INITIAL STUDY and DRAFT MITIGATED NEGATIVE DECLARATION

FOR

THE HILLS, LLC, CANNABIS CULTIVATION AND WATER RESOURCES REMEDIATION PROJECT

September 2024

Lead Agency:
County of Humboldt

Lead Agency Contact:
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Record Numbers:
PLN-11638-CUP, PLN-11642-ZCC, and PLN-11643-CUP

TABLE OF CONTENTS

I. INTRODUCTION 3
II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED 20
III. DETERMINATION 21
IV. EVALUATION OF ENVIRONMENTAL EFFECTS 22
V. CHECKLIST, DISCUSSION OF CHECKLIST RESPONSES, AND PROPOSED MITIGATION 23
I. AESTHETICS 23
II. AGRICULTURE AND FORESTRY RESOURCES 25
III. AIR QUALITY 29
IV. BIOLOGICAL RESOURCES 34
V. CULTURAL RESOURCES 46
VI. ENERGY 49
VII. GEOLOGY AND SOILS 52
VIII. GREENHOUSE GAS EMISSIONS 58
IX. HAZARDS AND HAZARDOUS MATERIALS 61
X. HYDROLOGY AND WATER QUALITY 65
XI. LAND USE AND PLANNING 72
XII. MINERAL RESOURCES 74
XIII. NOISE 75
XIV. POPULATION AND HOUSING 79
XV. PUBLIC SERVICES 80
XVI. RECREATION 82
XVII. TRANSPORTATION 83
XVIII. TRIBAL CULTURAL RESOURCES 87
XVIX. UTILITIES AND SERVICE SYSTEMS 88
XX. WILDFIRE 92
XXI. MANDATORY FINDINGS OF SIGNIFICANCE 94
VI. DISCUSSION OF MITIGATION MEASURES, MONITORING AND REPORTING PROGRAM 101
VII. EARLIER ANALYSIS 104
VIII. REFERENCES 105
IX. LIST OF PREPARERS 108

APPENDICES

Appendix A: The Hills, LLC, Map Set
Appendix B: The Hills Plan Set
Appendix C: Project Description (dated November 6, 2023)
Appendix D: Cultivation and Operations Plan (dated October 6, 2021)
Appendix E: Draft Lake or Streambed Alteration Agreement
Appendix F: Pond 1 and Pond 2 Restoration Plan (prepared by Native Ecosystems, Inc., dated November 2023)
Appendix G: Soils Report for Pond 1 and Pond 2 Decommissioning (prepared by SHN, dated October 25, 2023)
Appendix H: CDFW Notification for Emergency Work & Agency Correspondence (dated March 2024)
Appendix I: Pond 3 Decommissioning Plan (prepared by Omsberg & Preston, dated December 6, 2023)
Appendix J: Pond 3 Restoration Plan
Appendix K: Pond 3 Restoration Engineering Geologic Assessment (prepared by SHN, dated November 3, 2023)
Appendix L: Hydrologic Isolation of Well from Surface Water Letter (prepared by Lindberg Geologic Consulting, dated August 26, 2020)
Appendix M: Well Completion Report (dated November 15, 2019)
Appendix N: Water Management Plan
Appendix O: Road Evaluation Reports
Appendix P: Site Management Plan (prepared by Timberland Resource Consultants, dated September 18, 2019, and revised December 9, 2019)
Appendix Q: Supplemental Power Plan (dated October 4, 2021)
Appendix R: Biological Report (prepared by Natural Resources Management Company, dated May 2020)
Appendix S: Botanical Survey Results (prepared by Kyle Wear, Botanical Consultant, dated May 2020)
Appendix T: Engineering Geologic Soils Report – Proposed Processing Facility (prepared by Lindberg Geologic Consulting, dated October 3, 2019)
Appendix U: Letter from WRA Environmental Consultants to Elan Puno dated April 11, 2019 summarizing a wetland assessment for Shadow Light Ranch.

I. INTRODUCTION

1. Project Title: The Hills, LLC, Cannabis Cultivation and Water Resources Remediation Project: Assessor's Parcel Numbers (APNs): 223-061-003, 223-061-038, 223-061-039, 223-061-043, 223-061-046, 223-073-004 and 223-073-005; Record Numbers: PLN-11638-CUP, PLN-11642-ZCC, and PLN-11643-CUP.

2. Lead Agency Name and Address: Humboldt County Planning & Building Department, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax: (707) 445-7446.

