

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
(State Clearinghouse # 2015102005), January 2016**

APN 524-114-011; Willow Creek Area, County of Humboldt

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

May 2023

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 Conditional Use Permit for 28,348 SF of pre-existing outdoor cannabis cultivation with 2,840 SF of ancillary propagation. Irrigation water will be provided from a permitted well on an adjacent parcel, which is under deeded rights. Estimated annual water usage is approximately 399,369 gallons (13 gal/SF/year).

The project will utilize up to three (3) employees for operations on-site. The applicant is proposing to utilize portable toilets at the cultivation areas. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service. Drying will occur on-site, and trimming will occur off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of a licensed processing facility, to be furnished during an annual inspection. The project proposal is to utilize light-deprivation techniques without the use of supplemental lights, and includes the proposal for eleven (11) light-deprivation greenhouses totaling 28,348 SF, and two (2) ancillary propagation greenhouses totaling 3,840 SF. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: eleven (11) light-deprivation greenhouses, two (2) ancillary propagation greenhouse, one (1) storage container for drying, one (1) metal drying building, and one (1) generator shed.

Energy

A 2000 watt Honda EU low decibel gasoline generator will be operated intermittently to power lights within the ancillary nursery greenhouses, and fans for drying. The applicant is proposing an Ag drop with PG&E through the existing power poles on the property. The project is conditioned to obtain 100% of power from PG&E or other renewable source by 2026, and shall be allowed one generator for emergency backup purposes only. In the event that the applicant cannot receive an Ag power drop from PG&E by 2026, the applicant shall submit an Energy

Plan to the Planning Division to describe how they will achieve 100% renewable energy on-site, and will be required to obtain any necessary permits.

Fire Hazard

The parcel is located in an area designated to have a Very High Fire Hazard Severity, and is outside of any local fire response area. The applicant shall cause to be recorded an “ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES” for the parcel(s) on a form provided by the Humboldt County Planning Division. The project is located within the State Responsibility Area (SRA) for CalFire. The Site Plan shows a firetruck turnaround, and one (1) 2,500 gallon water storage tank designated for fire suppression needs only. The designated fire suppression tank shall also have the appropriate fire hose that meets CalFire SRA requirements.

Timber Conversion

The project was referred to CalFire on August 25, 2017, and comments were received by the agency on September 11, 2017. Comments stated that the proposal could not be adequately reviewed because the site plan map did not appear to match the parcel boundaries, and that it appeared that a conversion would be necessary to accomplish the applicant’s proposal. The Humboldt Web GIS shows the property mostly located within Trinity County, and the applicant obtained a Property Survey from Points West Surveying Company, dated February 2021. The Property Survey shows that the parcel is in fact located in Humboldt County, and the eastern parcel line is the Humboldt-Trinity County line. The Property Survey was sent to CalFire on December 21, 2020, and no additional comments were received. The applicant’s Restocking Plan was sent to CalFire for review on March 10, 2023, and no comments were received.

There was vegetation removal of brush and trees after 2016, and it appears that approximately 1.09 acres of unauthorized timber conversion took place for cannabis cultivation post-2016 (measurements shown in Exhibit B). A Code Enforcement action was taken on the site (Case #CE20-0718), and the applicant has cleared the violation with Code Enforcement. A Restocking Plan was prepared by RPF Thomas Blair with Blair Forestry Consulting, dated December 13, 2021, which recommends the replanting of 2.4 acres of area on-site, and shows one (1) site recommended for restocking. A timber conversion evaluation report was never prepared for the site, and where the 2.4 acres of restocking area came from in the Restocking Plan is unknown. From measurements utilizing aerial imagery, approximately 1.09 acres of timber conversion occurred on the site post-2016, and the applicant shall restock 1.09 acres in total on the site. The applicant shall adhere to the restocking recommendations within the Restocking Plan, for 1.09 acres.

Water Resources

Estimated annual water needed for irrigation is approximately 399,369 gallons of water (13 gal/SF/yr). The project will source water from a permitted well (Permit #WP2005-007) that is located on the adjacent parcel north in Trinity County (APN 008-080-033-000). There is an existing Water & River Access Agreement between the applicant and three neighbors, which includes the right to access all groundwater from four (4) existing wells. The Water & River Access Agreement states that “each grantee shall have the personal right to access and develop groundwater through wells existing on any of the four parcels, in an amount equal of no more

than 25% of the production of all current groundwater wells.” There is one existing well on each of the four parcels, and the well that is on the applicants parcel in Trinity County (adjacent parcel east) produces very little water. The well TW-#3 (Permit #WP2005-007) that is located on the northern parcel has the most productivity. It has been agreed upon with the owner of APN 008-080-033-000 that that well be shared evenly, and a solar well pump was installed that divides the water evenly for both parcels.

