

ATTACHMENT 3

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

**Commercial Cannabis Land Use Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), May 8, 2018**

**APN 401-112-030, 936 Vance Ave
Samoa, County of Humboldt**

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

February 2023

Background

Modified Project Description and Project History –

The Coastal Commercial Cannabis Land Use Ordinance (CCCLUO) 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 the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order 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 CCCLUO would mitigate the impacts of new cannabis operations by establishing specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCCLUO also established local land use regulations for new 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 CCCLUO and all mitigation measures of the EIR. Current project was contemplated by the EIR and compliance with the provisions of the CCCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

Project Description: A Conditional Use Permit (CUP) and Coastal Development Permit (CDP) to authorize a new interim cannabis project located in the Humboldt Bay Area Plan (HBAP). The project will consist of 1-acre of indoor cultivation with ancillary drying and propagation, off-site commercial processing, distribution, manufacturing activities involving volatile & non-volatile manufacturing, and infusion to make pre-rolls. Indoor cultivation will occur year-round with up to five (5) harvests per year. Up to forty (40) employees will be used during peak operations on-site. The project will conform to all Adaptive Reuse Standards for Industrial Sites and will meet all Performance Standards for interim use projects within the Industrial/Coastal-Dependent (MC) zone.

Power will be sourced by PG&E, and the applicant plans to get an amperage upgrade in order to support the indoor cultivation facility. Prior to the issuance of building permits or initiation of any activities requiring the use of electricity, the applicant shall provide documentation demonstrating adequate electricity is available to the project site, to the satisfaction of the Planning Director. The project will utilize two (2) existing structures for off-site commercial processing, infusion and distribution activities. Minor improvements may be made to the existing structures, and existing office spaces within one of the existing structures may be rented out in the future. The project is proposing a new 50,875 square foot (sf) warehouse building that will consist of 1-acre of indoor cannabis cultivation with 4,350 sf of ancillary propagation space, as well as ancillary drying and trimming. The project will likely be phased with the activities occurring first within the existing structures, and activities within the proposed warehouse commencing after the applicant obtains

the necessary permits. The warehouse structure will consist of removable modular units, and the size and number of modular units are currently unknown. The applicant shall submit an updated Floor Plan, to the Planning Division prior to installation of modular units, in order to show the exact amount, size, and use of modular structures to be within the proposed warehouse.

Non-volatile and volatile manufacturing activities are proposed to occur within two (2) 480 sf new modular structures. An additional twenty-nine (29) 8' x 20' shipping containers are proposed for climate-controlled storage and drying areas. The project was referred to the Building Division on September 28, 2021, and comments from the Building Division recommended approval for the project. The applicant will permit all structures with a nexus to cannabis, including but not limited to: one (1) proposed 275' x 185' commercial warehouse structure, modular units within the proposed warehouse, one (1) existing office building, one (1) existing building for off-site processing, two (2) 12' x 40' modular structures (one for volatile and one for non-volatile manufacturing), and twenty-nine (29) 8' x 20' shipping containers for drying and storage, prior to commencing activities within the structure. The existing structure for off-site processing is located within the 25-foot building setback of the southern property line required for MC zones, and the applicant has received approval from the adjacent property owner allowing the existing structure to be used for cannabis activities within the 25-foot zoning setback.

The two (2) existing structures are connected to an existing unpermitted septic system on-site. The project was referred to the Department of Environmental Health (DEH) on September 28, 2021. Comments were received by the agency on December 7, 2022, requesting that the applicant investigate the existing septic system to determine sizing and functionality. Updated comments were received by DEH on January 31, 2023, stating that DEH has no record of the existing onsite wastewater treatment system located at the site. The applicant shall adhere to the following recommended conditions of approval from DEH:

- a. The applicant shall demonstrate that the existing onsite wastewater treatment system (OWTS) is sized to accommodate the anticipated wastewater flow rate proposed by the project and complies with current OWTS standards (Humboldt County OWTS Regulations and Technical Manual). If the existing OWTS is determined to be undersized or non-compliant with current standards, the applicant must tie into public sewer once available.
- b. Industrial wastewater tailings from indoor cultivation and manufacturing activities cannot be discharged to the OWTS. The applicant shall contact the North Coast Regional Water Quality Control Board regarding industrial wastewater disposal requirements, and shall dispose all industrial wastewater appropriately.
- c. In the event that Peninsula Community Services District extends sewer service area to within 300 feet of the project location (APN 401-112-030), the facility must connect to PCSD public sewer.

