ATTACHMENT 3

CEQA ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR) (State Clearinghouse # 2017042022), January 2018

APN 206-331-028, County of Humboldt

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Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR 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 EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The Applicant is seeking a Conditional Use Permit (CUP) to add 20,000 square feet of outdoor cultivation to the existing permitted 20,000 square feet of mixed-light cultivation and 30,000 square feet of outdoor cultivation. If approved, cannabis cultivation on the property will total 70,000 square feet. There is currently an approved ancillary nursery space of 5,000 square feet onsite, and the applicant is proposing to add an additional 1,300 square feet of nursery space. Estimated annual water use is 1.76 million gallons (approximately 23.1 gallons/square foot/year) sourced from a permitted groundwater well. Water storage totals 5,000 gallons. Trimming will occur offsite at a licensed third-party processing facility and power is provided by Pacific Gas and Electric. The applicant is also requesting a CUP for cultivation within the Hydesville-Carlotta Community Planning Area (CPA) and a CUP for an exception from the 600' setback required for residences on separately owned parcels in Community Planning Areas.

The Applicant estimates that the peak monthly water demand anticipated to maintain mixed light and outdoor cultivation during the warmest summer months is 235,970 gallons/month and the operation will experience a small in power use. There will be no change in staffing needs, traffic volume, or hours of operation. Electricity is sourced from Pacific Gas and Electric and a backup generator.

The modified project is consistent with the adopted MND for the CCLUO because it complies with all standards of the CCLUO, which were intended to mitigate the impacts of existing cultivation. These include ensuring that onsite lighting adheres to Dark Sky Association standards and that project-related noise does not disturb nearby wildlife, thereby limiting the impacts on biological resources due to light and noise.

The nearest mapped Northern Spotted Owl (NSO) activity center (HUM1037) is approximately 0.42 miles northeast from the proposed cultivation area. The cultivation area is approximately 1.9 miles from the nearest mapped marbled murrelet critical habitat. Per a review of the CNDDB the parcel is included in mapped occurrences for bank swallow, maple leaved checkerbloom, Humboldt marten, Townsend's big eared bat, northern red-legged frog, and foothill yellow legged frog.

A Biological Resources Assessment dated June 2019 was prepared by Begreen Legal for a previous iteration of the cannabis cultivation and evaluated the entirety of the subject property. The Assessment noted that while there may be a number of animal species occurring within a 2-mile radius of the property, the habitat on the property is anthropogenic pasture, which does not support the life history of those species. The Assessment concluded that the project will not have any significant impacts on wetlands, water resources, or biological resources. Per the assessment the property does not contain any jurisdictional wetlands or water courses that provide habitat for aquatic species that could be affected by the project and will not have any direct or indirect habitat modifications on any identified special status species. The project has been referred to the California Department of Fish and Wildlife, but no response was received.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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 (EIR) 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 EIR 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 EIR 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 EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous EIR; B) significant effect previously examined will be substantially more severe than shown in the previous EIR; 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 EIR 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

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the minor changes to the approved project is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

Other CEQA Considerations

Staff suggest no changes to 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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation to change from outdoor to mixed light into consistent 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 EIR was adopted as complete.

CONCLUSION

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