

ATTACHMENT 3

**CEQA ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION OF THE
FINAL INITIAL STUDY PREPARED FOR VERDANT FUTURES, LLC (PLN-12933-
CUP)**

**Initial Study prepared for Verdant Futures, LLC pursuant to (PLN-12933-CUP) the
California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–
21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3,
Sections 15000–15387).**

**APN 223-171-001-000, 1560 Redwood Drive, Garberville
County of Humboldt**

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

December 2022

Background

Modified Project Description and Project History –

An Initial Study was prepared for Verdant Futures, LLC Conditional Use Permit (PLN-12933-CUP) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

The project site is located in Humboldt County, near the Garberville area. The subject parcel is approximately 8 acres and covered mostly by native tree species. The parcel is approximately 18 miles east of the Pacific Ocean. The slopes are mostly level near the cultivation areas, as the parcel is situated on an alluvial terrace alongside the South Fork of the Eel River. The parcel borders the South Fork of the Eel River and an unnamed Class I watercourse runs through the northeast section of the parcel. The subject parcel is within the mapped 100-year flood plain of the South Fork Eel River. Flood Elevation Certificates have been provided for this project; all existing and proposed structures will have finish floor elevations above the 100-year base flood elevation. The overall average base flood elevation is approximately 328 feet above sea level. Site elevation ranges from 322 to 334 feet in elevation. This project is not anticipated to impede, or re-direct flood flows based on the proposed project design. All related cultivation activity will occur outside of the required setbacks for Stream Management Areas. The slope of the parcel is listed as moderately unstable; The slope between 15% or less at the project site.

The adopted MND was for a Conditional Use Permit and Special Permit (PLN-12933-CUP) that allowed for an entitlement of 7,920 square feet (sf) of commercial nursery area and commercial processing and manufacturing. The applicant is seeking to modify the approved project to transition to a microbusiness with 8,000 square feet of outdoor light deprivation commercial cannabis cultivation within the existing approved greenhouses and commercial cannabis processing within the previously approved 6,000 sf building. Further processing, such as trimming and packaging, will occur offsite until the commercial processing facility is completed. Manufacturing and distribution to occur within the previously approved 4,000 sf building. Water for the operation will be supplied by the Garberville Community Services District. The projected annual water usage totals 104,000 gallons and there is 600 gallons of existing water storage, and an additional 50,000 gallons is proposed. Electric power will be sourced from solar panels with a generator back-up.

Commercial Cannabis Cultivation

Prior to January 1, 2016 the site was utilized for 8,000 square feet of outdoor commercial cannabis cultivation and in 2019 was issued an Interim Permit for 8,000 square feet of outdoor cannabis cultivation. In 2021 the applicant obtained a Conditional Use Permit and Special Permit for a cannabis support facility that would change the outdoor cultivation into a commercial nursery and establish commercial processing, distribution and manufacturing on the site. While PG&E had previously committed to providing power, recent developments have resulted in the lack of available power from PG&E to serve the site and the applicant is requesting approval to revert back to the previous commercial cultivation use while awaiting connection to PG&E. The greenhouses will be equipped with circulation fans, exhaust fans, dehumidifiers, and submersible pumps. Power for the project will be supplied initially by a generator for auxiliary power to initiate

the cultivation and then phased out to an emergency back-up as the infrastructure for solar and battery power is actualized. The proposed generator is a Honda EU7000is and the specifications for the generator are included in Attachment 4. The fans will be three-speed and 18" diameter with a maximum draw of 1.1 amps. The Cultivation related waste is sorted to either be recycled or composted on site within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for recycling or composting, are stored in conventional trash containers with tight fitting lids and serviced by the local garbage company, Recology. As it becomes necessary, exhausted soil will be removed from the cultivation area and placed in a soil containment area to initiate microbial reconditioning and prevent unwanted constituent migration. These soil reconditioning areas will consist of wattles and/or silt fences, as well as waterproof coverings to prevent unwanted disbursement of soils into native soils.

Processing

Harvested cannabis will be dried and cured in one (1) of the partially completed units of the existing 6,000 sf building. Processing will either be processed by the applicant with trimming machines. If the applicant chooses not to utilize trimming machines, a licensed third-party processing facility will perform processing.

Floodway

The subject parcel is within the mapped 100-year flood plain of the South Fork Eel River. Flood Elevation Certificates have been provided for this project; all existing and proposed structures will have finish floor elevations above the 100-year base flood elevation. The overall average base flood elevation is approximately 328 feet above sea level. Site elevation ranges from 322 to 334 feet in elevation. This project is not anticipated to impede, or re-direct flood flows based on the proposed project design.