Noise:

The project is required to ensure that mitigation measures are in place where necessary to ensure that noise generated by operations does not exceed 70 decibels anywhere off the site. The applicant has submitted a Noise Report prepared by Northpoint Consulting Group, dated September 2021. The Noise Report states that ambient noise levels were taken for twenty-four hours at three locations on the property lines. Results showed that ambient noise levels ranged between 45

decibels and 88 decibels. The project incorporates the following noise mitigation measures: all indoor cultivation with HVAC systems and fans will be conducted within interior modular structures inside of the proposed warehouse, each of the fans will be equipped with a variable speed controller for precise adjustments, and components of proposed buildings/facilities have appropriate Sound Transmission Class (STC) ratings to reduce noise to 50 decibels maximum at property lines. Noise levels produced by the project at the three monitoring locations is expected to be below 50 decibels. Per section 313-55.4.12.6 of the CCCLUO, noise from the project shall not result in an increase of more than three (3) decibels of continuous noise above ambient noise levels at any property line of the site. The average for the ambient noise levels resulting from the three (3) measurements taken at the property lines is 64 decibels, and the project shall not result in noise levels above 70 decibels anywhere off the site.

There are no light or traffic restrictions for Industrial Development that Impact Nonresidential Zones. No perceptible vibrations shall be permitted off the building site, and no visual or audible interference of radio or television reception by operations shall occur.

Compliance with the Humboldt Bay Area Plan:

The project site is located within the Coastal Zone, specifically within locally maintained jurisdiction of the Humboldt County Planning Department, appealable by the California Coastal Commission. Project location falls under the Local Coastal Plan the Humboldt Bay Area Plan. The proposed development is in conformance with the applicable policies set forth in the HBAP as the site is designated Industrial, Coastal Dependent (MC) and Industrial, General - Coastal Areas (MG) under the HBAP. All development will occur within the MC designation.

The project site is consistent with the HBAP because it is in close proximity to existing developed areas able to accommodate it, and the proposed development is not sited in a wetland. The project will be permitted as an interim conditional use, there is no immediate need for coastal-dependent uses at the site, and approval of the project will allow for greater use of the underutilized MC zoned lands. The proposed project will not have an impact to coastal-dependent industrial uses and other priority uses, as the recommended interim permit timeframe is in line with the potential timeframe for development of the Harbor District's offshore wind Master Plan. Approval of the project will allow necessary improvements to be made to the site, which could enhance or increase the utility of the site for future coastal-dependent industrial uses and other priority uses. The project will have an interim period approved at the discretion of the Hearing Officer.

Hazards:

The proposed project is located within a tsunami evacuation area, and the applicant has provided a Tsunami Hazard Assessment (THA) prepared by Northpoint Consulting Group, dated July 7, 2022. The THA states that the proposed building will be a Risk Category II/Tsunami Risk Category II structure per ASCE 7-16 design standards. These structures are not required to be designed for tsunami loads unless required by state or locally adopted building code, and the applicant is required to permit the proposed warehouse structure with the local Building Division. The exception to tsunami design does not mitigate the requirement for a Tsunami Evacuation Plan for the employees at the site. The THA does incorporate a Tsunami Evacuation Plan, and all employees shall undergo training and be made aware of the Tsunami Evacuation Plan.

The project site is located outside of a Flood-Zone, an Area of Potential Liquefaction, or the Sea Level Rise area of 1.0 meter according to the Humboldt County Web GIS. The site is designated to have a Moderate Instability rating. As well, the project site is located within the Peninsula Community Services District for local fire response.

Biological Resources:

The project site and all proposed development is within a pre-disturbed area with no existing vegetation. There are mapped wetlands from the National Wetland Inventory that are located across from Vance Avenue on the subject parcel. The applicant obtained a Biological Assessment Report (BAR) prepared by Wildlife Biologists Jack Henry and Nicole Bogle, with Timberland Resources Consultants, dated July 13, 2021. The BAR mentions that there are areas on the site that are considered Urban habitat which include two (2) areas containing vegetation, and are considered to be non-ESHA (Environmentally Sensitive Habitat Areas). These two areas are considered to be degraded dune that are surrounded by paved roads and surfaces, and lack value from potential restoration. This determination is in line with other assessments of the area for other Coastal-Dependent Permits, and with the overall assessment and Master Plan for the Samoa Peninsula. The closest mapped potential wetland feature is over 250 feet from the Project Area, and no potential wetland indicators were observed within 200 feet of the project area. The BAR states that the project area meets all applicable setbacks and recommends the following: that the project prevent any light escaping lit structures during dark hours, that the applicant obtain a Floristic Survey for the proposed development, and that the applicant educate and remain vigilant for encroachment of invasive species. The project was referred to the California Department of Fish & Wildlife (CDFW) on September 28, 2021, and no comments were received.

