

ATTACHMENT 2

**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 216-135-008 & 216-136-004; New Harris Area, County of Humboldt

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

March 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 project involves a Conditional Use Permit for 37,250 square feet of outdoor cannabis cultivation. The project also involves a Special Permit for proposed work within the Streamside Management Area (SMA). Outdoor cannabis cultivation will occur in light deprivation greenhouses and full sun. There will be maximum of two cultivation cycles occurring annually. Propagation is proposed via a licensed off site commercial nursery, and the applicant has proposed a 3,700-square-foot greenhouse as an alternate option (as shown on the project Site Map). Water for irrigation will be provided by a 6-million-gallon on-stream pond and rainwater catchment utilizing the rooftops of the existing structures. The applicant anticipates 600,000 gallons of water will be required annually for irrigation. Water storage onsite totals 6,014,000 gallons whereas 6 million gallons is from a 6-million-gallon onstream pond, and 14,000 gallons is sourced from hard tanks. Processing such as drying and curing is proposed onsite within an existing 1,440-square-foot dry shed. Further processing such as trimming is proposed offsite at a licensed processing facility. The applicant anticipates two (2) full-time employees, and six (6) seasonal employees will be required for operations annually. Power for the project is provided by solar and a generator. The generator will be stored in a shed and kept in secondary containment. The applicant has been approved for DCC water and energy grants and is proposing to install a 15kw solar array to reduce generator and fuel use by 88%. The applicant is proposing to transition generator use to PG&E power if available within five years. If PG&E is not available the applicant has proposed to continue developing solar power onsite.

The project is located in the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Northwest Information Center and the Bear River Band. The applicant submitted a Cultural Resource Study prepared by William Rich and Associates dated February 2020. As a result of the field survey, two Native American archaeological sites and an isolated artifact were identified. According to the investigation WRA-01 (Aquarian Site 1) is located adjacent to the existing cultivation area “Area C” in APN 216-136-004. The roadway within the

site should not be graded further and the imported road base should be maintained to avoid erosion of underlying strata. At this location, the direct cultivation area contains a three-foot-deep grade in the hillslope on the north edge of the garden, west of the archaeological site, no artifacts were found within the cultivation area. The road shall not be widened, expanded or otherwise changed within the archeological site boundary. The project has an ongoing condition to include inadvertent archaeological discovery language. Area F historically had approximately 7,500 square feet of cultivation. The area is located entirely within the 100-foot setback from a Class II watercourse and 50 feet from a Class III drainage. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation. Area G historically had approximately 11,660 square feet of cannabis cultivation and will be reduced to approximately 8,650 square feet of cultivation, whereas 6,400 square feet will be cultivated utilizing light deprivation techniques. Cannabis is being reduced due to the proximity of a Class III drainage.

The applicant submitted a Restoration Plan prepared by NorthPoint Consulting Group, Inc. dated September 2018. According to the Restoration Plan, there are seven (7) cultivation sites identified as "Area's A-G" located on the parcel, however there are four areas (C, E, F, and G) that need to be altered or removed entirely to comply with riparian setbacks. Lastly, Area A needs to be altered due to the proximity to the property line. Area A historically had approximately 7,000 square feet of outdoor cannabis cultivation and light deprivation cultivation in a 30'x50' greenhouse. The plan proposes to relocate the 30'x50' greenhouse to Area H or I due to the proximity to the property boundary. Area C historically had approximately 6,000-square-feet of outdoor cannabis cultivation. The plan proposes to reduce the 6,000-square-feet to 2,700-square-feet to comply with a 50 foot riparian buffer off a Class III watercourse near the north side of the cultivation area. Area E historically had approximately 2,800 square feet of outdoor cultivation but is located within a riparian setback from a Class III watercourse. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation. The applicant is proposing to relocate a total of 12,000 square feet of cannabis cultivation to two environmentally superior areas: Area H and Area I. According to the relocation justification, cultivation Area H is located 200 feet from the nearest watercourse (Class II drainage) and cultivation Area I is located over 100 feet from the nearest watercourse (Class II drainage). Both sites are also located on slopes of less than 10%.

According to the California Natural Diversity Database (CNDDDB), the foothill yellow-legged frog is the only specie of concern mapped on the parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 2.82-miles southeast from the project site and the nearest mapped NSO observation is located approximately 2.43-miles southeast. Marbled murrelet habitat is mapped approximately 2.47-miles southeast from the project site. The project will not have a direct or indirect impact on any endangered or threatened species of concern because the cultivation is existing, and the project proposes restoration activities that will result in habitat enhancement. Power for the project will be sourced primarily from solar with a generator as a supplemental power source that will be contained and the combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels.

