

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

From: County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501

County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

F I L E D
County of Humboldt
Kelly E. Sanders
County Clerk
12-2020-224

Contact: Misael Ramos
Telephone: 445-7541
Email: Mramos1@co.humboldt.ca.us

Lead Agency (if different from above):
Address:

09/22/2020
sc

Contact:
Telephone:

Applicant: Rambling Rose, LLC
PO Box 1341
Willow Creek, CA 95573

APN: 316-171-005, 316-185-008, 316-186-006

Record No.: PLN-11129-SP

Subject: *Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.*

State Clearinghouse Number: 2015102005

Project Title: Medical Marijuana Land Use Ordinance—Phase IV

Project Location:

The project is located in Humboldt County, in the Titlow Hill area, on the west side of Titlow Hill Road, approximately 2.42 Miles south from the intersection of State Highway 299 and Titlow Hill Road, on the property known as 2292 Titlow Hill Road Blue Lake, CA 95525.

Project Description:

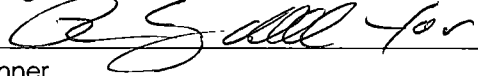
A Special Permit for an existing 9,000 square feet of outdoor medical cannabis cultivation. A Special Permit is also sought for an encroachment within in a Streamside Management Area (SMA), for structure removal and stream channel restoration and revegetation. A Special Permit is also being sought for the ongoing use and maintenance of stream diversions within the SMA.

This is to advise that the County of Humboldt as the Lead Agency has approved the above described project on September 17, 2020 and has determined that the project described above is in compliance with, and is consistent with the Commercial Medical Cannabis Land Use Ordinance (CMMLUO) adopted January 26, 2016, for which a Mitigated Negative Declaration was also adopted, and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration prepared for the adoption and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA

Signature:


Planner

Date: 9/17/2020

Title:

Date received for filing at OPR:

ATTACHMENT 3

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

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

APNs 316-171-005, 316-185-008, 316-186-006, Titlow Hill area, County of Humboldt

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

August 2020

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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.

The modified project involves a Special Permit for an existing 9,000 SF outdoor medical cannabis, and 240 square feet of propagation. The utility shed used for cannabis cultivation within and adjacent to the westerly Streamside Management Area will be removed and remediated. The site will be restored to its natural state.

Water for irrigation is sourced from an existing well and two points of diversion. The site contains a total of 106,400-gallons of hard tank storage. The applicant estimates, 120,000 gallons of water is required for the annual operations. Plants are harvested and dried on-site in a proposed 800 square-foot ag-exempt shed. All processing and operations associated with cannabis for Rambling Rose, ABC LLC will be conducted by the owners of Rambling Rose, ABC LLC with the assistance of two planned employees. All cannabis processing shall be conducted off-site at a licensed processing facility.

Power to the site is provided by solar and an emergency back-up generator. The modified project will also comply with provisions of the CMMLUO intended to eliminate impacts to sensitive species from noise and from light through the requirement to develop a light and noise attenuation plan. Compliance with these and other measures of the CMMLUO ensure consistency with the MND.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal is 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 original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Registered Professional Forester evaluation prepared by Timberland Resource Consultants on November 1, 2019.
- Site Management Plan prepared by Trinity Valley Consulting Engineers, Inc. in May 2020.
- Steve's Septic Service prepared an On-Site Wastewater Treatment System Inspection Report on October 10, 2019.
- The Applicant prepared a Road Evaluation Report on December 17, 2019.
- The applicant submitted evidence of existing cultivation on December 30, 2016.
- Staff analysis of Hydrologic Connectivity carried out on November 5, 2019.
- Biological Assessment prepared by Corrina Kamoroff in May 2020.
- Biological Opinion from 1 Degree Consulting analyzing the effects of the proposed SMA restoration as described by the applicant's SMP and Biological Assessment as well as a historical assessment of when development occurred in the SMA completed June 2020.
- Final Lake and Streambed Alteration Agreement with California Fish and Wildlife dated June 2020.

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. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation

into compliance with county and state requirements intended to adequately mitigate environmental impacts.