The applicant has obtained a Floristic Survey Report (FSR) to assess the proposed development area, which was prepared by Wildlife Biologist Jack Henry with Timberland Resource Consultants, dated January 2022. The purpose of the floristic survey was to identify any special status plants and ESHA within the project area that could be impacted by proposed development. The survey found no special status plants, and the FSR does identify ESHAs within the Project Parcel, but none occur within 100 feet of the project area. The small vegetated area between Vance Avenue and the project area contains a combination of non-native ruderal species, ornamental species, and native wax myrtle. From review of aerial imagery, the area is shown to be devoid of vegetation during initial development of the mill site, and was planted with ornamental shrubs. At some point after initial development this areas was populated by wax myrtle and other non-native grasses that are now present. As the area is dominated by non-natives, is relatively small in size, and provides low ecological value, the FSR found this area not to qualify as an ESHA.

The project was referred to the California Coastal Commission on September 28, 2021, and comments from the agency referenced findings within the BAR, which mention the potential habitat for bats within existing structures, and the potential for northern red-legged frog. The Coastal Commission requested that conditions be applied to the project for the protection of nesting bats pursuant to IP policy 55.4.12.1.10 (j) special status bats, and for the protection of northern red-legged frog pursuant to IP Policy 55.4.12.1.10 (b) special status amphibians. Before commencing any new development related to cannabis activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts.

If no evidence of roosts is found, then no further study will be required. If bats are found in the surveys, a mitigation plan addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by a qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. At a minimum, the mitigation plan shall establish a 400-foot buffer area around the nest during hibernation or while females in maternity colonies are nursing young. As well, the applicant shall have a qualified biologist conduct a preconstruction survey of new development activities no more than 48 hours prior to such development activities, for northern red-legged frogs. Preconstruction surveys shall be conducted throughout the proposed construction area and a 400-foot buffer around the proposed development area, and shall be conducted within the appropriate season to maximize potential for observation of the species. If no special-status species are detected, then no further mitigation is required.

Visual Resources:

The project site is located adjacent and east of New Navy Base Road in Fairhaven. As the coastal scenic view area is directed west from New Navy Base Road, the project is not located within the Coastal Scenic View Area. The site is already developed with three (3) existing structures that were associated with the former pulp mill site. One of the existing structures is the chip silo, which is not a part of the proposed uses for the project, and has an existing height of approximately 80 feet. The other two (2) existing structures, which are a part of the proposed project, have heights of approximately 33.5 feet and 18.25 feet. The proposed modular structures will have an approximate height of 9.5 feet, and the warehouse structure will have a maximum height of 48 feet, which is lower than the allowed building height of 50 feet to a maximum of 75 feet in the MC zone. All other proposed structures would be lower in elevation, and would not likely obstruct any view from New Navy Base Road looking east. As the site is already developed with structures over 75 feet in height, the addition of the proposed warehouse and other structures would not change the overall character of the site. As well, the project is not located near any residences or residentially zoned areas.

Traffic:

The site is accessed off of County maintained Vance Avenue, from County maintained New Navy Base Road. The project was referred to the Department of Public Works, and comments from Public Works included a recommendation of approval for the project. The site will utilize up to 40 employees during full operations. There will also be occasional deliveries from the site, and there are no traffic restrictions for the MC zoned parcel.

Performance Standards of the CCCLUO:

The proposed project is located in a non-forested area with slopes of less-than 15%. Water will be obtained from a public municipal water source, power will be accessed by PG&E and will be 100% renewable. The site does not contain prime agricultural soils, and there is no requirement for planting within the native soils. The project is located more than 600 feet from a church or other place of religious worship, public park, coastal public access, commercial recreational facility, tribal cultural resource, school or school bus stop, or any other designated recreational facilities. As well, the project is located more than 1,000 feet to a tribal ceremonial site, residence or residentially zoned area, or boundary of a Community Planning Area specified under section 55.4.5.1.4 of the CCCLUO. All commercial cannabis activities will occur at least 100 feet from any recognized Environmentally Sensitive Habitat Area (ESHA) or wetland. The project is located

off of a county maintained road that is determined to be a Category 4 road. Volatile and non-volatile manufacturing activities will occur within proposed commercial structures and are required to meet applicable building code.