The applicant submitted a Botanical Survey Report prepared by Hohman & Associates Forestry Consultants dated October 16, 2019. The survey concluded there were no protected rare or endangered plants identified within the proposed disturbance areas or elsewhere on the Journey

Aquarian property. The area consists of grasslands, oak woodlands, and Douglas fir forest. The survey also identified wetlands, including an artificial pond.

The applicant submitted a Wetland Restoration Plan prepared by James Regan (Botanist/Wetland Delineator) dated August 2019. According to the survey, an approximate 40-acre area surrounding the pond was surveyed to map the watercourses that could affect the pond and would have been part of the historic hydrologic system. The survey states all mapped watercourses in the subject areas showed at least two of the three primary indicators of Ordinary High Water Mark (OHWM), which include a break in slope, a change in sediment profile, or a change in sediment from fines and organics outside the OHWM and loose gravels and small cobble within (some larger rocks were present when creeks were down-cut or deeply incised). The assessment of historic wetlands and waters impacted by the pond creation was conducted by interpretation of historic aerial imagery and assessment of images in contrast with the current hydrologic regime (wetland and watercourse locations). The results of the assessment concluded 12,454 square feet of wetlands were impacted due to the construction of the pond. The proposed restoration activities will take place in two areas: Restoration Area 1 and Restoration Area 2. Restoration Area 1 is currently composed of a portion of the current pond, access road, and the portions of the area outside of the access road, that are not currently classified as wetland areas. The area covers approximately 18,140 square feet and partially overlays the historic wetland areas. Restoration Area 2 is currently composed of a mix of native and non-native range grasses with small perennial watercourse running down the length. Restoration Area 2 is approximately 6,770 square feet and will extend on both sides of the watercourse between two existing wetland areas. The proposed restoration activities within Restoration Area 1 include altering the current pond outlet to reduce the size of the pond. This action will expose a portion of the ponded area (approximately 10,000 square feet). The road that makes up the current bank of the pond shall be decommissioned and spoils either incorporated into the wetland design or moved offsite. Restoration Area 1 shall also be shaped and graded as necessary and potentially ripped and prepped for planting. The final site shape will be shallowly concaved and will allow for water inputs to be retained before moving on to fill the new pond. The site will be planted with a mix of appropriate native plants suited for wetland habitats in the region. The proposed restoration areas within Restoration Area 2 will include the grading off of current grassland vegetation, shaping the site to a shallow concave topography while allowing the current stream channel to persist, and planting the area with a mix appropriate native plants suited for wetland habitats in the region. The area may be ripped to facilitate planting. Additionally, the restoration plan states there are additional areas planned for restoration planting include the confluences of mapped creeks entering Restoration Area 1 and the berm along the northern and western boundaries of the site. Within this area the applicant will be planting willow (*Salix* sp.), Oregon ash (*Fraxinus latifolia*), and California bay laurel (*Umbellularia californica*) may be planted in strategic locations to provide bank stability, aid in erosion control, and provide additional habitat structure and diversity. The applicant submitted a finalized Streambed Alteration Agreement (Notification no. 1600-2018-0422-R1) for the proposed instream activities. The project is conditioned for the applicant to adhere and implement all recommendations found within the Wetland Restoration Plan.

The 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 existing outdoor cannabis cultivation in timberland. The project will not significantly impact scenic vistas or public views as the vast majority will be shielded from view in existing tree clearings. A portion of the cultivation will be relocated to an open field on the property. 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 agricultural land for agricultural purposes as contemplated in the MND. The project will not convert prime farmland or conflict with existing zoning for agricultural use or Williamson Act contract. Cultivation activities in timberland occur in pre-existing clearings. The project will not result in the loss of forest land or

conversion of forest land to non-forest use. No impact.

Air Quality: Construction activities associated with the project include development of greenhouses for relocated cannabis, and restoration work. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project power needs are currently served by solar power and a generator. The applicant has been approved for a DCC grant and has proposed to install solar power to reduce generator and fuels use by 88%. The applicant has proposed to transition to PG&E power within the next five years, or continue developing solar power if PG&E is not available. The project would not result in significant sources of greenhouse gas emissions.

Biological Resources: The project is in the New Harris area. The land is primarily grass and timberland. Most of the site is forested and hilly and there are several drainages that run through the property. The proposed project will occur in areas that have been in active agricultural operation, or relocated to an onsite area that has been evaluated as demonstrated by the attached soils report and botanical survey. According to the California Natural Diversity Database (CNDDDB), the foothill yellow-legged frog is the only species of concern mapped on the parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 2.82-miles southeast from the project site and the nearest mapped NSO observation is located approximately 2.43-miles southeast. Marbled murrelet habitat is mapped approximately 2.47-miles southeast from the project site. Staff does not believe the project will have a direct or indirect impact on any endangered or threatened species of concern because the cultivation is existing and the project proposes restoration activities that will result in habitat enhancement. Power for the project will be sourced from solar with an emergency backup generator that will be contained and the combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels.