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

CONCLUSION

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

Notice of Determination

Notice of Determination

Appendix D

To:
Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

County Clerk
County of: Humboldt
Address: 825 Fifth Street Eureka, CA 95501

From:
Public Agency: Humboldt Dept. Planning & Bldg.
Address: 3015 H Street Eureka, CA 95501

Contact: Steven Lazar
Phone: 707-445-7245
KELLY E. SANDERS
Humboldt County Clerk

Lead Agency (if different from above):

Address:

Contact: BY [Signature]

Phone: 12-2016-002

FILED

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015102005

Project Title: Medical Marijuana Land Use Ordinance--Phase IV

Project Applicant: Humboldt County Department of Planning & Building

Project Location (include county): Humboldt, applies county-wide

Project Description:

Amendments to the Zoning Ordinance intended to provide for regulation of land uses involving commercial cultivation of cannabis for medical use. The ordinance regulates the cultivation by licensed operators, in compliance with relevant state and local laws. The fourth phase of the Humboldt County "Medical Marijuana Land Use Ordinance," the proposed ordinance would regulate an existing land use to help prevent and reduce environmental impacts known to result from unpermitted baseline cultivation operations. The ordinance develops pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight.

This is to advise that the Humboldt County Planning & Building Department has approved the above (X) Lead Agency or () Responsible Agency

described project on January 26, 2016 and has made the following determinations regarding the above described project. (date)

- 1. The project () will (X) will not have a significant effect on the environment.
2. () An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. (X) A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (X) were () were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan (X) was () was not adopted for this project.
5. A statement of Overriding Considerations () was (X) was not adopted for this project.
6. Findings (X) were () were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Humboldt County Planning & Building Department-Current Planning Division, 3015 H Street, Eureka, CA 95501

Signature (Public Agency): [Signature] Title: Interim Planning Director

Date: 1-26-2016 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

Revised 2011

RECEIPT



Transaction #: 62648
Receipt #: 2016000949
Cashier Date: 1/28/16 16:29
Cashier By: LH
Print Date: 1/28/2016 16:29:34

Kelly E. Sanders, Recorder
Humboldt County, California
825 5th Street
Eureka, CA 95501
(707) 445-7382

16:29:34
1/28/2016

CUSTOMER INFORMATION TRANSACTION INFORMATION PAYMENT SUMMARY

HUMBOLDT CO PLANNING

Date Received:	January 28, 2016 16:28
Source Code:	OVER THE COUNTER
Return Code:	MAIL
Trans Type:	Recording
Bin Number:	
Agent Ref Number:	HUMBOLDT CO PLANNING

Total Fees:	\$2,210.25
Total Payments:	\$2,210.25
Balance Due:	\$0.00

TRANSACTION PROBLEMS

Payments

JOURNAL ENTRY

\$2,210.25

Filing

Fish and Game NEGATIVE DECLARATION

Fees: Clerk Fees (1100271-613020)

\$2,210.25

FILE COPY
Humboldt County is the point of the sphere. We need the help in this file.
 2/2/16

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

From: County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501

County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

F I L E D
County of Humboldt
Kelly E. Sanders
County Clerk
12-2020-225
09/23/2020
sc

Contact: Liza Welsh
Telephone: 445-7541
Email: lwelsh@co.humboldt.ca.us

Lead Agency (if different from above):
Address:

Contact:
Telephone:

Applicant: Grindstone Ridge Gardens, LLC,
J. John Miller Jr.
PO Box 1536
Redway, CA 95560

APN: 221-051-007 and 221-061-017

Case No.: PLN-12198-ZCC
App No. 12198

Subject: **Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number: 2015102005

Project Title: Medical Marijuana Land Use Ordinance--Phase IV

Project Location:

The project is located in Humboldt County, in the Ettersburg area, on the West side of Thomas Road, approximately 1 miles West from the intersection of Dickson Butte Lane and Thomas Road, and approximately .7 miles from the intersection of Thomas Road and a Private Drive on the property known to be in Section 8 of Township 03 South, Range 02 East, Humboldt Base & Meridian.