3. Contact Person and Phone Number: Cliff Johnson, Planning Manager; Phone: (707) 445-7541; Fax: (707) 268-3792; Email: cjohnson@co.humboldt.ca.us.

4. Project Location:
Record Number: PLN-11638-CUP: The project site is located in the Garberville area, on the south side of Clark Road, approximately 1.0 south from the intersection of Clark Road and Shadow Light Ranch Road, on the property known as 960 Shadow Light Ranch Road.

Record Number: PLN-11642-ZCC: The project is located in the Garberville area, on the south side of Alderpoint Road, approximately 0.30 miles east from the intersection of Wallan Road, Pigeon Road and Clark Road to a private driveway, then approximately 1 mile south, on the property known to be in Section 19 & 30 of Township 04 South, Range 04 East, Humboldt Base & Meridian.

Record Number: PLN-11643-CUP: The project is located in the Garberville area, on the south side of Alderpoint Road, approximately 0.30 miles east from the intersection of Wallan Road, Pigeon Road and Clark Road to a private driveway, then approximately 1 mile south to the property line, on the property known to be in Section 19 of Township 04 South, Range 04 East, Humboldt Base & Meridian.

Cumulatively referred to as the project site, it is depicted on the "Aerial Map", "Topo Map", and "Site Plan" in Appendix A.

5. Assessor's Parcel Numbers (APN:s):
The project site is comprised of the following APNs:

- Record Number: PLN-11638-CUP: APN: 223-061-043 (Legal Parcel 1), approximately 171 acres
- Record Number: PLN-11642-ZCC: APNs: 223-061-038, 223-073-004, and 223-073-005 (Legal Parcel 2), approximately 264.5 acres
- Record Number: PLN-11643-CUP: APNs: 223-061-003, 223-061-039, 223-061-046 (Legal Parcel 3), approximately 160 acres

6. Project Sponsor's Name and Address:

Applicant	**Owner**	**Agent**
The Hills, LLC	Shadow Light Ranch, LLC	S&L Consulting Services
Joshua Sweet	P.O. Box 250	Steven Luu
P.O. Box 250	Garberville, CA 95542	73 Dowler Drive
Garberville, CA 95542		Eureka, CA 95503

7. General Plan Designation: Agricultural Grazing (AG)

8. Zoning Designations:

- APNs: 223-061-038 and 223-061-043: Agriculture Exclusive with a Special Building Site Combining Zone specifying a minimum parcel size of 160 acres (AE-B-5(160)) and Timberland Production (TPZ)
- APNs: 223-073-004 and 223-073-005: AE-B-5(160)
- APN: 223-061-003, 223-061-039, 223-061-046: AE, TPZ

9. Project Site History and Background:
Currently, the project site consists of six (6) existing (interim) cannabis cultivation sites listed in Table 1. These cultivation areas are shown as the Interim Site Configuration on the Site Plan Sheet C3 (see Appendix B).

Table 1. Existing (Interim) Cultivation at the Project Site

Existing Cultivation Site Location	Size (Square Feet [SF])
APN: 223-061-043 (Legal Parcel 1)	
1. Lower 40	7,500 SF outdoor
APNs: 223-061-038, 223-073-004, and 223-073-005 (Legal Parcel 2)	
2. Zone 1	12,650 SF outdoor 10,000 SF mixed light
3. Zone 2	5,950 SF outdoor
4. Roadside	6,300 SF outdoor
5. Corral	6,900 SF outdoor
6. South 80800	8,000 SF outdoor
TOTAL CULTIVATION AREA	**57,300 SF** *47,300 SF outdoor* *10,000 SF mixed light*

Note: See Sheet C3 (Interim Site Plan) in Appendix B for a depiction of the above-referenced cultivation areas.

Cultivation activities are currently licensed under four provisional commercial cannabis cultivation licenses (CCL19-0004617, CCL18-0001875, CCL18-0001874, and CCL18-0001873) issued by the California Department of Cannabis Control (DCC). Renewal of the commercial cannabis cultivation license is dependent on the resolution of violations noticed by the California Department of Fish and Wildlife (CDFW), the State Water Resources Control Board (SWRCB), and the North Coast Regional Water Quality Control Board (NCRWQCB). Notices of violation from CDFW, SWRCB, and NCRWQCB were received in 2017-2018 due to observed alteration of waters of the State and various water quality violations, including diversion of water for cannabis cultivation. In October 2020, CDFW, SWRCB, and NCRWQCB filed suit to address the applicant's violations of the federal Clean Water Act, the California Water Code, the NCRQWCB's Water Quality Control Plan for the North Coast Region (Basin Plan), and the California Fish and Game Code, and to abate a public nuisance at the subject site. All parties reached and entered into a settlement agreement by way of a December 2023 Stipulated Judgement (Superior Court of California Case No. CV2001113), which includes associated requirements, such as development restrictions and remediation work, including pond removal and restoration, mitigating each watercourse crossing installed without the appropriate permits, and assessing and stabilizing landslides.

