

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

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

**APN's 217-251-003, 217-244-004, 217-244-007 & 217-225-007,
Blocksburg area, County of Humboldt**

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

March 2024

Background

Modified Project Description and Project History –

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

A Conditional Use Permit for authorizing the continued operation of pre-existing commercial cannabis cultivation on a parcel where approximately 68,000 square feet of area was historically used for outdoor cultivation and approximately 4,400 square feet of area was used for mixed light cultivation operated from the property since prior to 2016. Under the Use Permit, one (1) acre of the prior outdoor cultivation is proposed to be continued and the 4,400 square feet of Mixed-Light Cultivation will instead be operated in an Outdoor fashion, for a combined total of approximately 47,560 square feet of outdoor cultivation. Cultivation activities are proposed to be removed and relocated from three existing sites and consolidated within two distinct areas on the property. The three former sites are proposed to be fully remediated following removal of all cultivation infrastructure. Cultivation will continue to occur primarily in pots, within a series of approximately 22 greenhouses, each approximately 20 feet in width and of varying lengths. Light deprivation techniques will be used to induce early flowering and allow for a total of 2 harvests per year in each of the greenhouses. Juvenile cannabis plants will be supplied to the property twice a year delivered from an off-site licensed nursery. Two (2) greenhouses (each approximately 2,000 square feet in size) are proposed to be constructed and will primarily be used as propagation areas to help mature juvenile plants used during the second cultivation cycle. No supplemental lighting or generators are used as part of the cultivation and propagation activities. Annual estimated water usage for cultivation is 687,000 gallons and all water for irrigation is provided by an existing off-stream rainwater catchment pond with approximately 2,000,000 gallons of storage. Initial processing and drying of the

harvest occurs within two existing barns and further processing occurs off-site. All cultivation operations are conducted by the property owner and their family.

The project will also comply with provisions of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) intended to eliminate impacts to sensitive species from noise and from light and noise, including Department Policy Statement . Compliance with these and other measures of the CMMLUO ensure consistency with the Mitigated Negative Declaration that was adopted by the Board of Supervisors during passage of the first zoning ordinance amendments governing commercial cannabis cultivation and related uses.

Purpose- Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified or a Negative Declaration adopted for a project, no subsequent EIR or MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

A review of Appendix G impacts:

Aesthetics: The modified project is for 47,560 square feet of existing commercial cannabis cultivation. The EIR adopts as its baseline for analysis of impacts the existing environmental conditions that include the legacy of a half century of unregulated cannabis cultivation in remote and environmentally sensitive areas of Humboldt County. The modified project will not significantly impact scenic vistas or public views. The closest public locations to the project site lie within the Mount Lassic Wilderness in the Six Rivers National Forest to the east and Alderpoint Road to the west. Topography obscures all cultivation sites from view at public vantage points. The project is consistent with the visual character of the area, which includes cultivation sites on adjacent parcels. The applicant is proposing to grow without supplemental lighting. Compliance with performance standards of the CMMLUO require that the project not create a source of light or glare. No impact.

Agriculture and Forestry Resources: The project parcels are zoned Timber Production Zone (TPZ) and Agriculture Exclusive (AE) and no new cultivation is proposed. Cultivation activities will occur on the AE zoned portions of the parcel. The project will utilize agricultural land for agricultural purposes as contemplated in the Mitigated Negative Declaration. The project will not convert prime farmland or conflict with existing zoning for agricultural use or Williamson Act contract. Retirement and remediation of several pre-existing cultivation sites and relocation of approximately 30,000 square feet of cultivation to an area near the western portion of the property (Cultivation Area #1) is proposed to occur. No impact.

Air Quality: The project is for permitting of a parcel with existing cultivation operations. As the project involves retirement and remediation of some of the pre-existing cultivation areas and relocation to new portions of the property that are currently undeveloped, a modest amount of grading is anticipated. All grading will be confined to recontouring of prior cultivation areas being retired and preparation of the relocation area for the erection of approximately 12 new greenhouses. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project does utilize unpaved road(s) and traffic on unpaved roads can contribute to PM-10, for which the North Coast Air Basin is already in non-attainment, however this traffic and use are part of the environmental baseline for the site and will not increase under the proposed project. In fact, a decrease in use is anticipated since the applicant will be reducing the size of the cultivation operation by nearly a third and is choosing to forgo use of generators and supplemental lighting and cultivate cannabis in an outdoor fashion, exclusively. The use of roads for this cannabis project is therefore not a substantial change or additional significant impact not considered under the MND.

