

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

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

APN 201-322-035, Alton Area

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Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance to implement the mitigation measures of the EIR. The EIR 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 prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. 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.

Modification to an approved Conditional Use Permit for a commercial cannabis operation within the Fortuna Community Planning Area. The existing permitted uses include 38,400 square feet of outdoor cultivation; 5,814 square feet of nursery; Onsite processing; and Distribution. The existing operation is authorized to use up 487,500 gallons per year from a permitted well utilizing 20,000 gallons of storage and receives electricity from PGE through a renewable energy program.

The proposed modification will increase total cultivation from 38,400 square feet to 79,320 square feet consisting of 43,560 square feet of full sun outdoor, 25,840 square feet of outdoor light deprivation in greenhouses, and 9,920 square feet of mixed light in greenhouses. Total ancillary nursery space will be increased from 5,815 square feet to

6,960 square feet which is approximately 8.8% of total cultivation area. A commercial retail nursery of 1,159 square feet will be added to an existing building consisting of an 871 square foot seed area and a 288 square foot immature plant area. A retail sales area is proposed to be added to an existing structure as part of the modification and non-volatile manufacturing is also proposed in an existing structure. The proposed water source is changing to include rainwater catchment and reclamation from dehumidifiers as well as the existing permitted groundwater well. Total annual water usage is expected to decrease to approximately 380,000 gallons per year based on review and analysis of actual use data from the installed water meter which estimates approximately 1,040 gallons per day for all current and proposed uses. Water storage is proposed to increase from 20,000 gallons to 40,000 gallons. There are no proposed changes to the processing, distribution, electricity source, or number of employees.

The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light and noise. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (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, based on 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 Final 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 Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final 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 Final 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

A review of Appendix G impacts:

Aesthetics: The project proposes an additional acre of full sun outdoor commercial cannabis cultivation. All other additional uses are proposed to occur within existing structures. The project will not significantly impact scenic vistas or public views as the project will occur within an area along a stretch of Highway 36 which contains existing industrial and cannabis uses. The project is consistent with the visual character of the area. The project will not create a source of light or glare as the project is conditioned to comply with International Dark Sky Association standards. Less than significant impact.

Agriculture and Forestry Resources: The project involves agricultural activity on a parcel zoned as Heaving Industrial (MH), in which cannabis operations are allowed with a Conditional Use Permit. 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 is proposed or authorized under the permit. Less than significant impact.

Air Quality: No new construction is proposed. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project site is unpaved and may contribute to PM₁₀, for which the North Coast Air Basin is already in non-attainment. However, no additional 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 site for the project is not a substantial change or additional significant impact not considered under the EIR for the CCLUO. Less than significant impact.

Biological Resources: A review of the California Natural Diversity Database does not indicate the presence of species or sensitive communities of concern. The potential existence of habitat for the Yellow-Legged frog is indicated by mapping. The applicant provided a Biological Scoping Report dated November 2022 (Attachment 4B). The reports concludes that there appears to be no potential habitat on the parcel for special status plant and wildlife species due to cannabis cultivation and supporting infrastructure occupying most of the parcel. What open space remains has been historically impacted

by agricultural practices and is primarily occupied by non-native grasses. Some of the recommendations of the Biologist in the Report are either already performance standards under the Commercial Cannabis Land Use Ordinance such as management of light pollution and prohibition on rodenticide. All recommendations of the Biologist are incorporated into the conditions of approval. The project site does not contain surface waters. The nearest mapped Northern Spotted Owl activity centers are (HUM0975) approximately 1.3 miles to the south and (HUM0563) and (HUM0564) approximately 2.8 miles to the north-northwest. The proposed project will utilize the pre-existing disturbed areas in existence prior to baseline. The new proposed cultivation will occur in an area that is planned and zoned for industrial uses and will not impact Northern Spotted Owl habitat. The project has been conditioned to ensure supplemental lighting associated with the onsite nursery and mixed light cultivation complies with Dark Sky Association standards including security lighting. Conditions require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting for erosion control, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. It was determined that the project and operations will have less than significant impacts with adherence to the recommended conditions of approval. Less than significant impact.

Cultural Resources: The project was referred to the Northwest Information Center, the Wiyot Tribe, and the Bear River Band. A Cultural Resources Investigation was conducted. Project conditions include the standard inadvertent discovery protocol. Less than significant impact.

Greenhouse Gas Emissions: Power is provided by PGE through an eligible renewable energy program and generator use is reserved for emergencies 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 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 and Site Management Plan. Less than significant impact.

Land Use and Planning: The project proposes agricultural activity on a parcel zoned as Heavy Industrial (MH), in which cannabis uses are allowed with a Conditional Use Permit. The project will not physically divide an established community or result in 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 resource 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 in a rural portion of the County, surrounded by open and forested land. The project will not result in the generation of excessive groundborne vibration or noise levels. Noise sources from the operation will include those of typical agricultural operations. The project is conditioned limiting noise to what is allowed under the CCLUO which is no more than 3dB over baseline. Less than significant impact.

Population and Housing: No housing is proposed nor is any removal of housing proposed. No employee housing is as part of the project. 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 additional outdoor cultivation and nursery space. The project modifies an existing operation and 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 10 employees at peak operation are expected as part of the project. Access roads have been determined to be adequate for the area. Less than significant impact.

Tribal Cultural Resources: No known archaeological or historic resources occur within the project area. The project was referred to the Northwest Information Center and the Wiyot Tribe and Bear River Band. A cultural resources survey was conducted. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources. Less than significant impact.