Project Description: A Zoning Clearance Certificate (ZCC) for 5,000 square feet of existing outdoor cannabis cultivation, a Special Permit for use of a point of diversion for cannabis irrigation, a Special Permit for restoration activity within a Streamside Management Area, including the removal of legacy vehicles and fires within a stream channel, and a Special Permit for a reduced setback from public lands managed by the Bureau of Land Management. Cannabis is cultivated in outdoors in full sun. The water for the project is a point of diversion. Water will be stored in hard tanks and in a proposed pond. Existing and proposed tanks will have a combined 356,600 gallons of water storage capacity designated for cannabis irrigation. A second pond of 100,000 gallons is proposed for fire suppression. The applicant's estimated annual water use is approximately 98,000 gallons. Power is provided by solar arrays and a generator is used in October and November to power the structure used for drying. Processing occurs offsite at a licensed third-party facility. The project is family-operated, and no employees work on site.

This is to advise that the County of Humboldt as the Lead Agency has approved the above described project on September 17, 2020 and has determined that the project described above is in compliance with, and is consistent with the Commercial Medical Cannabis Land Use Ordinance (CMMLUO) adopted January 26, 2016, for which a Mitigated Negative Declaration was also adopted, and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

NOTICE OF DETERMINATION

This is to certify that the Mitigated Negative Declaration prepared for the adoption and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA

Signature:  Date: 09.18.2020
Title: Planner Date received for filing at OPR: _____

ATTACHMENT 3
CEQA Addendum

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

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

APN 221-051-007 and 221-061-017, Eftersburg area, County of Humboldt

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

August 2020

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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 modified project involves A Zoning Clearance Certificate (ZCC) for 5,000 square feet of existing outdoor cannabis cultivation, a Special Permit for use of a point of diversion for cannabis irrigation, a Special Permit for restoration activity within a Streamside Management Area, including the removal of legacy vehicles and tires within a stream channel, and a Special Permit for a reduced setback from public lands managed by the Bureau of Land Management. Cannabis is cultivated in outdoors in full sun. The water for the project is a point of diversion. Water will be stored in hard tanks and in a proposed pond. Existing and proposed tanks will have a combined 356,600 gallons of water storage capacity designated for cannabis irrigation. A second pond of 100,000 gallons is proposed for fire suppression. The applicant's estimated annual water use is approximately 98,000 gallons. Power is provided by solar arrays and a generator is used in October and November to power the structure used for drying. Processing occurs offsite at a licensed third-party facility. The project is family-operated, and no employees work on site. The project is supported by a Biological Reconnaissance Study prepared by Mother Earth Engineering, which found that no special status plants and no rare, threatened, or endangered species were observed within the project area. As no mature stands of trees are proposed for removal, and the project will have a low impact to Upland Douglas Fir Forest, a sensitive natural community. A Cultural Resources Survey was conducted on the parcel, and a cultural resource site was identified outside of the project area. No ground disturbance or new infrastructure is to be established within the site boundary, and the applicant shall adhere to a heightened inadvertent discovery protocol.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and standards to limit disturbance to wildlife, restoration of decommissioned cultivation sites in Streamside Management Areas, increased water storage to allow for complete forbearance from water diversion during the dry season, identification and avoidance of cultural resources, measures to correct drainage and erosion on the subject parcel, and proper storage of fertilizers and soil amendments.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

or

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. 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 original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- County GIS.
- Site Plan and Operations Plan for Grindstone Ridge Gardens, LLC.
- Streambed Alteration Agreement (Notification No 1600-2019-0759-R1) for APNS 221-051-007 and 221-061-017, received 5/11/2020.
- Timber Conversion Evaluation Report prepared by Timothy A. Metz RPF#2602, received 6/18/2020
- Water Resources Protection Plan prepared by Pacific Watershed Associates in June 2018.
- Right to Divert and Use Water (Certificate H100200 – Registration H500844).
- Cultural Resource Report, prepared by William Rich, M.A. RPA, received 11/18/2019.
- Biological Reconnaissance Report, prepared by Mother Earth Engineering, received 5/15/2020.