Biological Resources: The modified project includes relocation of cannabis outside of the Streamside Management Area buffer zone to other areas of the parcel. A Biological Reconnaissance Report (Biological Report) was prepared by Biologist Corrina Kamoroff of Hohman and Associates. The report assess the suitability of the site to support special-status plant and animal species and evaluate potential impacts on sensitive biological resources associated with commercial cannabis cultivation. As noted in the Report, portions of the current cultivation sites are located in areas impacting sensitive riparian habitat and removal and relocation to an environmentally superior location is appropriate. A Botanical survey was conducted by Caitlyn Allchin on behalf of Hohman and Associates. The survey revealed that a small portion of the area targeted for relocation is home to Tracy's tarweed, a limited distribution plant which occurs abundantly in the adjacent grasslands. The areas targeted for relocation have been adjusted to enable avoidance of this population of limited distribution plants. No supplemental lighting will be used as part of cultivation operations and no generators will be used as part of this project. The project is conditioned to include the recommendations from the Biological Assessment which include measures for controlling the potential spread of invasive species, restrictions on pesticide and insecticide use, and a prohibition on the use of synthetic netting. The recommendations of the Biological Report are consistent with the approach for protecting Biological Resources outlined in the MND for the CMMLUO. No significant impact.

Cultural Resources: A cultural resources survey was conducted in May of 2023 by the Archaeological Research and Supply Company. Two prehistoric sites were discovered on the property and recorded during the survey. Both sites lie within 600 feet of existing and proposed cultivation areas. No historical resources were encountered during the survey. The modified project was referred to the Northwest Information Center and the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. Following review of the survey information and report, the THPO for the Bear River Band recommended approval with the requirement that new ground disturbance require use of a Cultural monitor from the tribe, which is consistent with the recommendations of the Principal Archaeologist overseeing the survey effort. A Condition of Approval has been included to implement this requirement, as well as the standard protocol governing inadvertent discovery of cultural resources. Tribal coordination and consultation is described and outlined under the programmatic environmental document prepared for the CMMLUO and is codified in the regulations themselves, to be implemented on a case by case basis during analysis and processing of each permit request. Less than significant impact.

Energy: The modified project proposes cultivation in greenhouses in an outdoor fashion without use of supplemental lighting. Project-related energy demand is expected to be limited and will be served by a solar array. The project energy demand and use of a solar array will not result in wasteful, inefficient, or unnecessary consumption of energy resources during operation. Use of a solar array does not conflict with or obstruct any state

or local plan for renewable energy or energy efficiency. No impact.

Geology and Soils: No new structures are proposed that would expose people to risk of life from earthquakes. There is no evidence of slope instability on the property or within the greater Blocksburg area. The closest mapped landslides are lie nearly 7 miles west of the property in the Fruitland Ridge area. Half of the cultivation area is located on existing graded flats and the proposed relocation area is proposed within a fairly level portion of the property characterized by slopes of less than 15 percent. Grading of the relocation site is therefore expected to be minimal. No impact.

Greenhouse Gas Emissions: The site uses solar array as the primary power source. The project includes a generator for emergency purposes which is not uncommon for agricultural operations in rural areas and is part of the baseline conditions identified in the MND. The applicant has chosen to forgo continuation of Mixed-Light cultivation and grow exclusively in an Outdoor fashion. This eliminates the primary reason for using generators on a non-emergency basis. The solar array is expected to be sufficient to meet the minimal electrical needs of ancillary cultivation-related activities. The project would not result in significant sources of greenhouse gas emissions. Less than significant impact.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides and fuel for use in farm equipment. All hazardous materials are stored properly with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a high fire risk, however no significant wood framed structures will be constructed as part of this project. The project would not impair emergency response or create a significant risk from wildfire. Less than significant impact.

Hydrology and Water Quality: The MND adopts as its baseline for analysis of impacts the existing environmental conditions that include the legacy of a half century of unregulated cannabis cultivation in remote and environmentally sensitive areas of Humboldt County. The continued operation of 47,560 square feet of existing outdoor cultivation will not degrade any water sources or contribute to sedimentation and most conform to the performance standards described in the CMMLUO as well as State Water Resources Control Board General Order NO WQ 2019-0001-DWQ. As part of the project, the applicant is proposing to relocate cultivation from several areas and consolidate it within an environmentally superior area within the western portion of the property. Prior cultivation areas that have been relocated and consolidated will then be remediated. This will include removal of cultivation related materials, equipment, and infrastructure and restoration of these areas to their original pre-disturbance conditions. Some of the historic cultivation areas being retired and remediated are located within close proximity to watercourses on the property and remediation will help implement and preserve riparian setbacks promoted under the State Water Board Order and local Streamside Management Area Regulations. The continuation of cultivation within the remaining areas will not

substantially alter the existing drainage pattern of the site or area and the property is not located within a flood hazard or tsunami zone. Remediation of problematic cultivation sites and relocation to environmentally superior areas is supported and identified within the MND and consistent with Retirement, Remediation, and Relocation provisions of the CMMLUO. Less Than Significant impact.