Water Resources

Estimated annual water use is approximately 104,000 gallons for cultivation purposes, which is a 6,000 gallon decrease from the parent project. Irrigation will be accomplished via hand watering and alternative methods will be evaluated for effectiveness and conservation purposes. Water storage consists of two (2) 300-gallon mixing tanks located on the existing lower flat. There are plans to add an additional 50,000 gallons of storage consisting of ten 5,000-gallon rain catchment poly tanks. Peak water use is expected during July and August, requiring up to 36,000 gallons total. Water storage tanks are to be located North of the private driveway and outside the streamside management area. This additional storage is in anticipation of potential water shutoff for agricultural uses by the Garberville CSD when river flow drops below the allowable threshold.

Noise, Lighting, & Energy

No increase in noise, lighting are as part of the proposed project. Power for the project will be supplied initially by a generator for auxiliary power to initiate the cultivation and then phased out to an emergency back-up as the infrastructure for solar and battery power is actualized. The proposed generator is a Honda EU7000is and the specifications for the generator are included in Attachment 4.

Access/Parking:

The property is accessed via Redwood Drive, a category 4 equivalent road. A single private driveway off the County Road provides access to an interior clearing on the project parcel. Road conditions, including stream crossings, were assessed in the development of a site-specific Site Management Plan (AKA WRPP) by Timberland Resource Consultants. The road accessing the parcel interior did not exhibit signs of erosion or sediment delivery to the nearby waterway when assessed. Assessment and-or work recommended withing the Site Management Plan does not preclude the need to comply with other state and County road requirements applicable to the aforementioned permit application.

Security

Access to the subject parcel will be restricted by placement of a locked metal gate at the entrance. There will be a cyclone style security fence encircling all processing and cultivation related activities. This fence will tie into the locked gate for ingress/egress to the subject property. Motion activated cameras will be employed to cover the nursery cultivation area, ingress/egress, and other areas such as parking. The interior of the processing facility and clone rooting area will be monitored by cameras 24 hours a day. All businesses on the property will employ security systems provided by Advanced Security to monitor any unauthorized entry to the property or buildings. There will be an adequately secure storage area in place for all dried cannabis belonging to clients, both pre and post processing. Protocols shall be implemented to ensure that processed cannabis belonging to clients is removed from the premises in a timely manner by an appropriate licensed third-party (transporter/distributor).

Purpose – This addendum to the Mitigated Negative Declaration for the Initial Study (IS) was prepared for Verdant Futures, LLC pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387) on the basis of substantial evidence in the light of the whole record, that none of the following apply:

1. Substantial changes are proposed in the project which require major revisions of the previous IS 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 IS 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 final IS was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final IS; B) significant effects previously examined will be substantially more severe than shown in the Final IS; 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 Final IS 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:

Aesthetics: The modified project is for a Modification to a previously approved Conditional Use Permit and Special Permits (PLN-12933-CUP) that allowed for an entitlement of 7,920 square feet (sf) of commercial nursery area and commercial processing and manufacturing. The applicant is seeking to modify the approved project to transition to a microbusiness with 8,000 square feet of outdoor light deprivation commercial cannabis cultivation within the existing approved greenhouses and commercial cannabis processing within the previously approved 6,000 sf building. Further processing, such as trimming and packaging, will occur offsite until the commercial processing facility is completed. Manufacturing and distribution to occur within the previously approved 4,000 sf building. The IS adopts as its baseline for analysis of impacts the existing environmental conditions that include the legacy of a half century of unregulated cannabis cultivation in remote and environmentally sensitive areas of Humboldt County. The modified project will not significantly impact scenic vistas or public views. The project is consistent with the visual character of the area. The project will not create a source of light or glare. No impact.

Agriculture and Forestry Resources: The project parcel is zoned Heavy Industrial (MH) and no new cultivation is proposed. The project will utilize agricultural land for agricultural purposes as contemplated in the IS. 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 net loss of forest land or conversion of forest land to non-forest use. No impact.

Air Quality: The modified project is to modify the approved project to transition to a microbusiness with 8,000 square feet of outdoor light deprivation commercial cannabis cultivation within the existing approved greenhouses and commercial cannabis processing within the previously approved 6,000 sf building. New construction consists of a proposed photovoltaic infrastructure and emergency back-up generator. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project does not utilize unpaved road(s).

Biological Resources: A Biological Assessment was prepared for the parent project November 5, 2019 for the parent project to consider and determine the potentiality of species and habitat(s) that could be affected by the current operations and the proposed project based on available spatial data and habitat requirements. All of the original recommendations and associated conditions remain in full force an effect. The modified project is for a Modification to an existing operation and conditioned to include the recommendations from the Biological Assessment. The findings and conclusions of the Biological Report are consistent with the findings and conclusions of the Addendum to the MND of the Final IS. No impact.

Cultural Resources: The modified project does not propose ground disturbance activities and was not referred to the Northwest Information Center, Sinkyone Intertribal Wilderness Council, or the

Tribal Historic Preservation Officer (THPO) of the Bear River Band. No impact.