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. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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

Notice of Determination

Notice of Determination

Appendix D

To:
Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814
County Clerk
County of: Humboldt
Address: 825 Fifth Street Eureka, CA 95501

From:
Public Agency: Humboldt Dept. Planning & Bldg.
Address: 3015 H Street Eureka, CA 95501
Contact: Steven Lazar Phone: 707-445-7245
KELLY E. SANDERS Humboldt County Clerk
Lead Agency (if different from above):
Address:
Contact: BY [Signature]
Phone: 12-2016-002

FILED

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015102005
Project Title: Medical Marijuana Land Use Ordinance-Phase IV
Project Applicant: Humboldt County Department of Planning & Building
Project Location (include county): Humboldt, applies county-wide

Project Description:
Amendments to the Zoning Ordinance intended to provide for regulation of land uses involving commercial cultivation of cannabis for medical use. The ordinance regulates the cultivation by licensed operators, in compliance with relevant state and local laws. The fourth phase of the Humboldt County "Medical Marijuana Land Use Ordinance," the proposed ordinance would regulate an existing land use to help prevent and reduce environmental impacts known to result from unpermitted baseline cultivation operations. The ordinance develops pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight.

This is to advise that the Humboldt County Planning & Building Department has approved the above described project on January 26, 2016 and has made the following determinations regarding the above described project.

- 1. The project [] will [x] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [x] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [x] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [x] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [x] was not adopted for this project.
6. Findings [x] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Humboldt County Planning & Building Department-Current Planning Division, 3015 H Street, Eureka, CA 95501

Signature (Public Agency): [Signature] Title: Interim Planning Director
Date: 1-26-2016 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code. Revised 2011

RECEIPT



Transaction #: 62648
Receipt #: 2016000949
Cashier Date: 1/28/16 16:29
Cashier By: LH
Print Date: 1/28/2016 16:29:34

Kelly E. Sanders, Recorder
Humboldt County, California
825 5th Street
Eureka, CA 95501
(707) 445-7382

16:29:34
1/28/2016

CUSTOMER INFORMATION TRANSACTION INFORMATION PAYMENT SUMMARY

HUMBOLDT CO PLANNING	Date Received:	January 28, 2016 16:28	Total Fees:	\$2,210.25
	Source Code:	OVER THE COUNTER	Total Payments:	\$2,210.25
	Return Code:	MAIL	Balance Due:	\$0.00
	Trans Type:	Recording		
	Bin Number:			
Agency Number:	HUMBOLDT CO PLANNING			

TRANSACTION PROBLEMS

Payment

JOURNAL ENTRY	\$2,210.25
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Fees

Fish and Game NEGATIVE DECLARATION	
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Fees: Clerk Fees (1100271-613020)	\$2,210.25
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FILE COPY
*Humboldt is the point of
 County is the sphere. We need
 the sphere. We need
 help in this
 pilot program*

NOTICE OF DETERMINATION

F I L E D

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

County of Humboldt
Kelly E. Sanders
County Clerk
12-2020-226
09/23/2020
sc

County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501

County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

Contact: Elizabeth Moreno
Telephone: 445-7541
Email: emoreno@co.humboldt.ca.us

Lead Agency (if different from above):
Address:

Contact:
Telephone:

Applicant: Him Management Group, LLC
41555 Highway 36
Bridgeville, CA 95526

APN: 208-281-026 and 210-191-060.

Case No.: PLN-12159-CUP
App No. 12159

Subject: *Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.*

State Clearinghouse Number: 2015102005

Project Title: Medical Marijuana Land Use Ordinance—Phase IV

Project Location:

The project is located in Humboldt County, in the Dinsmore area, on the North side of State Hwy 36, approximately 1.6 miles east from the intersection of Burr Valley Road and State Hwy 36, on the property known as 41555 State Hwy 36.

Project Description:

A Conditional Use Permit for 15,300 square feet of existing outdoor cannabis cultivation operation project includes a Special Permit for development within the Streamside Management Area that would allow restoration of legacy cultivation and onsite relocation. A Special Permit is also sought for an encroachment of a Streamside Management Area for a point of diversion for a spring offsite on APN: 210-191-050. The projected annual water usage is approximately 75,000 gallons. Water storage currently consist 130,000 gallons stored in water bladders and hard tanks. The applicant will be replacing the water bladders with hard tanks. Drying will occur onsite and further processing will occur offsite at a licensed facility. No employees are expected for this project. Power is provided by solar with a backup generator and the applicant plans to phase out the backup generator to rely on battery banks for backup.