There is one (1) 2,500-gallon water tank located on the applicant’s subject, and there are three (3) 2,500-gallon water tanks that are located on the adjacent parcel north in Trinity County. The Water & River Access Agreement states that “water systems previously built and existing on adjacent parcels at the time of transfer of ownership by sale of each parcel by one of the named landowners may remain after the sale, and shall be granted a legal appurtenant easement by the affected landowner for said water right and access for maintenance.” The Water & River Access Agreement also states that “said rights shall remain in effect for each grantee only while in possession of one of the parcels described herein. Said personal rights shall not be construed as easements appurtenant to the lands described herein, but shall be extended to spouses, heirs and legatees of grantee, only while in possession of one of the parcels described herein, upon death of grantee.” In the event that the subject parcel is conveyed to another owner not the applicant’s spouse heir or legatee of grantee, the permit may not be transferred without evidence of access to the shared well TW-#3 (Permit #WP2005-007), water storage and infrastructure, or shall submit a modification to include another water source and remove the water storage and infrastructure on the adjacent parcel (APN 008-080-033-000) located in Trinity County.

The applicant has obtained a Well Assessment Report (WAR) for the shared well TW-#3 (Permit #WP2005-007), prepared by licensed hydrogeologist Bonnie Lampley with Lawrence & Associates Engineers & Geologists, dated April 27, 2023. The WAR states that the assessment was prepared utilizing previous site-specific studies that were conducted by Lawrence & Associates. Several wells and test borings were installed at the Site as part of the studies, and all wells were completed with a 20-foot surface seal. The hydrologic setting for the Site is based on the results from six wells that were installed in 2005 to investigate groundwater occurrence and evaluate well yields. The WAR states that the subject well is not hydraulically connected to the river, and estimates an annual recharge rate of 352 acre-feet (114.7 million gallons).

The site is currently enrolled in the State Water Resources Control Board’s (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The applicant has submitted a Notice of Applicability letter dated July 28, 2020, showing enrollment in the General Order under WDID 1_12CC422700 as a Tier 1 Low Risk site. The applicant has a Site Management Plan (SMP) prepared for the project site, which states that there is one culvert maintained by the applicant and one culvert that is maintained by Trinity County on the Trinity County maintained road. The applicant shall adhere to the ongoing maintenance activities listed in the SMP.

The applicant has obtained a drafted Streambed Alteration Agreement with the California Department of Fish & Wildlife (CDFW) for the in-stream work needed to upgrade one (1) culvert on-site, and one point of diversion for domestic uses (SAA No. EPIMS-TRI-03632-R1). Through communications with CDFW, the SAA has not been signed by CDFW and is awaiting

this permit approval. The applicant shall submit the final signed SAA to the Planning Division when available, and shall adhere to the project description and work outlined within the final signed agreement.

Biological Resources

The project is located approximately 0.9 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site contains potential habitat areas near the Trinity River for any rare or endangered species, the western pond turtle and the foothill yellow-legged frog. As the potential habitat is located away from any proposed project activities, the project is for pre-existing activities, and no new ground disturbance is proposed, no Biological Assessment was required. The project was referred to CDFW on August 25, 2017, and no comments were received. The County reached out to CDFW again on May 10, 2023, to request any comments, and no final comments on the project have been received. The applicant is required to comply with International Dark Sky Standards for lighting within the propagation greenhouse, and shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use.

Tribal Cultural Resource Coordination

The project is located within the Hoopa Tribe and Tsnungwe Tribes ancestral aboriginal territories. The applicant has submitted a Cultural Resource Investigation Report (CRIR) prepared by James Roscoe, M.A., with Roscoe and Associates, dated July 2017. An investigation of the subject parcel was conducted during the spring and summer of 2017. Tsnungwe Council-member Bob Benson was present for the field survey on May 9, 2017. The field survey found artifacts located on the site, but outside of the project area, and a recommendation was made that no new substantial ground-disturbance or heavy equipment-use occur within the boundaries where artifacts were found. From review of aerial imagery it appeared that the area with artifacts may have been disturbed, and a site visit was conducted with Tsnungwe Council-member Bob Benson on May 15, 2023, which confirmed that the artifacts had not been disturbed. The applicant shall adhere to the recommendation in the CRIR that no new substantial ground-disturbance or heavy equipment-use occur within the boundaries where artifacts were found, and should future ground-disturbing work be proposed within the boundaries of the Site found to have artifacts, a professional archaeologist shall review the proposed actions and, in cooperation with the Tnungwe Tribe, develop mitigation measures that would avoid a substantial adverse change to the Site. The applicant shall also adhere to Inadvertent Discover Protocols, and shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Access