The project site is a small portion of a larger historic industrial site that formerly contained a pulp mill. Prior to the pulp mill, the site contained a lumber mill complex which constructed and utilized a main office building, and a personnel office building, both of which the project is proposing to utilize for cannabis activities. There is also a chip silo on-site which was used in association with the former pulp mill, but this structure is not proposed to be used in association with the cannabis project. There have been several Phase 1 Environmental Site Assessments (ESA) prepared for the historic pulp mill site to evaluate and identify any presence of potential hazardous materials. The most recent Phase 1 ESA was prepared by Freshwater Environmental Services (FES), dated November 22, 2022, which is the most specific ESA to address the North Wind Management proposed project area. As the chip silo is not a part of the proposed project, it and an approximately 5-foot buffer around it was not included in the ESA prepared by FES. The FES Phase I ESA concluded that the assessment did not reveal any presence of any recognized environmental conditions within the proposed cannabis project area or on the subject property, and a Phase II ESA was deemed unnecessary for the project.

Adaptive Reuse of Industrial Sites:

The project is proposing to utilize some of the existing facilities on-site. The existing two-story structure is proposed for office spaces and distribution activities. The second story of the existing two-story structure will not be utilized for cannabis activities, and may be leased out as office spaces in the future. A secondary existing structure will be utilized for off-site processing, packaging and infusion activities to make pre-rolls. This one-story existing structure will be fully utilized for the proposed activities. Some minor improvements will be made to the existing structures, which will not prevent any future re-occupancy. The existing Chip Silo on-site will not be a part of the project or used for cannabis activities, and will be fenced off for safety purposes.

The project is proposing to have a new commercial warehouse structure constructed on-site for indoor cultivation activities, with ancillary nursery and ancillary processing. The warehouse structure will meet the requirements for coastal-dependent industrial development regulations, and the project proposal includes the use of modular structures within the warehouse, which would be removed after cannabis activities cease on the site.

Energy:

100% renewable power will be sourced from PG&E's REPower+ plan through an existing service/substation, and a PG&E service upgrade is proposed. The applicant is required to provide documentation demonstrating adequate electricity is available to the project site, to the satisfaction of the Planning Director, prior to the issuance of building permits or initiation of any activities requiring the use of electricity. The applicant shall show proof of enrollment in a 100% renewable energy program provided by PG&E, prior to commencing project activities on-site. As well, the applicant shall obtain the PG&E power upgrade prior to commencing indoor cultivation activities on-site, and shall provide documentation demonstrating adequate electricity is available to the project site, to the satisfaction of the Planning Director.

Water Resources:

Hydroponic cultivation techniques will be utilized with very little use of imported soils and minimal use of water. Water will be sourced by the Humboldt Bay Municipal Water District (HBMWD). A total of 384,000 gallons of water is anticipated to be used annually at the site; 360,000 gallons of that water is anticipated for cultivation activities (7.5gal/sf/yr), and 24,000 gallons is anticipated to be used for manufacturing and processing activities. The applicant has received an intent for a Will-Serve letter from the HBMWD, dated December 21, 2022, which states that the agency can provide assurance that the water district is able to supply the annual water needs for the project, of 384,000 gallons annually, through the domestic water transmission lines to the Harbor District's domestic water six-inch meter.

The project was referred to the HBMWD on September 28, 2021, and initial comments were received on October 13, 2021. Comments from the HBMWD stated that the agency did not receive a "Will-Serve" request from the applicant, that the District does not currently have a domestic water distribution line that serves the subject parcel, and requested that the following conditions be met by the applicant: (1) meet the District to determine the full buildout demand for domestic water required by the Applicant; (2) in consultation with HBMWD, determine where the appropriate sized water meter and distribution line extension that should be located and installed to provide water to the project; (3) the ultimate water service configuration be acceptable to HBMWD via written confirmation by the district to the Planning Department prior to development/construction of the project. The project was also referred to the Harbor District, as the site is serviced water through an existing private water infrastructure owned by the Harbor District. Comments received from the Harbor District on October 13, 2021, concurred with the recommendations of the HBMWD, requested that the project be conditioned on having its own water connection directly from the HBMWD, and that they disconnect from the former pulp mill water service.

Additional comments were received from the HBMWD on August 15, 2022, as supplemental comments to the original letter dated October 13, 2021. The supplemental comments from the HBMWD came after meetings were conducted with the applicant and the Harbor District, and included that because the Harbor District is under legal recorded obligation to provide water to the applicants parcel, a new recommendation was made as an interim solution, that a new retail water meter and fire suppression supply meter be installed on the applicant's parcel in a location that is suitable to the applicant that intercepts these two water supply lines currently servicing the parcel. HBMWD would then be granted ingress and egress by the Harbor District to enter through their property to read said meters and bill the applicant accordingly for its water use, and would provide a billing water use offset on the Harbor District's water bill for the corresponding number of those gallons metered to the applicant. The longer-term solution can be either: install a lateral water line replacing the existing Harbor District supply line from the newly installed meter on the applicant's parcel to the new distribution grid line that will be installed as part of the Nordic Aquafarms project, or the applicant could request a direct connection to HBMWD's transmission line located to the west of the applicant's parcel. The applicant has chosen to go with the first option of tying into the new distribution line associated with the Nordic Aquafarms project, when available.