Land Use and Planning: The modified project to continue an existing operation will not physically divide an established community or result in a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impact.

Mineral Resources: The modified project to continue an existing operation 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 modified project proposes to continue operation of an existing cannabis cultivation operation. The applicant is proposing to forgo Mixed-Light Cultivation which requires use of supplemental lighting and generators, and instead is proposing to cultivate exclusively in an outdoor fashion using light deprivation techniques to artificially induce flowering. This change is expected to result in a reduction of noise levels from the operation and therefore the project is not expected to result in the generation of excessive groundborne vibration or noise levels. Less Than Significant impact.

Population and Housing: The modified project is for existing outdoor cannabis cultivation. No housing is proposed nor is any removal of housing proposed. The project will not induce substantial unplanned population growth in an area nor displace substantial numbers of existing people or housing necessitating the construction of replacement housing. No impact.

Public Services: The continued operation of 47,560 square feet of existing outdoor cannabis cultivation 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. The eastern boundary of the applicant's holdings abut public land forming part of the Six Rivers National Forest managed by the United States Forest Service as part of the Mount Lassic Wilderness. The closest cultivation site is located over 3600 feet west (0.7 miles) of the nearest public land. No impact.

Transportation: According to the operations plan, the cultivation operation is managed by the property owner and his son. The project parcels are located in the Blocksburg area

approximately 2.25 miles from the intersection of Church Street and an unnamed access road, and approximately 3.5 miles from the intersection of Church Street and Alderpoint Road. A Road Evaluation Report for the privately maintained road, from Church Road to the subject property, was prepared in September 2023. The report indicates that the roadway is developed to the functional equivalent of the Category 4 road standard and is appropriate for the volume of expected traffic. The project is conditioned to require the applicant improve the first 50 feet of the private portion of Church Street, approximately 0.17 miles from its intersection with Alderpoint Road. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: A cultural resources survey was conducted in May of 2023 by the Archaeological Research and Supply Company. Two prehistoric sites were discovered on the property and recorded during the survey. Both sites lie within 600 feet of existing and proposed cultivation areas. No other historical resources were encountered during the survey. The Report recommended use of tribal cultural monitor during all future ground disturbance completed as part of project implementation, and application of the inadvertent discovery protocol should ground disturbance be allowed to occur without a monitor present. These requirements have been included with the Conditions of Approval for the project. The modified project was referred to the Northwest Information Center and the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. Following review of the survey information and report, the THPO for the Bear River Band recommended approval with the requirement that new ground disturbance require use of a Cultural monitor from the tribe, which is consistent with the recommendations of the Principal Archaeologist overseeing the survey effort. On April 16, 2024 planning staff visited the project site along with the property owner/applicant, their consultant, and Edwin Smith of the Bear River Band of the Rohnerville Rancheria. During the site visit the westernmost of the two recorded sites was inspected and it was agreed that monitoring of future ground disturbance and application of a 100-foot setback from the site boundary were sufficient to ensure impacts to Tribal Cultural Resources would be prevented. All other cultivation operations are located over 600 feet from the nearest Tribal Cultural Resources. Conditions of Approval has been included to implement this requirement, as well as the standard protocol governing inadvertent discovery of cultural resources. Tribal coordination and consultation is described and outlined under the programmatic environmental document prepared for the CMMLUO and is codified in the regulations themselves, to be implemented on a case by case basis during analysis and processing of each permit request. Less than significant impact.

Utilities and Service Systems: Solid waste is taken to the local transfer Station in an amount the service station is capable of handling. The project will provide portable toilets and handwashing stations for cultivation staff while permanent ADA accessible facilities are developed. Water for propagation and cultivation is sourced from rainwater captured within an existing pond estimated to hold approximately 2,000,000 gallons. Anticipated annual water demand for all cultivation is 687,000 gallons. All water, utilities, and

wastewater are handled onsite. No 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. No impact.

No changes are proposed to the mitigation measures outlined in the programmatic MND prepared for the CMMLUO. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the Mitigated Negative Declaration. The project as conditioned to implement responsible agency recommendations, results in no significant adverse environmental effects.

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

- Cultivation/Operation Plan, submitted September 25, 2023.
- Site Plan prepared by the Applicant received December 22, 2023.
- Road Evaluation Report prepared by Clearwater Ag Services, September 10, 2023
- Biological Assessment prepared by Hohman & Associates April 2023
- Botanical Assessment prepared by Hohman & Associates August 2023
- Report of Cultural Resources Investigation by Archaeological Research & Supply Company, May 2023
- Site Cleanup Photos provided by Applicant, August 28, 2023

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted.