The site is accessed from Forest Route 5N03/S. Fork Road, from S. Fork Road, from Hwy 299. The project was referred to the Department of Public Works on August 25, 2017, and comments were received by the agency on February 7, 2018. Comments from Public Works stated that the access to the site is from Trinity County, and requests a road evaluation report for the access road. The applicant has submitted a Road Evaluation Report form for the access road S. Fork

Road, showing that it is maintained by Trinity County, and designating the road as being developed to the equivalent of a road category 4 standard. As the site is accessed from a US Forest Service road that goes through Trinity County, the project was referred to the Trinity County Planning Department and the US Forest Service on February 13, 2019. No comments were received by either agency. The site will be operated by the applicant and up to three (3) employees, and a maximum of ten (10) vehicle trips are anticipated per day. As the site is for pre-existing operations, no increase in traffic is anticipated.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined that approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 26 cultivation permits and the total approved acres would be 12 acres of cultivation.

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 in an existing flat. The project will not significantly impact scenic vistas or public views as the project site is surrounded by trees and other agricultural sites. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare. No 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 because the applicant will restock all post-2016 timber that was converted on the site. Less than significant impact.

Air Quality: No new 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. No impact.

Biological Resources: The project is located approximately 0.9 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site does not contain potential habitat areas for any rare or endangered species, the western pond turtle and the foothill yellow-legged frog. As the potential habitat is located away from any proposed project activities, the project is for pre-existing activities, and no new ground disturbance is proposed, no Biological Assessment was required. The applicant is required to comply with International Dark Sky Standards for lighting the immature plant area, and shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use. Less than significant impact.

Cultural Resources: The applicant has obtained a Cultural Resource Investigation prepared by James Roscoe, M.A., with Roscoe and Associates, dated July 2017. An investigation of the subject parcel was conducted during the spring and summer of 2017. Tsnungwe Council-member Bob Benson was present for the field survey on May 9, 2017. The field survey found artifacts located on the site, but outside of the project area, and a recommendation was made that no new substantial ground-disturbance or heavy equipment-use occur within the boundaries where artifacts were found. From review of aerial imagery it appeared that the area with artifacts may have been disturbed, and a site visit was conducted with Tsnungwe Council-member Bob Benson on May 15, 2023, which confirmed that the artifacts had not been disturbed. The

applicant shall adhere to the recommendation in the CRIR. The project is not anticipated to impact any tribal cultural resources; however, the applicant will be required to adhere to the inadvertent discovery protocol. Less than significant impact.

Energy: The project will obtain power from a 2000 watt Honda EU low decibel gasoline generator will be operated intermittently to power lights within the ancillary nursery greenhouses, and fans for drying. The applicant is proposing an Ag drop with PG&E through the existing power poles on the property. The project is conditioned to obtain 100% of power from PG&E or other renewable source by 2026, and one emergency backup generator will be on-site for emergency purposes only. Cultivation will be outdoor with no 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 flat land that has historically been used for agriculture. No significant grading will occur. No impact.

Greenhouse Gas Emissions: The site utilizes a a 2000 watt Honda EU low decibel gasoline generator will be operated intermittently to power lights within the ancillary nursery greenhouses, and fans for drying. The applicant is proposing an Ag drop with PG&E through the existing power poles on the property. The project is conditioned to obtain 100% of power from PG&E or other renewable source by 2026. Cultivation is outdoor with no lights. There will be one emergency backup only generator on-site. The site will be run by the applicant and up to three (3) employees, the operations are pre-existing and no increase in traffic is anticipated. Less than significant impact.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides and fuel for use in farm equipment existing storage structures. All hazardous materials are stored in a locked 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 significant wood framed 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 28,348 square feet of cannabis cultivation in an existing open flat. The project will not degrade any water sources or contribute to sedimentation. The cultivation area will be outside of the required buffers for any streams on-site. All cultivation will be irrigated with a drip irrigation system. The project will utilize a well, which has been determined to not be hydrologically connected to the nearby river. 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: The project will be powered by a PG&E, and one emergency backup generator will be on-site for emergency purposes only. Noise sources from the operation will include drying activities, which will occur within an enclosed structure. Drying activities would involve the use of fans. The temporary noise impacts from these activities would not create a substantial increase in noise levels. There is no reason to believe the noise source will be increased substantially on-site. The project is required to ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use. 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 28,348 square feet of cannabis cultivation on a site where agriculture is the historical dominant use. 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: Access to the project site is from Forest Route 5N03/S. Fork Road, from S. Fork Road, from Hwy 299. The access road from Hwy 299 is located within Trinity County, and the applicant has submitted a Road Evaluation Report form for the access road S. Fork Road, showing that it is maintained by Trinity County, and designating the road as being developed to the equivalent of a road category 4 standard. As the site is accessed from a US Forest Service road that goes through Trinity County, the project was referred to the Trinity County Planning Department and the US Forest Service on February 13, 2019. No comments were received by either agency. The site will be operated by the applicant and up to three (3) employees, and a maximum of ten (10) vehicle trips are anticipated per day. As the site is for pre-existing operations, no increase in traffic is anticipated. The project site will also have adequate emergency access. No impact.