The applicant is not currently enrolled in the State Water Resources Quality Control Boards (SWRQCB) General Order WQ 2019-001-DWQ. As the cultivation activities are for a fully

enclosed indoor facility with a water source from the HBMWD, the project may qualify for a Conditional Exemption with the SWRQCB General Order. The applicant is conditioned to obtain proof of Conditional Exemption from the SWRQCB, and submit to the Planning Division, prior to commencing cultivation activities on-site. The applicant shall also obtain a Site Management Plan or shall submit to the Planning Division, proof from that one is not required by the SWRQCB).

Biological Resources:

See Biological Resources above under section: Compliance with the Humboldt Bay Area Plan.

Noise:

See Noise above under section: Performance Standards of the Coastal Zone.

Tribal Cultural Resource Coordination:

The project site is located within the Bear River Band Tribe, the Wiyot Tribe, and the Blue Lake Rancheria tribal aboriginal territories. The applicant has obtained a Cultural Resource Study (CRS) for the proposed project area, which was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated September 2021. The CRS found that no significant archaeological or historic-period cultural resources were identified in the limits of the project area, and no additional archaeological studies were recommended. However, the CRS included the recommendation of Inadvertent Discovery Protocols for the project. The project was referred to the Northwest Information Center (NWIC), the Bear River Band Tribe, the Wiyot Tribe, and the Blue Lake Rancheria on September 28, 2021. Comments from the Bear River Band tribe was received on October 8, 2021, requesting Inadvertent Discovery Protocols.

Access:

See Traffic above under section: Compliance with the Humboldt Bay Area Plan.

Consistency with Caps on Permits:

Approval of this project is consistent with the CCCLUO, which established a limit on the number of permits and acres which may be approved in each of the six Local Coastal Plan Areas. The project site is in the Humboldt Bay Area Plan, which under the CCCLUO is limited to 38 permits and 13 acres of cultivation. However, since the project will receive water from the Humboldt Bay Municipal Water District, and has obtained an intent for a Will-Serve letter from the HBMWD, the project is exempt from the caps on permits.

The modified project is consistent with the adopted EIR for the CCCLUO because it complies with all standards of the CCCLUO which were intended to mitigate impacts of cultivation activities. These include sourcing all power from 100% renewable energy source, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, conducting pre-construction surveys, and ensuring project related noise does not exceed 3 decibels above ambient noise levels at the property line.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified 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, 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;
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 proposed project is 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 CCCLUO ensures consistency with the adopted EIR and provides for mitigation of all project-related impacts to a less than significant level.

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

- Cultivation & Operations Plan received September 14, 2022.
- Site Plan received February 6, 2023.
- Noise Source Assessment and Mitigation Plan received September 20, 2021.
- Biological Assessment dated July 13, 2021.
- Floristic Survey dated January, 2022.
- Interim Uses in the Coastal Zone Compliance Report received September 20, 2021.
- Tsunami Hazard Assessment dated July 7, 2022.
- Neighbor's Setback Waiver Authorization received September 22, 2022.

- Plan for Adaptive Reuse of Developed Industrial Site received December 21, 2022.
- Phase I Environmental Site Assessment Report received December 2, 2022.
- Existing & Proposed Building Heights email received December 21, 2022.
- Cultural Resource Investigation received September 20, 2021.

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.

Summary of Significant Project Effects and Mitigation Recommended

A review of Appendix G impacts:

Aesthetics: The project site is located adjacent and east of New Navy Base Road in Fairhaven. As the coastal scenic view area is directed west from New Navy Base Road, the project is not located within the Coastal Scenic View Area or other sensitive view area. The site is already developed with three (3) existing structures that were associated with the former pulp mill site. One of the existing structures is the chip silo, which is not a part of the proposed uses for the project, and has an existing height of approximately 80 feet. The other two (2) existing structures, which are a part of the proposed project, have heights of approximately 33.5 feet and 18.25 feet. The proposed modular structures will have an approximate height of 9.5 feet, and the warehouse structure will have a maximum height of 48 feet, which is lower than the allowed building height of 50 feet to a maximum of 75 feet in the MC zone. All other proposed structures would be lower in elevation, and would not likely obstruct any view from New Navy Base Road looking east. As the site is already developed with structures over 75 feet in height, the addition of the proposed warehouse and other structures would not change the overall character of the site. As well, the project is not located near any residences or residentially zoned areas. No impact.

