

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

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

APN 210-072-009; Bridgeville Area, County of Humboldt

**Prepared By
Humboldt County Planning and Building Department
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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.

A modification to Conditional Use Permit PLN-12648-CUP. The applicant proposes adding a well as an additional water source for the project and increasing the volume of water to be used for irrigation from 200,000 gallons to 759,480 gallons. The well will be on site and is likely to be hydrologically disconnected from surface waters. The original project involves a Conditional Use Permit for 30,000 sf of pre-existing outdoor cannabis cultivation, with 4,110 sf of ancillary propagation. Planning staff is recommending that 3,000 sf of ancillary propagation be permitted. Cultivation will utilize light-deprivation techniques in greenhouses without the use of supplemental lights. Water is sourced by an existing 345,000-gallon rain catchment pond, and an additional 70,000-gallon rain catchment pond is proposed. Annual water usage is estimated at 200,000 gallons (11 gal/sf/yr). Power is sourced from an existing solar array and three (3) 7kW Honda generators will be on-site for emergency backup purposes. One (1) residence will be used for on-site employee housing. No cultivation activities are currently occurring on the site.

There was some discussion with the California Department of Fish & Wildlife (CDFW) regarding the Cultivation Area Verification (CAV) that was conducted by the County to verify pre-existing cultivation area for the site. The original CAV found 21,710 sf of cultivation area utilizing a TerraServer image dated November 4, 2015. After communication and meetings with the applicant it was determined that there was additional cultivation area that existed in 2015, which did not show up in the TerraServer aerial imagery due to shading from trees. It was determined that no expansion of the site had occurred in 2018, as pre-existing cultivation areas were centrally relocated on-site. The Interim Permit was then revised and approved for a total of 30,000 sf of outdoor cultivation area. Additional measurements have been calculated utilizing Google Earth Pro 2014 imagery, as the 2015 imagery from TerraServer is no longer available. The revised measurements included Areas D & E, which were not included in the original CAV, and revised the Areas B & C from the original CAV. The final revised measurements came out

to a total of approximately 31,965 sf, and the County is only recommending approval for the 30,000 sf being requested by the applicant.

The site will be operated with the use of up to five (5) employees during peak season. The project includes the proposal for a new processing facility with an ADA bathroom. The proposed location for the processing facility appears to be located where vegetation exist. Prior to the issuance of building permits for the proposed processing facility, the applicant shall obtain a Botanical Survey from a qualified Biologist, which verifies that no special status plants or trees considered timberland exists within the footprint of the proposed processing facility. The applicant shall either ensure that the location for the proposed processing facility will not require the removal of special status plants or trees considered to be timberland (with a Botanical Survey), or shall propose a new location for the processing facility and submit an updated Site Plan to the Planning Division for review and approval of the new location, or shall have processing conducted off-site at a licensed processing facility. In the event that the applicant decides to have processing conducted 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 was referred to the Department of Environmental Health (DEH) on January 26, 2022, and comments were received on February 1, 2022. Comments from DEH stated that processing activities must be supported by an approved onsite wastewater treatment system, and seasonal outdoor cultivation sites may be supported by portable toilets. The applicant must obtain a permit for and install an approved OWTS to support the processing location, and either install an approved septic system or provide portable toilets to cultivation areas. If portable toilets are provided to the cultivation areas, the applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained.

The project proposes to include ten (10) light-deprivation greenhouses without the use of supplemental lights, and one (1) ancillary propagation greenhouse. The applicant is proposing a 4,110 sf propagation greenhouse, and Planning Staff is recommending approval of only 3,000 sf of ancillary propagation. The applicant shall submit an updated Site Plan to show a maximum of 3,000 sf of propagation area on-site. Other buildings used for cultivation activities include: one (1) proposed processing facility, one (1) proposed drying/storage building, one (1) agriculture/chemical storage shed, one (1) conex box for drying and harvest storage, and one (1) residence for employee housing and storage. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: ten (10) light-deprivation greenhouses, one (1) ancillary propagation greenhouse, one (1) proposed processing facility, one (1) proposed drying/storage building, one (1) agriculture/chemical storage shed, one (1) conex box for drying and harvest storage, and one (1) residence for employee housing and storage. Historic grading has occurred on the site in association with the cannabis cultivation. The applicant is conditioned to permit the historic grading that occurred in association to cannabis activities on-site, with the Building Division. Power is sourced by three solar arrays on-site, and the applicant shall permit the solar systems with the Building Division. Three emergency only backup Honda 7000 generators are proposed as part of the project. Generators must be housed in secondary containment, and generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which

must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.