Tribal Cultural Resources: The applicant has obtained a Cultural Resource Investigation prepared by James Roscoe, M.A., with Roscoe and Associates, dated July 2017. An investigation of the subject parcel was conducted during the spring and summer of 2017. Tsnungwe Council-member Bob Benson was present for the field survey on May 9, 2017. The field survey found artifacts located on the site, but outside of the project area, and a recommendation was made that no new substantial ground-disturbance or heavy equipment-use occur within the boundaries where artifacts were found. From review of aerial imagery it appeared that the area with artifacts may have been disturbed, and a site visit was conducted with Tsnungwe Council-member Bob

Benson on May 15, 2023, which confirmed that the artifacts had not been disturbed. The applicant shall adhere to the recommendation in the CRIR. The project is not anticipated to impact any tribal cultural resources; however, the applicant will be required to adhere to the inadvertent discovery protocol. Less than significant impact.

Utilities and Service Systems: Solid waste is taken to the Hoopa, McKinleyville or Eureka Transfer Station in an amount the service station is capable of handling. The project will utilize portable toilets for onsite wastewater treatment. Water for propagation and cultivation is sourced from a permitted well on-site. Power will be sourced by PG&E or other on-site renewable source by 2026. 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 continued operation of an existing cannabis cultivation site consisting of 28,348 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:

- Cultivation & Operations Plan and Water Usage Estimates
- Site Plan
- Draft Streambed Alteration Agreement with CDFW
- Notice of Applicability letter from the State Water Resources Quality Control Board
- Site Management Plan
- Well Assessment Report
- Water & River Access Agreement
- Restocking Plan
- Property Survey
- Road Evaluation Report
- Applicant's Evidence of Pre-Existing Cultivation
- County Cultivation Area Verification
- Post-2016 Timber Conversion Measurements
- Department of Environmental Health 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 applicant has obtained a Cultural Resource Investigation prepared by James Roscoe, M.A., with Roscoe and Associates, dated July 2017. An investigation of the subject parcel was conducted during the spring and summer of 2017. Tsnungwe Council-member Bob Benson was present for the field survey on May 9, 2017. The field survey found artifacts located on the site, but outside of the project area, and a recommendation was made that no new substantial ground-disturbance or heavy equipment-use occur within the boundaries where artifacts were found. From review of aerial imagery it appeared that the area with artifacts may have been disturbed, and a site visit was conducted with Tsnungwe Council-member Bob Benson on May 15, 2023, which confirmed that the artifacts had not been disturbed. The applicant shall adhere to the recommendation in the CRIR. The project is not anticipated to impact any tribal cultural resources; however, the applicant will be required to adhere to the inadvertent discovery protocol.

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. The applicant is required to obtain a State License prior to cultivation activities.

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. The project parcel does not contain any wetlands and meets the setbacks required for streams on-site and from property lines, schools, school bus stops, church or other place of religious worship, Public Park or tribal cultural resource.

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

- The project is for 28,348 square feet of pre-existing cultivation in an Unclassified (U) zone which requires a Conditional Use 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 approximately 1.09 acres of tree removal conducted for cannabis cultivation activities, and the applicant is required to restock the area for a 1-1-basis on the site.

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

- The project operations plan describes measures that will be taken to properly store and handle hazardous materials. 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 a permitted well for irrigation. No surface water diversion is a part of the project.

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

- The project will obtain power from a 2000 watt Honda EU low decibel gasoline generator will be operated intermittently to power lights within the ancillary nursery greenhouses, and fans for drying. The applicant is proposing an Ag drop with PG&E through the existing power poles on the property. The project is conditioned to obtain 100% of power from PG&E or other renewable source by 2026, and one emergency backup generator will be on-site for emergency purposes only. The project is required to ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use.

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)).

- Applicant has provided a statement declaring they are an agricultural employer as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code).
- The project includes drying activities, on-site ancillary propagation and the operations plan describes processing practices and employee safety standards.

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

- The project is required to adhere to International Dark Sky Standards for all lighting in the propagation greenhouse.

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 30, 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.