Agriculture and Forestry Resources: The project site is in an industrial area and is zoned for industrial uses. No agriculture or forestry resources occur on the project site. No impact.

Air Quality: Minimal construction activities are associated with the project. 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 not utilize a gravel road. No impact.

Biological Resources: The project site exhibits wetlands as shown by the 2017 National Wetland Inventory (NWI) mapping. A review of the County GIS shows that the project parcel contains a freshwater emergent wetland, which is approximately 250 feet away from the proposed project activities. There are no watercourses located on the subject property. A review of the California Natural Diversity Database (CDDNB) indicates that the property has potential habitat for western snowy plover, yellow rail and beach layia.

A Biological Assessment Report (BAR) was prepared by Wildlife Biologists Jack Henry and Nicole Bogle, with Timberland Resources Consultants, dated July 13, 2021. The BAR mentions that there are areas on the site that are considered Urban habitat which include two (2) areas containing vegetation, and are considered to be non-ESHA. These two areas are considered to be degraded dune that are surrounded by paved roads and surfaces, and lack value from potential restoration. This determination is in line with other assessments of the area for other Coastal-Dependent Permits, and with the overall assessment and Master Plan for the Samoa Peninsula.

A Floristic Survey Report (FSR) to assess the proposed development area was prepared by Wildlife Biologist Jack Henry with Timberland Resource Consultants, dated January 2022. The purpose of the floristic survey was to identify any special status plants and ESHA within the project area that could be impacted by proposed development. The survey found no special status plants, and the FSR does identify ESHAs within the Project Parcel, but none occur within 100 feet of the project area. The small vegetated area between Vance Avenue and the project area contains a combination of non-native ruderal species, ornamental species, and native wax myrtle. From review of aerial imagery, the area is shown to be devoid of vegetation during initial development of the mill site, and was planted with ornamental shrubs. At some point after initial development this areas was populated by wax myrtle and other non-native grasses that are now present. As the area is dominated by non-natives, is relatively small in size, and provides low ecological value, the FSR found this area not to qualify as an ESHA or to have any sensitive resources. Before commencing any new development related to cannabis activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of roosts is found, then no further study will be required. If bats are found in the surveys, a mitigation plan addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by a qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. At a minimum, the mitigation plan shall establish a 400-foot buffer area around the nest during hibernation or while females in maternity colonies are nursing young Less than significant impact.

Cultural Resources: A Cultural Resource Study (CRS) for the proposed project area, which was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated September 2021. The CRS found that no significant archaeological or historic-period cultural resources were identified in the limits of the project area, and no additional archaeological studies were recommended. However, the CRS included the recommendation of Inadvertent Discovery Protocols for the project. No Impact.

Energy: 100% renewable power will be sourced from PG&E's REPower+ plan through an existing service/substation, and a PG&E service upgrade is proposed. The requirement for renewable power does not conflict with or obstruct any state or local plan for renewable energy or energy efficiency. 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 industrial uses. No significant grading will occur. A Phase 1 Environmental Site Assessment has been prepared which demonstrates that there are no potential hazardous areas of the property that would be impacted. Less than significant impact.

Greenhouse Gas Emissions: The site uses Pacific Gas and Electric grid electricity and is required to demonstrate the sourcing of 100% renewable power through an eligible program. Less than significant impact.

Hazards and Hazardous Materials: A Phase 1 Environmental Site Assessment has been prepared which demonstrates that there are no potential hazardous areas of the property that would be impacted. The proposed project is located within a tsunami evacuation area, and the applicant has provided a Tsunami Hazard Assessment (THA) prepared by Northpoint Consulting Group, dated July 7, 2022. The THA states that the proposed building will be a Risk Category II/Tsunami Risk Category II structure per ASCE 7-16 design standards. These structures are not required to be designed for tsunami loads unless required by state or locally adopted building code, and the applicant is required to permit the proposed warehouse structure with the local Building Division. The exception to tsunami design does not mitigate the requirement for a Tsunami Evacuation Plan for the employees at the site. The THA does incorporate a Tsunami Evacuation Plan, and all employees shall undergo training and be made aware of the Tsunami Evacuation Plan. Less than significant impact.