The project applicant has coordinated with CDFW to acquire a draft a Final Streambed Alteration Agreement (SAA; see Appendix E), filed for approvals from the SWRCB for water rights (although surface water will no longer be used for cultivation), and enrolled in the NCRWQCB's Discharge Order. The applicant also migrated to the SWRCB Cannabis Cultivation Program. The objective of the proposed project is to improve cannabis cultivation activities at the project site and address associated requirements by permitting agencies, including remedying past violations.

The County of Humboldt (County), as the CEQA lead agency, prepared this Initial Study to identify potential environmental impacts and appropriate mitigation measures that would be associated with the proposed project. CEQA responsible agencies, including those mentioned above, are anticipated to review and rely on this CEQA document to finalize approvals and permits under their purview.

10. Description of the Project:

The project applicant is applying for two (2) Conditional Use Permits (CUP) for continued cannabis cultivation on the project site and two (1) Special Permits (SP) for processing and a wholesale nursery in accordance with the County's Commercial Medical Land Use Ordinance (CMMLUO), Ordinance No. 2559, adopted by the Humboldt County Board of Supervisors on September 13, 2016, as described by the *Proposed Adult Use Cannabis Cultivation and Ancillary Activities, Cultivation and Operations Plan* (Cultivation and Operations Plan), dated October 6, 2021 (see Appendix D). The commercial cultivation activities seeking to be permitted

are existing, having been established on the project site prior to January 1, 2016. The project includes approving pre-existing cultivation areas and the relocation and consolidation of existing cultivation areas to environmentally superior locations with the remediation of the retired cultivation areas. Consolidation and remediation of historic cultivation areas and implementation of State and local cannabis regulations (e.g. DCC, CDFW, NCRWCB, SWRCB, and County of Humboldt) are intended to improve site conditions from baseline conditions. New development activities associated with this project include greenhouses for existing and relocated cultivation areas, the proposed wholesale nursery, and warehouse processing area.

The record numbers and their corresponding relationship to the project are as follows:

- Record Number: PLN-11638-CUP is for relocation and consolidation of cultivation of 22,200 square feet of existing outdoor commercial cultivation on APN: 223-061-043
- Record Number: PLN-11642-ZCC is for continued cultivation of 4,000 square feet of mixed light cultivation that was located on APN: 223-061-046 that is proposed for relocation to Zone 1 located on APN: 223-061-043.
- Record Number: PLN-11643-CUP is for continued cultivation of 6,240 square feet of existing mixed-light and 32,500 square feet of outdoor cultivation, and a 10,080-square-foot wholesale nursery, on APNs: 223-061-038, 223-073-004 and 223-073-005; the total historic and resultant cultivation area is 38,740 square feet. This permit would also include four (4) structures totaling 18,656 square feet for use as processing, storage and offices, and utilities and a 1,200-square-foot covered storage area. See Page A1.1 of the project plan set included in Appendix B.

The project also includes facilities appurtenant to the cultivation. Facilities are listed in Table 2. The project site conceptual plan is depicted on Page C-2**,** Proposed Site Plan, provided in Appendix B.

Table 2. Project Components

Description of Work and Location	Size (square feet [SF])
Cultivation	
• Wholesale Nursery Greenhouse (Zone 2)	10,080
• 32 Hoop Houses (Zone 1)	32,500
• 24 Hoop Houses (Rock Pit)	22,200
• 7 Hoop Houses (Roadside)	6,240
Warehouse Processing Facility	
• Building A-Warehouse	1,200
• Building B-Warehouse with 850 SF Mother Room for Wholesale Nursery	5,050
• Building C-Processing*	6,082
• Building C-Offices*	1,140
• Building D - Housing*	5,184
• Parking	27 spaces

**Future phase*

In addition to the cultivation operation, wholesale nursery and processing operations, the proposed project also includes decommissioning and restoration of three (3) existing on-site ponds (Ponds #1-3; see associated decommissioning and restoration plans – Appendices D - H). Additional project components include obtaining required agency permits through the California Department of Fish and Wildlife (CDFW) and North Coast Regional Water Quality Control Board (NCRWQCB) for drainage improvements completed without the benefit of State agency review. These actions are proposed to satisfy requirements associated with the December 2023 Stipulated Judgement from the Superior Court of California Case No. CV2001113.

