclosed structure. Drying would involve the use of fans and dehumidifiers. The project is conditioned that the combination of background, generator and greenhouse fan or other operational equipment created noise does not exceed 50 decibels at 100 feet from the generator or at the nearest tree line, whichever is closer. The temporary noise impacts from these activities would not create a substantial increase in noise levels. There is no reason to believe that noise will be increased substantially on-site. 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. 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 is for 8,102 square feet of cannabis cultivation on a site where agriculture is principally permitted. 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. There are no recreational facilities located within 600 feet of the project. No impact.

**Transportation:** The project is owner-operated with the use of one employee, and a negligible increase in traffic on the road is anticipated as part of the project. The project site will also have adequate emergency access. Less than significant impact.

**Tribal Cultural Resources:** The project was referred to the Northwest Information Center (NWIC), the Bear River Band, and the Intertribal Sinkyone Wilderness Council. NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on February 3, 2023, stating that they recommend inadvertent archaeological discovery protocols for the project. This has been added as a condition of approval. Less than significant impact. Less than significant impact.

**Utilities and Service Systems:** Solid waste and recycling is taken to the Recology Redway Transfer Station. The applicant will utilize an existing onsite wastewater treatment system connected to the cabin. Portable toilets and hand washing stations are available for use of employees on-site. Water for cultivation is sourced from rain catchment. Electricity is sourced from solar, and a generator would only be used for emergency purposes as the applicant installs additional solar panels. 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. Less than significant impact.

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project 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:

- Operations Plan

- Site Plan
- Site Management Plan
- Lake or Streambed Alteration Agreement
- Road Evaluation Report
- DEH Worksheet
- County GIS

### **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.

### **Project impact analysis of conformance to the Mitigated Negative Declaration Substituted Mitigation Monitoring and Reporting Program**

#### **Mitigation Measure 1: Required setback from tribal cultural resources and tribal consultation process (55.4.10(n) and 55.4.10(c)).**

- The project was referred to the Northwest Information Center (NWIC), the Bear River Band, and the Intertribal Sinkyone Wilderness Council. NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on February 3, 2023, stating that they recommend inadvertent archaeological discovery protocols for the project. This has been added as a condition of approval. The project site meets or exceeds the setbacks from tribal cultural resources.

#### **Mitigation Measure 2: Curing violations of state, county code (55.4.11(a)).**

- The project is for pre-existing cultivation and project approval includes a compliance agreement to cure unresolved violations of state or county code.

#### **Mitigation Measure 3: Required setbacks from watercourses, wetlands, and Environmentally Sensitive Habitat Areas (55.4.11(d)).**

- The project is located within the inland portion of the county and is subject to the

setback standards in the Streamside Management Areas and Wetlands Ordinance as well as Chapter 10 (Conservation and Open Space Elements) of the General Plan. According to the Site Management Plan there are no cannabis facilities within any Streamside Management Areas.

Mitigation Measure 4: Permitting Tiers and related requirements (55.4.8.2 et seq.)

- The project is for 8,102 square feet of pre-existing cultivation in an Unclassified (U) zone which requires a Special Permit. The project complies with the requirements described in 55.4.8.2 et seq.

Mitigation Measure 5: Retirement, Remediation, and Relocation Program (55.4.14)

- The project is not participating in the Retirement, Remediation, and Relocation program therefore this mitigation measure does not apply.

Mitigation Measure 6: Cannabis Cultivation on Forest Lands

- This project is for pre-existing cultivation consistent with baseline conditions which is eligible in an Unclassified (U) zone. No new increased cultivation will occur. There was no tree removal conducted for cannabis cultivation activities.

Mitigation Measure 7: Use of fertilizer, pesticide, fungicide, rodenticide, or herbicide (55.4.11(j)).

- The project operations plan and DEH worksheet describe measures that will be taken to properly store and handle hazardous materials. Fertilizers and pesticides are currently stored in an agricultural storage structure that meets all requirements for secondary containment. Compliance with the operations plan is a condition of project approval. The use of anticoagulant rodenticide is prohibited. The project is conditioned requiring the applicant to provide written compliance with the Certified Unified Program Agency (CUPA) requirements.

Mitigation Measure 8: Diversion of surface water and trucked water (55.4.11(l)-(m)).

- The project will utilize rain catchment for irrigation. No surface water diversion is a part of the project.

Mitigation Measure 9: Generator Use (55.4.11(o)).

- Electricity is sourced from solar, and a generator would only be used for emergency purposes as the applicant installs additional solar panels. The project is conditioned that noise from the generator does not exceed 50 decibels at 100 feet from the generator or at the nearest tree line, whichever is closer.

Mitigation Measure 10: Storage of Fuel (55.4.11(p)).



- The project is conditioned that fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.

Mitigation Measure 11: Performance Standards for Cultivation and Processing Activities (55.4.11(q)-(u)).

- The project will be owner-operated with one employee. The project is conditioned that the applicant adheres to the performance standards identified in Section 55.4.11 (q-u) of the CMMLUO. Processing will be moving off site to a licensed processing facility within two years of project approval.

Mitigation Measure 12: Performance Standards for Mixed Light Cultivation (55.4.11).

- The project is for outdoor cultivation and does not use artificial light.

Mitigation Measure 13: Humboldt Artisanal Branding Provision (55.4.15).

- The proposed project is for more than 3,000 square feet therefore this measure does not apply.

Mitigation Measure 14: Sunset Clause for applications

- The application was received on December 22, 2016, prior to the sunset of the ordinance.

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.