Hydrology and Water Quality: Hydroponic cultivation techniques will be utilized with very little use of imported soils and minimal use of water. Water will be sourced by the Humboldt Bay Municipal Water District (HBMWD). A total of 384,000 gallons of water is anticipated to be used annually at the site; 360,000 gallons of that water is anticipated for cultivation activities (7.5gal/sf/yr), and 24,000 gallons is anticipated to be used for manufacturing and processing activities. The applicant has received an intent for a Will-Serve letter from the HBMWD, dated December 21, 2022, which states that the agency can provide assurance that the water district is able to supply the annual water needs for the project, of 384,000 gallons annually, through the domestic water transmission lines to the Harbor District's domestic water six-inch meter.

Land Use and Planning: The project is consistent with the zoning and coastal plan designations. No impact.

Mineral Resources: No mining is proposed. The project will not result in the loss of availability of a known mineral resources that would be of value to the region and the residents of the state. The project will not result in the loss of availability of a locally important mineral resource recover site. No impact.

Noise: The project is required to ensure that mitigation measures are in place where necessary to ensure that noise generated by operations does not exceed 70 decibels anywhere off the site. The applicant has submitted a Noise Report prepared by Northpoint Consulting Group, dated

September 2021. The Noise Report states that ambient noise levels were taken for twenty-four hours at three locations on the property lines. Results showed that ambient noise levels ranged between 45 decibels and 88 decibels. The project incorporates the following noise mitigation measures: all indoor cultivation with HVAC systems and fans will be conducted within interior modular structures inside of the proposed warehouse, each of the fans will be equipped with a variable speed controller for precise adjustments, and components of proposed buildings/facilities have appropriate Sound Transmission Class (STC) ratings to reduce noise to 50 decibels maximum at property lines. Noise levels produced by the project at the three monitoring locations is expected to be below 50 decibels. Per section 313-55.4.12.6 of the CCCLUO, noise from the project shall not result in an increase of more than three (3) decibels of continuous noise above ambient noise levels at any property line of the site. The average for the ambient noise levels resulting from the three (3) measurements taken at the property lines is 64 decibels, and the project shall not result in noise levels above 70 decibels anywhere off the site. Less than significant impact.

Population and Housing: 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 proposing a 50,875 sf warehouse building that will consist of 1-acre of indoor cannabis cultivation with 4,350 square feet (sf) of ancillary propagation, as well as ancillary drying and trimming activities. Indoor cultivation will occur year-round with up to five (5) harvests per year. Hydroponic cultivation techniques will be utilized with very little use of imported soils. The project will also utilize two (2) existing structures for off-site commercial processing, infusion and distribution activities, and will potentially rent out existing office spaces. Non-volatile and volatile manufacturing activities are proposed to occur within two (2) 480 sf new modular structures. The project will not increase the need for fire or law enforcement services. The project is not within 600 feet of a park or a school. No impact.

Recreation: The project site is private property and contains no recreational facilities nor are recreational facilities accessed through the property. No impact.

Transportation: The site is accessed off of County maintained Vance Avenue, from County maintained New Navy Base Road. The project was referred to the Department of Public Works, and comments from Public Works included a recommendation of approval for the project. The site will utilize up to 40 employees during full operations. Less than significant impact.

Tribal Cultural Resources: The project site is located within the Bear River Band Tribe, the Wiyot Tribe, and the Blue Lake Rancheria tribal aboriginal territories. The applicant has obtained a Cultural Resource Study (CRS) for the proposed project area, which was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated September 2021. The CRS found that no significant archaeological or historic-period cultural resources were identified in the limits of the project area, and no additional archaeological studies were recommended. However, the CRS included the recommendation of Inadvertent Discovery Protocols for the project.. Less than significant impact.

Utilities and Service Systems: The project will be served by community water and sewer, and power is provided by PG&E. 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. The project site is located in an area of low to moderate fire hazard. Less than significant impact.

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project 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 to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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.

- No burning is proposed.

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

- Biological Assessment Report prepared by Timberland resource Consultants.

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

- The applicant shall be required to have a qualified biologist conduct a preconstruction survey of new development activities no more than 48 hours prior to such development activities, for northern red-legged frogs. Preconstruction surveys shall be conducted throughout the proposed construction area and a 400-foot buffer around the proposed development area, and shall be conducted within the appropriate season to maximize potential for observation of the species. If no special-status species are detected, then no further mitigation is required.

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

- No western pond turtle habitat occurs on the project site.

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

- There is no nesting raptor habitat on the project site.

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

- No Northern Spotted Owl habitat occurs within the vicinity of the project site.

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 per the Biological Assessment Report.

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

- No Marbled murrelet habitat occurs in the vicinity of the project site.

Mitigation Measure 3.4-1h: Noise reduction.