This is to advise that the County of Humboldt as the Lead Agency has approved the above described project on September 17, 2020 and has determined that the project described above is in compliance with, and is consistent with the Commercial Medical Cannabis Land Use Ordinance (CMMLUO) adopted January 26, 2016, for which a Mitigated Negative Declaration was also adopted, and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration prepared for the adoption and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA

Signature:  Date: 9-18-20
Title: Planner II Date received for filing at OPR: _____

ATTACHMENT 3

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

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

APN 208-281-026 and APN 201-191-060, 41555 State Highway 36, Dinsmore Area, County of Humboldt

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

September 2020

Background

Modified Project Description and Project History-The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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 modified project involves a Conditional Use Permit for A Conditional Use Permit for 15,300 square feet (SF) of existing outdoor cannabis cultivation operation. The project includes a Special Permit for development within the Streamside Management Area (SMA) that would allow restoration legacy cultivation and onsite relocation. SMA for a point of diversion for a spring offsite, located on APN: 210-191-050. The spring is a tributary to an unnamed stream, thence to the Van Duzen River.

The project is comprised of two parcels 208-281-026 and 210-191-60 for a total of 43 acres in size. The parcel is developed a 3,500 SF residence, a second residence at 1,400 SF, a 1,000 SF horse barn, and an 800 SF garage used for drying.

The projected annual water usage is approximately 74,000 gallons, for one full cycle of cannabis cultivation. Water storage currently consists of 140,000 gallons, supplemented by the offsite spring, stored in tanks and in water bladders. As a condition of approval, the applicant will replace the water bladders with hard tanks and the applicant shall provide photographic evidence to the Planning Department. The applicant obtained a Right to Divert Water (Certificate Number H100637) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 198,769 gallons. Furthermore, the applicant will meter the water to demonstrate that there is enough water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period.

The applicant submitted Site Management Plan (SMP) prepared by Natural Resources Management Corporation, dated September 2018. The report states that there is 13,500 gallons stored in hard tanks, encroaching a Class II stream, but that there is no adverse impact to the SMA and that the tanks do not need to be removed. Applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

According to California Natural Diversity Data Base (CNDDDB) there is no mapped rare and endangered species onsite. The nearest Northern Spotted Owl Activity Center (NSO) recorded is located at .85 miles to the east of the project site. The applicant submitted a Biological Survey Report, prepared by Natural Resources Management Corporation, dated August 2018. The report states that no wildlife species or special status species were recorded on site, additionally none of these species are expected to experience impacts from the proposed project. Staff believes the project complying with dark-sky standards, can adequately address any lighting impacts on NSO. The report recommends that the applicant should limit noise and light usage. Additionally, the Biological Report states that cultivation area 3, shall be removed and relocated to areas 1 and 2 to avoid potential impacts to potential stream course. As a condition of approval, the applicant is to adhere to Biological Resource Assessment and submit remediation and monitoring plan for cultivation area 3 to the Planning Department.

The project was referred to the Department of California Fish and Wildlife (CDFW) on October 19, 2017 and did not provide any comments for the project. However, the applicant has obtained a final Lake Stream Alteration Agreement from CDFW and is to adhere to the apparent recommendations.

Drying and bucking will occur onsite and stored in an existing building onsite and further processing will occur offsite at licensed facility.

Access to the site directly from State Highway 36 a publicly maintained road. As a condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation and to adhere to recommendations made in the Road Evaluation Report. Power source is proposed to be provided by generator. No employees will be required, only the operators will manage for the cultivation operation

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, water metering and proper storage of fertilizers and soil amendments.

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

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

Summary of Significant Project Effects and Mitigation Recommended

The project, as conditioned, results in no significantly adverse environmental effects beyond those identified in the adopted MND and no changes are proposed to the original MND's recommended mitigation measure for the proposal to authorize an existing 15,300 square feet of outdoor cannabis cultivation operation. The project includes a Special Permit for development within the Streamside Management Area that would allow restoration and onsite relocation.

In reviewing the application for consistency with the adopted MND, the County considered the following

information and studies, among other documents (see Attachment 4 for a complete listing of supporting documentation):

- Biological Survey Report, prepared by Natural Resources Management Corporation, dated August 2018.
- Site Management Plan prepared by Natural Resources Management Corporation, dated September 2018.
- Water Management Plan, prepared by Natural Resources Management Corporation, dated April 2018.
- Streambed Alteration Agreement issued by California Department of Fish and Wildlife, dated October 2017.
- Right to Divert and Use Water, certificate H100637, issued October 2017.