Utilities and Service Systems: Trash and recycling are stored then hauled to an approved transfer station/disposal facility. Toilet and handwashing are available through the onsite septic system. Water for propagation and cultivation will be sourced from rainwater catchment dehumidifier reclamation, and a ground water well and associated 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. Project conditions require the removal of unpermitted structures. Less than significant impact.

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

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

- Operations Plan
- Site Plan
- County GIS
- Water Plan
- Biological Assessment

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 EIR was adopted.

Project impact analysis of conformance to the Final Environmental Impact Report Mitigation Monitoring and Reporting Program

Mitigation Measure 3.3-4: Prohibit burning of cannabis and other vegetative material.

- Condition of project approval.

Mitigation Measure 3.4-1a: Pre-approval biological reconnaissance surveys.

- A Biological Reconnaissance Survey was conducted and concluded there would be no significant impact to sensitive species or communities. Biologist recommendations were incorporated in the permit conditions of approval.

Mitigation Measure 3.4-1b: Special-status amphibian preconstruction surveys.

- There is no known occurrence of this species within the project area.

Mitigation Measure 3.4-1c: Western pond turtle preconstruction surveys and relocation.

- There is no known occurrence of this species within the project area.

Mitigation Measure 3.4-1d: Nesting raptor preconstruction survey and establishment of protective buffers.

- No new construction is proposed.

Mitigation Measure 3.4-1e: Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence.

- Project site is in an industrial area next to Highway 36. Nearest activity center is at least 1.3 miles away.

Mitigation Measure 3.4-1f: Special-status nesting bird surveys and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project.

Mitigation Measure 3.4-1g: Marbled murrelet preconstruction habitat suitability surveys and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project.

Mitigation Measure 3.4-1h: Noise reduction.

- Pacific Gas and Electric supplies power the site. Generators will be reserved for emergencies only per conditions of approval. Project is subject to multiple performance standards for noise and must conduct a noise assessment.

Mitigation Measure 3.4-1i: American badger preconstruction survey and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project.

Mitigation Measure 3.4-1j: Fisher and Humboldt marten preconstruction survey and preservation of active den sites.

- No habitat for fisher was identified in the vicinity of the proposed project.

Mitigation Measure 3.4-1k: Preconstruction bat survey and exclusion.

- No presence or habitat was identified in the vicinity of the proposed project.

Mitigation Measure 3.4-1l: Preconstruction vole survey and relocation.

- No habitat for Sonoma tree vole was identified in the vicinity of the proposed project.

Mitigation Measure 3.4-3a: Special-status plants.

- Project is occurring on pre-disturbed areas.

Mitigation Measure 3.4-3b: Invasive plant species.

- The project is conditioned requiring the development of an invasive species management plan.

Mitigation Measure 3.4-4: Sensitive natural communities, riparian habitat, and wetland vegetation.

- No sensitive natural communities, riparian habitat or wetlands are present on the project site.

Mitigation Measure 3.4-5: Waters of the United States.

- There are no known waters of the United States present on the project property.

Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5: Waters of the United States.

- See Mitigation Measure 3.4-5 above.

Mitigation 3.4-6b: Retention of fisher and Humboldt marten habitat features.

- See Mitigation Measure 3.4-1j above.

Mitigation Measure 3.5-1: Protection of historic resources.

- The residence was constructed in 1903. Per the recommendation of the archeologist, permit conditions state that the façade will not be altered.

Mitigation Measure 3.5-2: Avoid potential effects on unique archaeological resources.

- Project conditions of approval include inadvertent discovery protocol to protect

any unknown cultural and archaeological resources.

Mitigation Measure 3.6-5 Protection of discovered paleontological resources.

- See Mitigation Measure 3.5-2 above.

Mitigation Measure 3.7-2a: Prepare Environmental Site Assessments.

- Project is on an industrial site that has already been permitted and developed for cannabis cultivation.

Mitigation Measure 3.7-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities.

- See Mitigation Measure 3.7-2a above. No new construction activities are proposed.

Mitigation Measure 3.8-2: Minimum Size of Commercial Cultivation Activities.

The subject parcel exceeds the minimum parcel size for the proposed project at full buildout per Section 55.4.6.5.9(d) of the CCLUO.

Mitigation Measure 3.8-3: Annual groundwater monitoring and adaptive management.

- The well was previously approved under existing permits. Primary irrigation water shifting to rainwater catchment and dehumidifier reclamation. Water usage decreasing.

Mitigation Measure 3.8-4: Provision of drainage facilities to attenuate increases in drainage flows.

- Permit conditioned on providing documentation demonstrating enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ.

Mitigation Measure 3.8-5: Implement water diversion restrictions and monitoring and reporting requirements.

- No water diversion will be utilized for the proposed project.

Mitigation Measure 3.10-1: Implement construction-noise reduction measures.

- Condition of project approval related to noise.

Mitigation Measure 3.12-2: Proper design of highway access points.

- Project is accessed off a Highway 36, a publicly maintained category 4 road.

Mitigation Measure 3.13-1a: Prepare a treatment program for all new indoor cultivation and non-cultivation activities.

- The proposed project is not for new commercial indoor cultivation or a non-cultivation cannabis operation.

Mitigation Measure 3.13-1b: Verification of adequate wastewater service and necessary improvements for public wastewater systems.

- The property is not serviced by a public wastewater system.

Mitigation Measure 3.13-2: Verification of adequate water supply and service for municipal water service.

- The property is not serviced by a municipal water service.

Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit a new 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 EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR is appropriate to address the requirements under CEQA for the current project proposal. All the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.