Timber Conversion

It appeared that potential unauthorized timber conversion occurred on the site between 2010 and 2020, in association to the unpermitted residence and cannabis cultivation activities. The applicant had a Timber Conversion Evaluation Report (TCER) prepared by RPF Chris Carroll with Timberland Resource Consultants, dated January 16, 2020. The project and the TCER was referred to CalFire for review on January 26, 2022, and no comments were received by the agency. The TCER states that a site visit was conducted on December 20, 2019, and concludes that a total of 1.82 acres of timber harvesting occurred in two locations on the site which did not result in timberland conversion. As there was no timber conversion that occurred on the site, no restocking is required. The applicant shall adhere to the following recommendation within the TCER:

- The applicant shall eliminate fire hazard, the lower or eastern portion of the Eastern Timber Harvesting Area contains downed timber, which requires yarding of the logs and treatment of all associated logging slash.

Fire Hazard

The parcel is located in an area known to have a Very High Fire Hazard Severity, and is within the Bridgeville Fire Protection District (BFPD) for local fire response. The project was referred to the BFPD on January 26, 2022, and no comments were received. The project is also located within the State Responsibility Area (SRA) for CalFire, and was referred to the agency on January 26, 2022. An email was received by the agency on December 29, 2020, stating that an 11-acre vegetation fire resulted in an unpermitted debris burn associated with the applicant. After further communication with CalFire on April 19, 2023, it was relayed that the violation had been resolved and no further action is needed from the applicant. The Site Plan shows a firetruck turnaround, and a 2,500-gallon water tank designated for fire suppression needs only. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.

Water Resources

The proposed project is a modification of existing Conditional Use Permit PLN-12648-CUP. The applicant proposes adding a well as an additional irrigation source for the project and increasing the irrigation water entitlement for the project. The additional water will be sourced from an existing rainwater catchment pond approved by PLN-12648 which was reported undersized in the project, and the new well. The project sources water from an existing 345,000-gallon rain catchment pond on-site. The pond was installed without building permits, and the applicant shall permit the existing 345,000-gallon rain catchment pond with the Building Division. There is a well on-site which is used for domestic purposes only. Total annual water usage for irrigation is estimated at 200,000 gallons (11 gal/sf/yr). The applicant is also proposing a 70,000-gallon rain catchment pond, which would bring the total water storage designated for cannabis irrigation to 415,000 gallons. As the applicant has a sufficient amount of water storage for irrigation needs with the existing 345,000-gallon pond, the additional 70,000-gallon pond being proposed is not required. In the event that the applicant plans to install the 70,000-gallon rain catchment pond in

the future, they shall obtain the necessary building permits prior to installation. There is also one (1) 2,500-gallon hard water tank on-site designated for fire suppression only.

There is one Class II stream, Mule Creek, which runs through the southern portion of the parcel and all existing cultivation is located outside of the required streamside management area (SMA) for the stream. The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B171807CHUM. 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 November 15, 2019, showing enrollment in the General Order as a Tier 1 Low Risk site under WDID 1_12CC417947, and states the requirement for a Site Management Plan (SMP). The applicant has obtained an SMP prepared by Mother Earth Engineering, dated March 2020. The SMP states that there are a total of seven (7) stream crossings on-site which require upgrades or instream work. The applicant shall adhere to the corrective actions listed in Table 13 of the SMP. The applicant shall also adhere to the ongoing monitoring and winterization methods recommended in Section 7 of the SMP.

The applicant has obtained a Streambed Alteration Agreement with CDFW for the in-stream work needed to upgrade seven (7) stream crossings on-site (SAA No. 1600-2019-0662-R1). After a site visit was conducted on April 25, 2023, with the County and CDFW, it was determined that the applicant had not completed their SAA within the work of completion date. The applicant is required to submit an amendment for the SAA, and shall submit the revised CDFW signed and approved SAA to the County when available. The applicant shall adhere to the project description and work outlined within the revised SAA with CDFW.

Biological Resources

The project is located approximately 1.9 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 may contain potential habitat for rare plant species Bolander's catchfly. As there is a proposed processing facility located where vegetation exists on-site, the applicant is required to obtain a Botanical Survey which verifies that no special status plants or trees considered timberland exist within the footprint of the proposed processing facility, prior to the issuance of building permits. The applicant has obtained a Biological Reconnaissance Assessment and Onsite Relocation Plan (BRA) prepared by Mother Earth Engineering, dated June 2019. A site assessment was conducted on May 15, 2019, and found no special status plant species or special status wildlife species within the study area. One sensitive natural community was identified in the project area, the Oregon white oak. Recommendations within the BRA included: implementation of best management practices, no use of rodenticides, mitigation of generator noise, light prevention from greenhouses at night, and proper storage of fuel, fertilizers, pesticides, fungicides or other toxic substances. All recommendations are included in the ongoing conditions for the project, and 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.