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.

For all impact categories analyzed in the review of this staff report, 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. 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 project.

RECEIPT



Transaction #: 62648
Receipt #: 2016000949
Cashier Date: 1/28/16 16:29
Cashier By: LH
Print Date: 1/28/2016 16:29:34

Kelly E. Sanders, Recorder
Humboldt County, California
825 5th Street
Eureka, CA 95501
(707) 445-7382

16:29:34
1/28/2016

CUSTOMER INFORMATION TRANSACTION INFORMATION PAYMENT SUMMARY

HUMBOLDT CO PLANNING

Date Received:	January 28, 2016 16:26
Service Code:	OVER THE COUNTER
Return Code:	MAIL
Trans Type:	Recording
Bln Number:	
Agency Number:	HUMBOLDT CO PLANNING

Total Fees:	\$2,210.25
Total Payments:	\$2,210.25
Balance Due:	\$0.00

TRANSACTION PROBLEMS

Payment

JOURNAL ENTRY

\$2,210.25

Filing

Fish and Game NEGATIVE DECLARATION

Fees: Clerk Fees (1100271-613020)

\$2,210.25

FILE COPY
*Humboldt is the point of
 County. We need
 the sphere. We need
 help in this
 pilot program*

Notice of Determination

Notice of Determination

Appendix D

To:
 Office of Planning and Research
 U.S. Mail: _____ Street Address: _____
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: Humboldt
 Address: 825 Fifth Street
 Eureka, CA 95501

From:
 Public Agency: Humboldt Dept. Planning & Bldg.
 Address: 3015 H Street
 Eureka, CA 95501

Contact: Steven Lazar KELLY E. SANDERS
 Humboldt County Clerk
 Phone: 707-445-7245

Lead Agency (if different from above):
 Address: _____
 Contact: _____ BY [Signature]
 Phone: _____ 12-2016-002

FILED

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015102005

Project Title: Medical Marijuana Land Use Ordinance--Phase IV

Project Applicant: Humboldt County Department of Planning & Building

Project Location (include county): Humboldt, applies county-wide

Project Description:
 Amendments to the Zoning Ordinance intended to provide for regulation of land uses involving commercial cultivation of cannabis for medical use. The ordinance regulates the cultivation by licensed operators, in compliance with relevant state and local laws. The fourth phase of the Humboldt County "Medical Marijuana Land Use Ordinance," the proposed ordinance would regulate an existing land use to help prevent and reduce environmental impacts known to result from unpermitted baseline cultivation operations. The ordinance develops pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight.

This is to advise that the Humboldt County Planning & Building Department has approved the above Lead Agency or Responsible Agency

described project on January 26, 2016 and has made the following determinations regarding the above described project.

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Humboldt County Planning & Building Department-Current Planning Division, 3015 H Street, Eureka, CA 95501

Signature (Public Agency): [Signature] Title: Interim Planning Director

Date: 1-26-2016 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

 County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

From: County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501

FILED
County of Humboldt
Kelly E. Sanders
County Clerk
12-2020-227
09/23/2020
sc

Contact: Keenan Hilton
Telephone: 445-7541
Email: khilton@co.humboldt.ca.us

Lead Agency (if different from above):
Address:

Contact:
Telephone:

Applicant: Blocksburg Family Farms, LLC
29408 Alderpoint Road
Blocksburg, CA 95514

APN: 217-401-002

Record No.: PLN-10813-CUP

Subject: *Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.*

State Clearinghouse Number: 2015102005

Project Title: Medical Marijuana Land Use Ordinance—Phase IV

Project Location:

The project is located in Humboldt County in the Blocksburg area, on both sides of Sylvan Glade Road, approximately 0.86 miles west from the intersection of Browning Road and Sylvan Glade Road, on the property known as 850 Sylvan Glade Road.

