ATTACHMENT 3

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

Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (State Clearinghouse # 2015102005), January 2016

APN 208-241-017; Dinsmore Area, County of Humboldt

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Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project is a Conditional Use Permit for 11,700 square feet of existing outdoor cannabis cultivation. Irrigation water is sourced from a rainwater catchment pond and a Class II stream diversion. A 300,000-gallon pond and 125,000 gallons of hard-sided tanks store water. Estimated annual irrigation water usage is 104,750 gallons. Drying and curing occurs onsite, with all other processing occurring offsite at a licensed facility. Power is provided by generators, the project is conditioned to transition to 100% renewable power by January 1, 2026, with generators reserved for emergencies only. The project includes a Special Permit for development and restoration in a streamside management area. The project is in Humboldt County, in the Dinsmore area, on the west side of Ridge Road, approximately 1.25 miles North from the intersection of Ridge Road, County Line Creek Road and River Road, on the property known as 1218 Eight Mile Ridge Rd.

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 supplemental lighting and security 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 MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent Environmental Impact Report (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 11,700 SF of existing outdoor cannabis cultivation including ancillary post-harvest processing facilities. The project will not significantly impact scenic vistas or public views as the project will occur within an area that is surrounded by forested land. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare as the project is conditioned to adhere to International Dark Sky Association standards. Less than significant impact.

Agriculture and Forestry Resources: The project involves agricultural activity on a parcel with Forest Recreation (FR) zoning, in which all general agricultural uses are principally permitted. The project will not convert prime farmland or conflict with existing zoning for agricultural use or Williamson Act contract. The project will not result in the loss of forest land or conversion of forest land to non-forest use. No timber conversion occurred after the CMMLUO environmental baseline date of January 1, 2016, and no additional timber conversion is proposed or authorized under the permit. Less than significant impact.

Air Quality: Limited construction activities are proposed as part of the project. Existing construction activities included development of the cultivation spaces, storage areas, post-harvest processing facility and water storage tanks, which required minimal grading for placement. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. The project does utilize a gravel road, and traffic on gravel roads contribute to PM10, for which the North Coast Air Basin is already in non-attainment. However, no new employees are proposed and an increase in traffic is not expected under the project, as this is an existing operation. As such, the continued use of the gravel road for the project is not a substantial change or additional significant impact not considered under the MND for the CMMLUO. Less than significant impact.

Biological Resources: Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) in May 2024, there are no mapped sensitive species onsite. The nearest Northern Spotted Owl (NSO) Activity Center is located approximately 1.3 miles Southeast of the subject parcel (HUM-0043). Solar energy will provide power to the site, a generator may be used for emergencies. Given the distance to the nearest NSO observations it is unlikely that the project will have negative impacts on NSO's. There is low potential for NSO habitat to exist on the subject parcel; however, conditions of approval will require project noise to be at or below 50 decibels at 100 feet from the noise source or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Artificial lighting is only used early in the cultivation season to nurture plants in the nursery before planting them into ground beds. Therefore, the project is conditioned to

adhere to International Dark Sky Association Standards for artificial lighting associated with propagation and security lighting. Additional conditions are also included for the protection of wildlife species: requiring the applicant to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refraining from using anticoagulant rodenticides. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species. The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife.

Compostable cultivation waste is to be stored in a location and manner where it cannot be transported to surface waters. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species. Less than significant impact.

Cultural Resource: A Cultural Resource Inventory Report was prepared by DZC Archaeology and Cultural Resource Management in December of 2019. The report identified two cultural conditions that are characterized as pre-historic lithic scatter. Two archaeological site boundaries were identified on the property, and the report recommended that the areas be protected from future development. The conditions of approval require the applicant submit a development plan protecting the areas identified in the report from ground disturbance, and to record a notice of development plan on the deed. In addition, the standard Inadvertent Discovery Protocols have been included in the conditions of approval. Less than significant impact.

Energy: The project is for existing outdoor cannabis cultivation with on-site ancillary propagation, and processing activities. Power will be provided by solar energy with generators used in emergencies. Less than significant impact.