The applicant submitted a Botanical Survey Report prepared by Hohman & Associates Forestry Consultants dated October 16, 2019. The survey concluded there were no protected rare or endangered plants identified within the proposed disturbance areas or elsewhere on the Journey Aquarian property. The area consists of grasslands, oak woodlands, and Douglas fir forest. The survey also identified wetlands, including an artificial pond.

The applicant submitted a Wetland Restoration Plan prepared by James Regan (Botanist/Wetland Delineator) dated August 2019. According to the survey, an approximate 40-acre area surrounding the pond was surveyed to map the watercourses that could affect the pond and would have been part of the historic hydrologic system. The survey states all mapped watercourses in the subject areas showed at least two of the three primary indicators of Ordinary High Water Mark (OHWM), which include a break in slope, a change in sediment profile, or a change in sediment from fines and organics outside the OHWM and loose gravels and small cobble within (some larger rocks were present when creeks were down-cut or deeply incised). The assessment of historic wetlands and waters impacted by the pond creation was conducted by interpretation of historic aerial imagery and assessment of images in contrast with the current hydrologic regime (wetland and watercourse locations). The results of the assessment concluded 12,454 square feet of wetlands were impacted due to the construction of the pond. The proposed restoration activities will take

place in two areas: Restoration Area 1 and Restoration Area 2. Restoration Area 1 is currently composed of a portion of the current pond, access road, and the portions of the area outside of the access road, that are not currently classified as wetland areas. The area covers approximately 18,140 square feet and partially overlays the historic wetland areas. Restoration Area 2 is currently composed of a mix of native and non-native range grasses with small perennial watercourse running down the length. Restoration Area 2 is approximately 6,770 square feet and will extend on both sides of the watercourse between two existing wetland areas. The proposed restoration activities within Restoration Area 1 include altering the current pond outlet to reduce the size of the pond. This action will expose a portion of the ponded area (approximately 10,000 square feet). The road that makes up the current bank of the pond shall be decommissioned and spoils either incorporated into the wetland design or moved offsite. Restoration Area 1 shall also be shaped and graded necessary and potentially ripped and prepped for planting. The final site shape will be shallowly concaved and will allow for water inputs to be retained before moving on to fill the new pond. The site will be planted with a mix of appropriate native plants suited for wetland habitats in the region. The proposed restoration areas within Restoration Area 2 will include the grading off of current grassland vegetation, shaping the site to a shallow concave topography while allowing the current stream channel to persist, and planting the area with a mix appropriate native plants suited for wetland habitats in the region. The area may be ripped to facilitate planting. Additionally, the restoration plan states there are additional areas planned for restoration planting include the confluences of mapped creeks entering Restoration Area 1 and the berm along the northern and western boundaries of the site. Within this area the applicant will be planting willow (*Salix* sp.), Oregon ash (*Fraxinus latifolia*), and California bay laurel (*Umbellularia californica*) may be planted in strategic locations to provide bank stability, aid in erosion control, and provide additional habitat structure and diversity. The applicant submitted a finalized Streambed Alteration Agreement (Notification no. 1600-2018-0422-R1) for the proposed instream activities. The project is conditioned for the applicant to adhere and implement all recommendations found within the Wetland Restoration Plan. Additional restoration work and relocation is proposed for cultivation areas in SMA setbacks. Less than significant impact.

Cultural Resources: The project is located in the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Northwest Information Center and the Bear River Band. The applicant submitted a Cultural Resource Study prepared by William Rich and Associates dated February 2020. As a result of the field survey, two Native American archaeological sites and an isolated artifact were identified. According to the investigation WRA-01 (Aquarian Site 1) is located adjacent to the existing cultivation area “Area C” in APN 216-136-004. The roadway within the site should not be graded further and the imported road base should be maintained to avoid erosion of underlying strata. At this location, the direct cultivation area contains a three-foot-deep grade in the hillslope on the north edge of the garden, west of the archaeological site, no artifacts were found within the cultivation area. The road shall not be widened, expanded or otherwise changed within the archeological site boundary. The project has an ongoing condition to include inadvertent archaeological discovery language. No Impact.