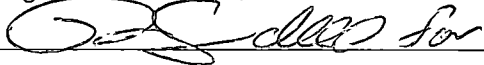
Project Description:

Conditional Use Permit for 11,650 square feet (sf) of outdoor commercial cannabis cultivation with approximately 400 sf ancillary nursery space, and a Special Permit for agricultural diversion and restoration within the Streamside Management Area. The applicant estimates water demand to total approximately 102,500 gallons per year. Irrigation water is provided by one 215,000-gallon rainwater catchment pond, one 260,000-gallon on-stream pond and one spring diversion. Between the catchment pond, one 20,000-gallon bladder, one 4,000-gallon tanks and seven 2,500-gallon tanks, water storage totals 254,000 gallons. There is an existing residence onsite served by a septic system. Drying and curing would occur onsite with further processing occurring at a licensed third-party facility. The operation would require a maximum of 6 employees. Electricity would be provided by an onsite solar array with generators retained for back-up use.

This is to advise that the County of Humboldt as the Lead Agency has approved the above described project on September 17, 2020 and has determined that the project described above is in compliance with, and is consistent with the Commercial Medical Cannabis Land Use Ordinance (CMMLUO) adopted January 26, 2016, for which a Mitigated Negative Declaration was also adopted, and has made the following determinations regarding the above described project:

- 1. The project will will not have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures were were not made a condition of the approval of the project.
- 4. A mitigation reporting or monitoring plan was was not adopted for this project.
- 5. A statement of Overriding Considerations was was not adopted for this project.
- 6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration prepared for the adoption and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA

Signature:  Date: 9/18/2020
Title: Planner Date received for filing at OPR: _____

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

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

APN 217-401-002, 850 Sylvan Glade Rd Blocksburg, CA County of Humboldt

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

August 2020

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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 modified project involves a Conditional Use Permit (CUP) to continue operating an existing 11,650 square feet (sf) of outdoor commercial cannabis cultivation and an approximately 400-sf ancillary nursery located on Assessor's Parcel Number (APN) 217-401-002, which is approximately 48 acres in size. The site is currently developed with a residential dwelling unit. The cultivation areas including greenhouses and storage, water storage ponds and eight hard-sided tanks. Cultivation activities will occur in several outdoor garden areas totaling 9,350 sf and within four light-deprivation greenhouses totaling 2,300 sf. The proposed project also includes a Special Permit for continued use of two agricultural diversions and restoration activities within the Streamside Management Area (SMA). Processing would occur offsite. The maximum anticipated number of trips per day is six.

Water usage is estimated to be 102,500 gallons per year. Irrigation water is provided by one 215,000-gallon rainwater catchment pond, one 260,000-gallon on-stream pond and one spring diversion. Between the catchment pond, one 20,000-gallon bladder, one 4,000-gallon tanks and seven 2,500-gallon tanks, water storage totals 254,000 gallons. The applicant has signed a final Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW). The LSAA requires the improvement of a spillway, and limits water diversion to no more than three gallons/minute. It also requires that the permittee shall pass 90% of the flow, divert a maximum of 200 gallons/day and forbear from diversion between May 15 and October 31 each year. Compliance with CDFW regulation is included in the conditions of approval.

The property is within a matrix of Douglas-fir and oak forest and grassland. There are two ponds in the immediate vicinity of the cultivation areas. The western "lower pond" has been determined to be, in part, fed by surface water flows. It is not clear whether the pond is naturally occurring, or if it was installed by humans; it appears in aerial imagery from 1998. This diversion is one source of irrigation water for the project, subject to the standard forbearance period from May 15 – October 31 each year. The eastern "upper pond" has been determined to be off stream and fed by rainwater. This pond was installed in 2015. The outflow disperses water prior to reaching an intermittent stream that occurs approximately 100 feet to the east. Therefore, the pond is considered off-stream and does not require setbacks. In fact, cultivation would occur directly adjacent to the pond. There are two unnamed Class II watercourses within the parcel and one Class III drainage adjacent to the parcel. The applicant contracted Natural Resources Management (NRM) to prepare a Water Resources Protection Plan (WRPP) in accordance with enrollment as a Tier II discharger with the California Regional Water Quality Control Board Order 2015-0023. The WRPP identified areas and timelines for the implementation of watershed protection measures in accordance with the 12 standard conditions. Ten corrective actions were identified as necessary to meet the 12 standard conditions and made a condition of permit approval. These measures include making road improvements, monitoring of water usage, upgrades to pond berms and overflows, and the permitting of the onsite wastewater treatment system. Redesign and rocking of the pond spill-ways and checking of the berms for stability is