Geology and Soils: No new structures are proposed that would expose people to risk of life from earthquakes. The project parcel is mapped in the County GIS as “high instability” (3). Cultivation areas are located on existing flats. However, natural slopes within the vicinity of where cultivation occurs is mapped between 15% to 30%, as per the County GIS portal. The applicant will be required to secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing greenhouses, water tanks over 5,000 gallons, existing structures associated with drying, processing, and storage, or any activity with a nexus to cannabis, ponds, and any noise containment structures as necessary. Additionally, cultivation activities are limited to the immediate area surrounding the cultivation areas, and

irrigation runoff and erosion control measures are implemented. Less than significant impact.

Greenhouse Gas Emissions: Cannabis cultivation is full sun outdoor. Power will be provided by solar energy with generators used for emergency use only. Less than significant impact.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides, and fuel in compliance with the California Water Resource Control Board pursuant to Cannabis General Order No. WQ 2019-0001-DWQ. The project does not expose the public to hazards. The project is in a rural area rated as a very high fire risk area; however, no 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 11,700 square feet of existing outdoor cannabis cultivation, with existing ancillary support structures for storage and processing. The project will not degrade any water sources or contribute to sedimentation, as irrigation runoff, erosion control, and watershed protection measures are implemented by the project, as described in the Cultivation and Operations Plan. The project is conditioned to implement a Site Management Plan to reduce the potential of sediment loading from roads and cultivation areas. Less than significant impact.

Land Use and Planning: The project proposes an agricultural activity on a parcel in the Forestry Recreation Zone (FR), in which all general agricultural uses are principally permitted. 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.

Population and Housing: No new 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. Less than significant impact.

Public Services: The project is for existing outdoor cannabis cultivation with ancillary propagation and processing activities on a parcel where agricultural activities are principally permitted. The project will not increase the need for fire or law enforcement services. The project is not within 600 feet of a school or park. Less than significant 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 two employees are proposed as part of the project. The site is located at 1218 Eight Mile Ridge Rd., in the Dinsmore area. Per the request from the Humboldt County Department of Public Works Land Use Division, a Road Evaluation was prepared By David Nicoletti, CE in April 2020. Three road segments were evaluated: from the project parcel to Eight Mile Ridge Road, from Eight Mile Ridge Road to River Road, River Road to the Humboldt/Trinity County Line. None of the road segments were determined to be equivalent of road category 4 or better. Subsequent review of each segment found that the roadway can accommodate the cumulative increased traffic from the proposed use if the recommendations in the road evaluation are implemented. River Road and Eight Mile Ridge Roads serves many parcels, and the road evaluation indicates that the Road is maintained by a road maintenance association. The reasonably correctable deficiencies identified on River Road include areas where the road is less than 12 feet wide, clogged or partially clogged culverts, erosion/drainage issues and slides, and vegetation encroachment into road turnouts and shoulders. The applicant is conditioned to demonstrate participation in Road Maintenance Associations for River Road and Eight Mile Ridge Road. Road Maintenance Associations for shared roads shall adhere to and implement the recommendations included in the engineered road evaluations prepared for the project's access roads. If the applicant is unable to coordinate road improvements through the Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. Less than significant impact.

Tribal Cultural Resources: The project is located within the Bear River Band of the Rohnerville Rancheria's Aboriginal Ancestral Territory. The project was referred to the Bear River Band of Rohnerville Rancheria and the Northwest Information Center (NWIC) on August 28, 2017. NWIC had no record of any previous cultural resources for the project area, NWIC recommended consultation with the local tribal representatives. A response was received from the Bear River Band tribe on October 30, 2018, requesting a cultural resources inventory report. A Cultural Resource Inventory Report was prepared by DZC Archaeology and Cultural Resource Management in December of 2019. The report identified two cultural conditions that are characterized as lithic scatter. Two archaeological site boundaries were identified on the property, and the report recommended that the areas be protected from future development. The Cultural Resource Inventory Report was referred to the Bear River Tribe for review. The tribe concurred with the findings of the Cultural Resources Report and agreed that if the areas where the archeological resources were found were protected from disturbance, the project was unlikely to impact tribal cultural resources. The conditions of approval require the applicant submit a development plan protecting the areas identified in the report from ground disturbance, and to record a notice of development plan on the deed.