Additional details regarding the project components are provided below.

Wholesale Nursery

The proposed wholesale nursery would be in Zone 1 (APN: 223-073-005). Juvenile plants would be propagated onsite from 'mother plants' located in Building B or the on-site nursery. Mother plants would remain in the vegetative stage solely for propagation. Cuttings would be sampled from the mother plants and rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones are tracked, traced, and placed into the Wholesale Nursery area. Clones for purpose of on-site cultivation would be sold from the Wholesale Nursery License to the Cultivation License. Clones produced for Wholesale Distribution would be tracked, traced, and sold to licensed cannabis cultivators.

Once the clones are fully rooted, they are transplanted directly into one (1) gallon or four-inch plastic containers containing a growing medium potting soil. The juvenile plants are irrigated using hand watering methods.

Cultivation Area

Historic cannabis cultivation sites are listed in Table 3. These cultivation areas are shown as the Interim Site Configuration on the Site Plan Page C-1 (see Appendix B).

Table 3. Historic Cultivation at the Project Site

Existing Cultivation Site Location	Size (square feet [SF])
APN: 223-061-043 (Legal Parcel 1)	
1. Lower 40	7,500 SF outdoor
2. SBC	8,000 SF outdoor
3. NBC	6,700 SF outdoor
APNs: 223-061-038, 223-073-004, and 223-073-005 (Legal Parcel 2)	
4. Zone 1	2,460 SF mixed light
5. Zone 2	2,580 SF mixed light
6. North 80	7,300 SF outdoor
7. Corral	6,900 SF outdoor
8. South 80	8,000 SF outdoor
9. PL	10,300 SF outdoor
10. GH	1,200 SF mixed light
APN: 223-061-046 (Legal Parcel 3)	
11. West Side	1,500 SF mixed light* 3,500 SF outdoor*
Total	**65,940 SF** *58,200 SF outdoor* *7,740 SF mixed light*

** This cultivation area has been fallow and not cultivated since 2016.*

See Sheet C1 (Historic Site Plan) in Appendix B for a depiction of the above-referenced cultivation areas.

Prior to January 1, 2016, there were three (3) distinct cultivation areas on APN: 223-061-043 (Legal Parcel 1; Record Number: PLN-11638-CUP), seven (7) distinct cultivation areas on APNs: 223-061-038, 223-073-004, and 223-073-005(Legal Parcel 2; Record Number: PLN-11638-CUP), and one (1) distinct cultivation area on APN: 223-061-046 (Legal Parcel 3; Record Number: PLN-11642-ZCC). In total, there were eleven (11) cultivation sites in existence prior to January 1, 2016, totaling 65,940 square feet (58,200 SF outdoor and 7,740 SF mixed light). In 2017, five (5) of the eleven (11) cultivation areas were relocated to environmentally superior locations as the five (5) cultivation areas were confirmed to be located within Streamside Management Area (SMA) buffers and/or on steep slopes. The five (5) cultivation areas that were relocated were consolidated with other cultivation areas on the project site. There was approximately 1,500 SF outdoor and 3,500 SF mixed light of historic cultivation located on APN: 223-061-046 (Legal Parcel 3) that has not been cultivated since 2016 and is proposed for relocation to Zone 1.

The existing (interim) cultivation areas are in Zone 1, Zone 2, Roadside, Corral, and South areas (Record Number: PLN-11643-CUP; APNs: 223-061-038, 223-073-004, and 223-073-005; Legal Parcel 2), as well as Lower 40 on APN: 223-061-043 (Record Number: PLN-11638-CUP; Legal Parcel 1). The proposed project would move cultivation to existing sites at Zone 1, Zone 2, and Roadside, and a new cultivation area at the Rockpit location (final configuration) as a receiving site for historic cultivation on APN: 223-061-046. Because the historic cultivation areas can only be relocated within the parcel boundaries, historic cultivation areas known as 'NBC' and 'SBC' are required to be located on APN: 223-061-043 (in the interim they were relocated to Zone 1 and Roadside). The Rockpit location identified for the relocation of all historic cultivation areas that were in existence prior to January 1, 2016, allows for the continued cultivation of 22,200 square feet in an environmentally superior location. All cultivation occurring on APN: 223-061-043 will be outdoor using light deprivation techniques. The applicant is proposing to construct 23 greenhouses in this location. Development of the 'Rockpit' location on APN: 223-061-043 requires removal of two (2) stumps and approximately ten (10)

trees that are less than 12 inches diameter at breast height (dBH). These trees were already removed. Additionally, development of the Rockpit will impact approximately 4,844 square feet of grassland that has approximately 25% cover of California oatgrass and approximately 10% cover of purple needle grass. The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two (2) stumps and approximately ten (10) trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected (see Mitigation Measure AFR-1 under Section II *Agriculture and Forestry Resources* in Chapter V *Checklist, Discussion of Checklist Responses, and Proposed Mitigation*).