Energy: The modified project includes use of a solar array as a primary energy source with a generator present for emergencies only. The project energy demand and use of a solar array will not result in wasteful, inefficient, or unnecessary consumption of energy resources during operation. Use of a solar array does not conflict with or obstruct any state or local plan for renewable energy or energy efficiency. No impact.

Geology and Soils: No new structures are proposed that would expose people to risk of life from earthquakes. The cultivation area will take place in existing structures. No new grading will occur. No impact.

Greenhouse Gas Emissions: The site uses solar array as the primary power source. The project includes a generator for emergency purposes which is not uncommon for agricultural operations in rural areas. The project would not result in significant sources of greenhouse gas emissions. Less than significant impact.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides and fuel for use in farm equipment. All hazardous materials are stored properly 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; 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 modification to the parent project will not degrade any water sources or contribute to sedimentation. Implement and maintain the CGP and SMP during construction, and post construction phases of this project. The continued cultivation does not substantially alter the existing drainage pattern of the site or area and the project site is not located within a flood hazard or tsunami zone. No impact.

Land Use and Planning: The modified project to modify an existing operation 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: The modified project to modify an existing operation 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 modified project to modify an existing operation will not increase existing noise levels from the operation which includes typical farm equipment. The project will not result in the generation of excessive ground-borne vibration or noise levels. No impact.

Population and Housing: The modified project is for modifying an existing 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 continued operation of the modified 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. No impact.

Transportation: Up to 24 employees will be on-site during peak operations. The parcel is accessed from Redwood Drive, on the property known as 1560 Redwood Drive. The site is located on paved County-maintained road that the Public Works-Land Use Division has classified as the functional equivalent of a Category 4 road that can safely accommodate the amount of traffic. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: The project will adhere to the Inadvertent Discovery Protocol as recommended by local tribes for the parent project. No impact.

Utilities and Service Systems: Solid waste is taken to the local transfer Station in an amount the service station is capable of handling. The project will provide portable toilets and handwashing stations for cultivation staff while permanent ADA accessible facilities are developed. Water for propagation and cultivation is sourced from rainwater catchment. All water, utilities, and wastewater are handled onsite. No 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. No impact.

No changes are proposed for the Final IS recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance is fully consistent with the impacts identified and adequately mitigated in the Final IS. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final IS.

In reviewing the application for consistency with the adopted IS the County considered the following information and studies, among other documents:

- An Amended Cultivation and Operations Plan submitted October 7, 2022.
- An Amended Site Plan received October 7, 2022.
- Generator Specifications (Attachment 4A).

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. A discussion of the modification's consistency with the Mitigation Measures of the MND is as follows:

Mitigation Measure BIO-1 – BIO-3: Pre-approval biological reconnaissance surveys.

- Biological Assessment Report prepared by Kelsey McDonald dated November 15, 2019, was considered. This modification does not constitute a significant change to the original findings of the Biological Assessment. Adherence to and implementation of the recommendations described in the report is a condition of project approval.

Mitigation Measure BIO-4: Pesticide Use.

- Pesticides that may be used for marijuana cultivation are limited to low-risk exempt substances and those that are broadly labeled by the Department of Pesticide Regulation. The potential impact of insecticide use on pollinators shall be reduced by not spraying in the presence of pollinators and not allowing drift to flowering plants in the surrounding area. There is no new proposed pesticide use proposed as part of the Modification.

Mitigation Measure BIO-5: Netting and Fencing.

- No plastic bird/deer netting shall be used in cultivation sites. Old barbed wire fencing and any other potential entanglement hazards must be removed from SMAs. No additional netting or fencing is proposed with the Modification.

Mitigation Measure CUL-1 – CULT-3: Cultural Resources.

- Archaeological monitoring be completed for all initial ground disturbing activities associated with the proposed project that have potential to cause new exposure or increased access to mineral sediment. No new ground disturbance is proposed as part of the Modification.

Mitigation Measure HYD-1: Hydrology and Water Quality.

- A Water Resource Protection Plan (WRPP) was prepared by Timberland Resource Consultants, Inc., dated February 27, 2017 for the parent project. The WRPP includes best management practices for erosion control and sediment capture mechanisms, as well as road maintenance and runoff activities. No changes are anticipated to impact drainage due to this Modification.

Mitigation Measure GEO-1: Geology and Soils.

- Adhere to and implement recommendations made in the site-specific soils report that will reduce the potential effects of seismic related liquefaction to a less than significant impact. Design recommendations include reduced allowable soil bearing pressure and increased foundation depth requirement. No new impacts to soils or seismic related impacts are proposed for the Modification.

Based upon this review, the following findings are supported:

FINDINGS

1. 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.
2. 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 IS was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final IS 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 IS, remain in full force and effect on the original project.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects. 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.