In addition, the standard Inadvertent Discovery Protocols have been included in the conditions of approval. Less than significant impact.

Utilities and Service Systems: Green waste material is composted onsite within a small area equipped with perimeter containment. Trash and recycling are stored in contractor bags in an outbuilding prior to removal, then hauled to an approved transfer station/disposal facility. Solar energy provides electricity. Toilet and handwashing are available through portable facilities. Wastewater is proposed to be treated with an Onsite Water Treatment System (OWTS); until such a system can be permitted by the Humboldt County Department of Environmental Health, portable toilets will be used. Water for propagation and cultivation will be sourced from a rainwater catchment and associated existing pond and storage tanks. Less than significant impact.

Wildfire: The project will not interfere with any evacuation plan. The project will not develop any significant new structures that will increase the risk of wildfire. The project will include a pond that will have water available for fire suppression needs. Less than significant impact.

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the operation of an existing cannabis cultivation site consisting of up to 11,700 square feet of outdoor cultivation with ancillary structures for processing activities and water storage. The project is fully consistent with the impacts identified and adequately mitigated in the original MND. The project is 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
- Site Plan
- Water Right
- Site Management Plan
- LSAA
- Road Evaluation
- Cultural Resource Report
- 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 Bear River Band of the Rohnerville Rancheria requested a cultural resources inventory report on October 30, 2018. A Cultural Resource Inventory Report was prepared by DZC Archaeology and Cultural Resource Management in December of 2019. The report identified two cultural conditions that are characterized as lithic scatter. Two archaeological site boundaries were identified on the property, and the report recommended that the areas be protected from future development. The Cultural Resource Inventory Report was referred to the Bear River Tribe for review. The tribe concurred with the findings of the Cultural Resources Report and agreed that if the areas where the archeological resources were found were protected from disturbance, the project was unlikely to impact tribal cultural resources. The conditions of approval require the applicant submit a development plan protecting the areas identified in the report from ground disturbance, and to record a notice of development plan on the deed (Conditions of Approval A-13 to A-15). In addition, the standard Inadvertent Discovery Protocols have been included in the conditions of approval as (Condition of Approval B-1).

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

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

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

- The project is located within the inland portion of the County and is subject to the setback standards in the Streamside Management Areas and Wetlands Ordinance as well as Chapter 10 (Conservation and Open Space Elements) of the General Plan. Class Two and Three watercourses traverse the site. The project includes the relocation of cultivation areas out of the streamside management area buffers.

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

- The project is or 11,700 square feet (SF) of existing outdoor cannabis cultivation and special permit for activities withing the Streamside Management area buffer zone. 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 includes onsite relocation. The applicant provided an analysis indicating the environmental superiority of the relocation site. The project is conditioned to complete the remediation of retirement sites.

Mitigation Measure 6: Cannabis Cultivation on Forest Lands

- This project is for pre-existing cultivation consistent with baseline conditions which is eligible in the Forestry Recreation zone. There was no tree removal conducted for cannabis cultivation activities.

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

- The project operations plan 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 water stored in tanks and a pond on the property. Tanks and pond will be filled with rainwater and diversion secured with a water right (Certificate H100103). If insufficient rainwater is collected the cultivation area will be reduced. No trucked water is part of the project.

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

- Solar energy will provide power to the project; generators will be used only in emergencies. Less than significant impact.

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

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

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

- The project will not include onsite processing activities. The project is conditioned that the applicant adheres to the Performance Standards for Cultivation and Processing Activities (55.4.11(q)-(u)).
- The project is conditioned that the applicant provides a statement declaring thy 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).

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

- The project includes outdoor cultivation with ancillary propagation, the propagation greenhouse will utilize artificial lighting. Conditions of approval require the applicant to implement light attenuation measures. Such measures include required compliance with International Dark Sky Association standards Lighting Zone 0 and Lighting Zone 1, and requiring the project be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). No use of artificial lighting is authorized by this permit until the applicant can demonstrate compliance with these standards.

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 9, 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.