Energy: The project is for outdoor cannabis cultivation with on-site drying and off-site processing. Power needs are limited to fans in greenhouses and drying activities. The applicant has proposed to utilize a licensed off-site commercial nursery for propagation needs, although proposes to use on site nursery space if necessary. Nursery space on site has been designated on the attached Site

Plan. The site proposes the use of a solar array and a supplemental generator to provide power to the project which is not uncommon for agricultural operations in rural areas. The applicant has proposed to transition to PG&E power within five years, or continue to develop solar capabilities if PG&E power is not available. 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. Project activities will include restoration work around the existing pond, and development of a field for cannabis cultivation. The applicant has submitted a Geologic and Soils Report prepared by a qualified geologist demonstrating the proposed work will not be detrimental to geologic safety, and includes relevant recommendations for construction implementation. Less than significant impact.

Greenhouse Gas Emissions: The site proposes the use of a solar array to provide power to the project, and a generator for a portion of the energy needs of the project which is not uncommon for agricultural operations in rural areas. The applicant has been approved for a DCC grant to install a 15kw solar array to reduce generator and fuels use by 88%. Energy needs of the project are minimal, as the project consists of light deprivation and outdoor cultivation, and processing is completed off site by a licensed third-party processing facility. 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. All processing operations will occur off site at a licensed third-party processing facility. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 37,250 square feet of cannabis cultivation. The project will not degrade any water sources or contribute to sedimentation. The proposed relocation area of cultivation is over 100 feet from the nearest watercourse and in an area where slope is less than 10%. To further prevent runoff to water courses, water conservation and containment measures will be implemented. The applicant has prepared and submitted a Site Management Plan to address erosion and sediment control. Corrective actions include road maintenance, replacing culverts, and revegetating areas of disturbance. 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 is located in land planned for agricultural use. Noise sources from the operation will include typical farm equipment. The construction and dismantling of temporary hoop houses would create minimal noise. The applicant is proposing to dry on-site in an existing structure. The temporary noise impacts from these activities would not create a substantial increase in noise levels. Power is provided via a solar array with a backup generator. There is no reason to believe the noise source will be increased substantially onsite. The project will not result in the generation of excessive groundborne vibration or noise levels. No 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 37,250 square feet of cannabis cultivation on a site planned and zoned for agricultural 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. No impact.

Transportation: Two full time workers and up to six seasonal workers will be on-site. The parcel is accessed from Harris Road, which has been evaluated by a licensed engineer. The engineer report verifies the road is able to accommodate the expected increase in traffic. The project site will have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: Two Native American archaeological sites and an isolated artifact were identified according to a Cultural Resource Investigation prepared by William Rich and Associates dated February 2020. Relevant recommendations were included to alleviate potential impacts. The lead agency consulted with local tribes through the project referral process. The project will adhere to the Inadvertent Discovery Protocol and all recommendations in the Cultural Resource Investigation on file. Less than significant impact.

Utilities and Service Systems: Solid waste is taken to the Eel River Transfer Station in an amount the service station is capable of handling. The project will provide portable toilets and handwashing stations for cultivation staff. There is an existing bathroom on site, and the applicant is proposing a septic investigation study to update and potentially relocate the septic system. Water for propagation and cultivation is sourced from an onstream pond and rainwater catchment. 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 10,000

square feet of cultivation with ancillary propagation and processing 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:

- Operations Plan and Plot Plan
- Water Resource Protection Plan
- Road Evaluation
- Cultural Resources Investigation
- County GIS
- Restoration Plan
- Wetland Restoration Plan

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(o) and 55.4.10(c)).

- The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center at Sonoma State and Bear River. A Cultural Resources Investigation was performed by Nick Angeloff. The investigation final report was reviewed by the Bear River Tribal Historic Preservation Office which recommended the standard inadvertent discovery protocol, presence of a monitor during ground disturbing activities, and archaeological sites be avoided, which have been incorporated into the project as conditions of approval.

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

- The project is for 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. The project parcel contains several intermittent streams and the project site with the proposed relocation meets or exceeds the setbacks to streamside management areas.

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

- The project is for 37,250 square feet of existing cultivation in a Timberland Production (TPZ) zone and Agriculture Exclusive (AE) 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 existing cultivation consistent with baseline conditions which is eligible in a Timberland Production (TPZ) zone. No new increased cultivation will occur. The project was referred to CalFire, no recommendations or concerns were received.

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 proposes the use of an onstream reservoir to provide water for the project activities. As part of CDFW and State Water Board approval of the onstream pond the applicant will be required to bypass all inflow to the pond during the forbearance period of each year. The project is further conditioned disallowing the use of trucked water except in an emergency.

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

- The project uses a generator for emergency backup only. The project is conditioned requiring that noise from the generator will not exceed 60 decibels at the property line.

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).
- Drying is proposed on site, with all further processing conducted off site at a licensed third-party processing facility.

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 20, 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.