- Pacific Gas and Electric supplies power the site. The project is required to ensure that mitigation measures are in place where necessary to ensure that noise generated by operations does not exceed 70 decibels anywhere off the site. The applicant has submitted a Noise Report prepared by Northpoint Consulting Group, dated September 2021. The Noise Report states that ambient noise levels were taken for twenty-four hours at three locations on the property lines. Results showed that ambient noise levels ranged between 45 decibels and 88 decibels. The project incorporates the following noise mitigation measures: all indoor cultivation with HVAC systems and fans will be conducted within interior modular structures inside of the proposed warehouse, each of the fans will be equipped with a variable speed controller for precise adjustments, and components of proposed buildings/facilities have appropriate Sound Transmission Class (STC) ratings to reduce noise to 50 decibels maximum at property lines. Noise levels produced by the project at the three monitoring locations is expected to be below 50 decibels. Per section 313-55.4.12.6 of the CCCLUO, noise from the project shall not result in an increase of more than three (3) decibels of continuous noise above ambient noise levels at any property line of the site. The average for the ambient noise levels resulting from the three (3) measurements taken at the property lines is 64 decibels, and the project shall not result in noise levels above 70 decibels anywhere off the site

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 per the Biological Assessment Report.

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

- No habitat for fisher or marten is in the vicinity of the project.

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

- Before commencing any new development related to cannabis activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of roosts is found, then no further study will be required. If bats are found in the surveys, a mitigation plan addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by a qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. At a minimum, the mitigation plan shall establish a 400-foot buffer area around the nest during hibernation or while females in maternity colonies are nursing young

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

- No habitat for voles is located on the property.

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

- The applicant has obtained a Floristic Survey Report (FSR) to assess the proposed development area, which was prepared by Wildlife Biologist Jack Henry with Timberland Resource Consultants, dated January 2022. The purpose of the floristic survey was to identify any special status plants and ESHA within the project area that could be impacted by proposed development. The survey found no special status plants, and while the FSR does identify some sensitive plant areas within the Project Parcel, none occur within 100 feet of the project area.

Mitigation Measure 3.4-3b: Invasive plant species.

- The site is primarily paved and graveled and does not contain suitable habitat for plants.

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

- The project site and all proposed development is within a pre-disturbed area with no existing vegetation. There are mapped wetlands from the National Wetland Inventory that are located across from Vance Avenue on the subject parcel. There are no watercourses located on the subject property. A review of the California Natural Diversity Database (CDDNB) indicates that the property has potential habitat for western snowy plover, yellow rail and beach layia. The applicant obtained a Biological Assessment Report (BAR) prepared by Wildlife Biologists Jack Henry and Nicole Bogle, with Timberland Resources Consultants, dated July 13, 2021. The BAR mentions that there are areas on the site that are considered Urban habitat which include two (2) areas containing vegetation, and are considered to be non-ESHA (Environmentally Sensitive Habitat Areas). These two areas are considered to be degraded dune that are surrounded by paved roads and surfaces, and lack value from potential restoration. This determination is in line with other assessments of the area for other Coastal-Dependent Permits, and with the overall assessment and Master Plan for the Samoa Peninsula. The closest mapped potential wetland feature is over 250 feet from the Project Area, and no potential wetland indicators were observed within

200 feet of the project area.

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

- The closest mapped potential wetland feature is over 250 feet from the Project Area, and no potential wetland indicators were observed within 200 feet of the project area. There is no development proposed within any wetlands or wetland buffers and no impacts to wetlands are anticipated.

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.

- There are no historic resources on the project parcel.

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

- The project site is located within the Bear River Band Tribe, the Wiyot Tribe, and the Blue Lake Rancheria tribal aboriginal territories. The applicant has obtained a Cultural Resource Study (CRS) for the proposed project area, which was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated September 2021. The CRS found that no significant archaeological or historic-period cultural resources were identified in the limits of the project area, and no additional archaeological studies were recommended. However, the CRS included the recommendation of Inadvertent Discovery Protocols for the project.

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.

- A Phase 1 Environmental Site Assessment was prepared.

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

- See Mitigation Measure 3.7-2a above.

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

The subject parcel complies with the minimum size requirements of the ordinance.

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

- The project will utilize water from the Humboldt Bay Municipal Water District and will have no impact on groundwater.

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

- The site is flat and developed with gravel and paved surfaces and all proposed activities will take place in enclosed structures. No substantial runoff from the property is expected from the project.

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.

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

- Project is accessed off a county-maintained road.

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

- There is a Materials Management Plan for treatment program for the proposed project.

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 serviced by the Humboldt Bay Municipal Water District and has obtained an intent for will-serve letter.

FINDINGS

1. The proposed project will permit a new cannabis cultivation operation in 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 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.