The applicant has also submitted an Aquatic Invasive Species Management Plan & Bullfrog Management Plan for the existing 345,000-gallon rain catchment pond on-site. The applicant shall adhere to the recommendations within the Plan for the existing 345,000-gallon rain catchment pond, and for the 70,000-gallon proposed rain catchment pond if constructed.

The project includes the restoration of historic cultivation areas on-site. There are three (3) historic cultivation areas that require restoration. One of the sites is located near the existing rain catchment pond, where extensive grading was done pre-2016. Most of the area has been naturally revegetated, and one area where cut was done may be resulting in erosion and sediment issues. The existing flat area is proposed for the drying/storage building, and the applicant shall submit a regrading plan for this area to show how regrading will eliminate any erosion issues, and still allow for the proposed drying/storage structure. The other two (2) historic cultivation areas are located in southern section of the parcel, one (1) is located within the SMA for Mule Creek, and the other area is located south of Mule Creek where guerrilla grow existed. The applicant is required to remove all cultivation related infrastructure and solid waste within these two (2) historic cultivation areas.

An email was received by CDFW on February 27, 2020, which addresses concerns regarding the removal of oaks near the project area. A violation letter was sent by the County to the applicant on March 9, 2020, requesting a timber conversion evaluation from an RPF. The applicant submitted a Timber Conversion Evaluation with Restocking Plan and an Evaluation of Oak Restoration Report (EORR) on April 27, 2020, which were prepared by Timberland Resource Consultants. The EORR states that the true oak woodlands within the subject property are currently healthy and stable enough that restoration activities to remove the conifers would yield successful results and should occur. The applicant shall adhere to the oak restoration recommendations within the EORR for no less than 6.4 acres of oak woodlands with the potential to restore and additional 10.6 acres of habitat.

The project was referred to CDFW on January 26, 2022, and no comments were received at that time. A phone call was received from a member of the public on April 13, 2023, with concerns regarding a potential bladder existing within a stream on-site. A site visit was conducted by the Planning Division on April 28, 2023, with CDFW present. During the site visit solid waste and plastic netting was observed on the property, as well as two (2) existing bladders that were not filled, existing within an SMA on-site. The applicant was then issued a Notice of Violation with CDFW on May 23, 2023, and the applicant is required to resolve the violation with CDFW prior to commencing cultivation on-site. It was also requested by the County that the applicant submit a Cleanup Plan to outline measures taken to clean up the site. The Cleanup Plan was submitted on May 12, 2023, and a Property Cleanup Plan Progress Report was submitted on June 19, 2022, which showed images of before and after pictures and receipts for dump runs to the Fortuna Recology Station. Both bladders on-site have been removed and discarded at an appropriate facility, and the applicant shall have a site visit conducted by the County, within 30 days of approval in order to verify that the site has been cleaned up at the satisfactory of the Planning Division & CDFW. During the site visit it was also determined by CDFW that the applicant shall install a wildlife escapement for the existing pond. Additional comments received from CDFW on May 26, 2023, requested that additional conifer removal occur on-site instead of any conifer

restocking. The applicant shall remove any additional conifers existing within the understory of the oak woodlands on-site, in line with the recommendations in the EORR.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Bear River Band of Rohnerville Rancheria, and the Northwest Information Center (NWIC) on January 26, 2022. A response was received from the Bear River Band tribe on February 8, 2022, stating that the project did not appear to represent a source of significant impacts on cultural resources, and requested that the applicant adhere to Inadvertent Discovery Protocols. The applicant shall 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

Access to the project site is from privately maintained China Mine Road, from State Hwy 36. The applicant submitted a Road Evaluation Report (RER) form for State Hwy 36, dated April 16, 2020. The project was referred to the Department of Public Works on January 26, 2022, and comments were received by the agency on January 27, 2022. Comments from Public Works stated that the applicant submitted an incomplete RER which did not include the main access road China Mine Road, and mentions that multiple road evaluation reports have been submitted for China Mine Road. Public Works recommends that the various road evaluation reports be combined into one action plan. The applicant is required to enter into a Road Maintenance Association for China Mine Road, and the RMA will be required to construct the improvements in the final action plan. Additional comments from Public Works includes that the project is accessed off of a State Hwy, and the project should be referred to CalTrans. The project was referred to CalTrans on January 26, 2022, and comments were received on February 15, 2022. Comments from CalTrans included the recommended condition that the applicant improve the driveway to meet current CalTrans standard for a commercial road approach (driveway) with a minimum throat width of 20 feet. The site will be operated by the applicant and up to five (5) employees. A maximum of ten (10) vehicle trips are anticipated per day. The operations are pre-existing, and 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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 125 cultivation permits and the total approved acres would be 43.58 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 remediation of historic cultivation areas, 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 agriculture exclusive land for agricultural purposes. The project will not convert prime farmland or conflict with existing zoning for agricultural use or Williamson Act contract. The project will not result in the loss of forest land or conversion of forest land to non-forest use. No impact.