Project impact analysis of conformance to the Mitigated Negative Declaration Substituted Mitigation Monitoring and Reporting Program.

Mitigation Measure 1: Required setback from tribal cultural resources and tribal consultation process (55.4.10(n) and 55.4.10(c)).

- The Project was referred to the Bear River Band of the Rohnerville Rancheria and the Northwest Information Center (NWIC) on March 18, 2024. A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in May 2023 (on file and confidential), which noted two distinct sites consisting of lithic scatter, but concluded that the proposed project will not result in any adverse changes to historical or archaeological resources. The Report recommended use of tribal cultural monitor during all future ground disturbance completed as part of project implementation, and application of the inadvertent discovery protocol should ground disturbance be allowed to occur without a monitor present. These requirements have been included with the Conditions of Approval for the project. On April 16, 2024 planning staff visited the project site along with the property owner/applicant, their consultant, and Edwin Smith of the Bear River Band of the Rohnerville Rancheria. During the site visit the westernmost of the two recorded sites was inspected and it was agreed that monitoring of future ground disturbance and application of a 100-foot setback from the site boundary were sufficient to ensure impacts to Tribal Cultural Resources would be prevented. All other cultivation operations are located over 600 feet from the nearest Tribal Cultural Resources.

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

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

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

- The project is located within the inland portion of the County and is subject to the setback standards in the Streamside Management Areas and Wetlands Ordinance as well as Chapter 10 (Conservation and Open Space Elements) of the General Plan. Several of the upper tributaries to Cooper Creek cross through the project parcel. However, all cultivation areas occur outside of all required SMA buffers. The project includes removal and relocation of cultivation from a site within the riparian buffer, located between two tributaries upstream of their confluence. A Condition of Approval is included requiring remediation of this area.

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

- The project is for 47,560 square feet of pre-existing cultivation in an Agricultural Exclusive (AE) zone which requires a Conditional Permit. The project complies with the requirements described in 55.4.8.2 et seq.

Mitigation Measure 5: Retirement, Remediation, and Relocation Program (55.4.14)

- Though the project is not participating in the Retirement, Remediation, and Relocation program, it is choosing to retire and remediate several cultivation areas in tandem with

relocation to a new environmentally superior location near the western end of the property. This is consistent with RRR provisions of the code.

Mitigation Measure 6: Cannabis Cultivation on Forest Lands

- This project is for pre-existing cultivation consistent with baseline conditions which is eligible in an Agriculture Exclusive zone (AE). No new increased cultivation will occur. There was no tree removal conducted for the development of the existing cultivation sites and no tree removal is proposed to occur to establish the proposed relocation area.

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

- The project operations plan describes measures that will be taken to properly store and handle hazardous materials. Compliance with the operations plan is a condition of project approval. The use of anticoagulant rodenticide is prohibited. The project is conditioned requiring the applicant to provide written compliance with the Certified Unified Program Agency (CUPA) requirements.

Mitigation Measure 8: Diversion of surface water and trucked water (55.4.11(l)-(m)).

- Annual estimated water usage for cultivation is 687,000 gallons and all water for irrigation is provided by an existing off-stream rainwater catchment pond with approximately 2,000,000 gallons of storage. Use of trucked water or diversions of surface water are not anticipated.

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

- Power will be sourced from a photovoltaic and battery system and no generators are a part of the project. The applicant has agreed to forgo Mixed-Light Cultivation which requires use of supplemental lighting and instead is proposing to exclusively cultivate in an Outdoor fashion using greenhouses and light deprivation techniques designed to artificially induce flowering. Anticipated electrical demand is therefore modest and should be feasible using a PV system with battery storage.

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

- Power will be sourced from a photovoltaic and battery system and no generators are a part of the project.

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

- The project will not include onsite processing activities, Portable toilets and handwashing facilities will be provided for agricultural workers. The operations plan describes operational practices and employee safety standards. The project is

conditioned that the applicant adheres to the Performance Standards for Cultivation and Processing Activities (55.4.11(q)-(u)).

- The project is conditioned that the applicant provide a statement declaring they are an agricultural employer as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code).

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

- The project is for outdoor cultivation and does not use artificial light.

Mitigation Measure 13: Humboldt Artisanal Branding Provision (55.4.15).

- The proposed project is for more than 3,000 square feet therefore this measure does not apply.

Mitigation Measure 14: Sunset Clause for applications

- The application was received on December 23, 2016, prior to the sunset of the ordinance.

Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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