proposed by the applicant in an Erosion Control Plan, dated 03.07.2019. No cultivation activities are to occur within 100 feet of the nearest watercourse. Completion of the listed items is included in the conditions of approval. Conditions of approval also require that the applicant submit a Notice of Applicability from the State Water Resource Control Board (SWRCB) and submit a Site Management Plan (SMP) in accordance with that agency's general order.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 11,650 SF of cannabis cultivation commercial cannabis operation, to authorize surface water diversions to support the cultivation, and to authorize minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Water Resource Protection Plan for APN 217-401-002 prepared by NRM, May 25, 2018.
- Archaeological Survey Report for Commercial Cannabis Cultivation prepared by Alta Archaeological Consulting, May 17, 2019.
- Less Than 3 Acre Conversion Mitigation Report prepared by NRM, March 18, 2019.
- Cannabis Relocation Report prepared by NRM, July 24, 2018.
- Site Plan Overview and Cultivation and Operations Plan prepared by Green Road Consulting, received June 12, 2020.
- Cultivation and Operations Plan prepared by Green Road Consulting, received April 25, 2020.
- Lake or Streambed Alteration Agreement prepared by the California Department of Fish and Wildlife, received April 24, 2020.
- Road Evaluation Report prepared by the applicant, received August 11, 2020.
- Grading, Drainage and Erosion Control Plans prepared by Omsberg and Preston, received March 7, 2019.

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. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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

RECEIPT



Transaction #: 62648
Receipt #: 2016000949
Cashier Date: 1/28/16 16:29
Cashier By: LH
Print Date: 1/28/2016 16:29:34

Kelly E. Sanders, Recorder
Humboldt County, California
825 5th Street
Eureka, CA 95501
(707) 445-7382

16:29:34
1/28/2016

CUSTOMER INFORMATION TRANSACTION INFORMATION PAYMENT SUMMARY

HUMBOLDT CO PLANNING	Date Received:	January 28, 2016 16:26	Total Fees:	\$2,210.25
	Source Code:	OVER THE COUNTER	Total Payments:	\$2,210.25
	Return Code:	MAIL	Balance Due:	\$0.00
	Trans Type:	Recording		
	Bln Number:			
Agent Ref Number:	HUMBOLDT CO PLANNING			

TRANSACTION PROBLEMS

Payment

JOURNAL ENTRY	\$2,210.25
---------------	------------

Blind

Fish and Game NEGATIVE DECLARATION

Fees: Clerk Fees (1100271-613020)	\$2,210.25
-----------------------------------	------------

FILE COPY
Humboldt County is the point of the sphere. We need help in this pilot program.

Notice of Determination

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814
[X] County Clerk
County of: Humboldt
Address: 825 Fifth Street Eureka, CA 95501

From:
Public Agency: Humboldt Dept. Planning & Bldg.
Address: 3015 H Street Eureka, CA 95501
Contact: Steven Lazar
Phone: 707-445-7245
KELLY E. SANDERS
Humboldt County Clerk
931793
JAN 28 2016
Lead Agency (if different from above):
Address:
Contact: BY [Signature]
Phone: 12-2016-002

FILED

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015102005
Project Title: Medical Marijuana Land Use Ordinance--Phase IV
Project Applicant: Humboldt County Department of Planning & Building
Project Location (include county): Humboldt, applies county-wide

Project Description:
Amendments to the Zoning Ordinance intended to provide for regulation of land uses involving commercial cultivation of cannabis for medical use. The ordinance regulates the cultivation by licensed operators, in compliance with relevant state and local laws. The fourth phase of the Humboldt County "Medical Marijuana Land Use Ordinance," the proposed ordinance would regulate an existing land use to help prevent and reduce environmental impacts known to result from unpermitted baseline cultivation operations. The ordinance develops pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight.

This is to advise that the Humboldt County Planning & Building Department has approved the above (X) Lead Agency or [] Responsible Agency

described project on January 26, 2016 and has made the following determinations regarding the above described project. (date)

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [X] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: Humboldt County Planning & Building Department-Current Planning Division, 3015 H Street, Eureka, CA 95501

Signature (Public Agency): [Signature] Title: Interim Planning Director
Date: 1-26-2016 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code. Revised 2011