Air Quality: 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. Less than significant impact.

Biological Resources: The project is located approximately 1.9 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 may contain potential habitat for rare plant species Bolander's catchfly. As there is a proposed processing facility located where vegetation exists on-site, the applicant is required to obtain a Botanical Survey which verifies that no special status plants or trees considered timberland exist within the footprint of the proposed processing facility, prior to the issuance of building permits. The applicant has obtained a Biological Reconnaissance Assessment and Onsite Relocation Plan. A site assessment was conducted on May 15, 2019, and found no special status plant species or special status wildlife species within the study area. 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 project is located within the Bear River Band Rancheria Aboriginal Ancestral Territory. A response was received from the Bear River Band tribe on February 8, 2022, stating that the project did not appear to represent a source of significant impacts on cultural resources, and requested that the applicant adhere to Inadvertent Discovery Protocols. The project is not anticipated to impact any tribal cultural resources; however, the applicant will be required to adhere to the inadvertent discovery protocol. No impact.

Energy: Power is sourced by three solar arrays on-site, and three emergency only backup Honda 7000 generators are proposed as part of the project. 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 three solar arrays for the minimal power needed for drying and lights in the propagation greenhouse. Three 7000 Honda EU generators are proposed as emergency backup only. Cultivation is outdoor with no lights. 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 an agriculture/chemical storage shed, within secondary containment. 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 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 30,000 square feet of cannabis cultivation in existing open flats. The project will not degrade any water sources or contribute to sedimentation. There are no streams or stream crossings located near the proposed cultivation areas. All cultivation will be irrigated by hand watering and with a drip irrigation system. The project will utilize a 345,000-gallon rain catchment pond. The site is currently enrolled in the State Water Resources Control Board's General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. 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 solar arrays, and three emergency backup generators 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 30,000 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 privately maintained China Mine Road, from State Hwy 36. The applicant will enter into a Road Maintenance Association for China Mine Road. The site will be operated by the applicant and up to five (5) employees. A maximum of ten (10) vehicle trips are anticipated per day. The operations are pre-existing, and no increase in traffic is anticipated. The project site will also have adequate emergency access. No impact.

Tribal Cultural Resources: The project is located within the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Bear River Band of Rohnerville Rancheria, and the Northwest Information Center (NWIC) on January 26, 2022. A response was received from the Bear River Band tribe on February 8, 2022, stating that the project did not appear to represent a source of significant impacts on cultural resources, and requested that the applicant adhere to Inadvertent Discovery Protocols. The project is not anticipated to impact any tribal cultural resources; however, the applicant will be required to adhere to the inadvertent discovery protocol. No impact.

Utilities and Service Systems: Solid waste is taken to the Fortuna Transfer Station in an amount the service station is capable of handling. The project will utilize portable toilets at the cultivation area, and an onsite wastewater treatment system is proposed within the proposed processing facility. Water for propagation and cultivation is sourced from a 345,000-gallon rain catchment pond. Power is sourced by three solar arrays. 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 30,000 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:

- Addendums to Cultivation & Operations Plan and Cultivation & Operations Plan
- Site Plan
- Final Streambed Alteration Agreement with CDFW
- Notice of Applicability letter from the State Water Resources Quality Control Board
- Site Management Plan
- Timber Conversion Evaluation Report
- Oak Restoration Plan
- Biological Assessment and Onsite Relocation Report
- Road Evaluation Report Form
- Aquatic Invasive Species Management Plan & Bullfrog Management Plan
- Property Cleanup Plan & Progress Report
- 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 project is located within the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Bear River Band of Rohnerville Rancheria, and the Northwest Information Center (NWIC) on January 26, 2022. A response was received from the Bear River Band tribe on February 8, 2022, stating that the project did not appear to represent a source of significant impacts on cultural resources, and requested that the applicant adhere to Inadvertent Discovery Protocols. 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.

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 cultivation areas are away from any streams or wetlands on-site, and meet the setbacks required 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 30,000 square feet of pre-existing cultivation in an 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 pre-existing cultivation consistent with baseline conditions which is eligible in an Agriculture Exclusive (AE) zone. No new increased cultivation will occur. There was no timber conversion conducted for cannabis cultivation activities, and the project will implement oak restoration activities on-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 rain catchment pond for irrigation water source. No surface water diversion is a part of the project.

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

- Power will be sourced by three solar arrays, and three 7000 Honda EU emergency backup generators 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 onsite ancillary processing 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 23, 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.