Historic and interim cultivation areas on APNs: 223-061-038, 223-073-004, and 223-073-005 (Record Number: PLN-11643-CUP) will be consolidated into Zone 1, which, in its final configuration, will consist of 24 greenhouses and 3,500 square feet of full sun outdoor cultivation in three (3) distinct areas as shown as the Zone 1 Summary (see Sheet C3.1 in Appendix B). The mixed light cultivation will occur in (1) Agra Tech GH, for a combined cultivation area of 10,000 square feet. The Agra Tech greenhouse is an automated steel and polycarbonate shell structure. The GH utilizes a combination of artificial light and light deprivation to produce up to four 4 flowering cycles per year. The growing media is potting soil on raised rolling tables. The light deprivation cultivation (Light Dep) will occur in hoop houses totaling 47,440 SF. The hoop houses utilize a combination of natural light and light deprivation tarps to obtain two flowering cycles per year. The growing media is raised beds. Outdoor full sun cultivation would also occur in Zone 1. Plants would be taken directly from the propagation area and transplanted into 100-gallon pots for the vegetative and flowering cycle. It is proposed that hoop houses for light deprivation may be put on any full sun outdoor cultivation areas. The monthly Cultivation Schedule in Appendix D details the cultivation activities associated with the mixed light cultivation operation for a typical four-cycle year as well as the cultivation activities associated with light deprivation cultivation operation for a typical two-cycle year.

In summary, the proposed project includes relocation and consolidation of historic cultivation sites to environmentally superior locations. Relocation that occurred during 2017 (referred to as the interim site configuration; see Sheet C3 in Appendix B) will be relocated to ensure the final configuration is consistent with the requirements of the CMMLUO. Final cannabis cultivation sites are listed in Table 4. Total cultivation area is 60,940 square feet between the two parcels (Legal Parcels 1 and 2). These cultivation areas are shown as the proposed site configuration on Sheet C2 (Proposed Site Plan) of the project plan set (see Appendix B).

Table 4. Final Cultivation at the Project Site

Final Cultivation Site Locations	Size (square feet [SF])
APN: 223-061-043 (Legal Parcel 1)	
1. Rockpit	22,200 SF outdoor
APNs: 223-061-038, 223-073-004, and 223-073-005 (Legal Parcel 2)	
2. Zone 1 Cultivation: Nursery:	 12,500 SF outdoor 10,000 SF mixed light 10,000 SF
3. Zone 2	10,000 SF outdoor
4. Roadside	6,240 SF outdoor
Total (cultivation)	**60,940 SF** *50,940 SF outdoor* *10,000 SF mixed light*
Total (nursery)	**10,000 SF**

Processing and Manufacturing Facility

Currently, processing occurs at an existing 1,200-square-foot building on APN: 223-073-005 at Building A. On the same parcel, the proposed project would construct a new one-story, 6,082-square-foot processing facility, including Building B – Warehouse and a two-story, 7,592-square-foot Building C – Processing, Manufacturing and Offices (footprint = 4,776 square feet). The proposed structures are shown on Sheet A1.1 of the Site Plan included in Appendix B. All cannabis processing would occur at the on-site processing facility. The processing facility would incorporate all aspects of processing including drying, curing, and trimming and would include manufacturing primarily for pre-rolls. This facility would also include an Americans with Disabilities Act (ADA)-compliant restroom for employees. The restroom would include a working flush toilet as well as a sink with cold and hot running water provided by an on-demand propane water heater. Building B would be used as necessary for any overflow, hanging, curing, bucking, trimming, or storing from Building C. The proposed metal building would have an engineered concrete slab and conform to commercial building standards per the latest version of the California Building Code at the time of construction, which is currently the 2022 California Building Code.

When plants are ready for harvest, flowering branches would be removed and suspended in the drying room. Track and trace tags would be collected, and plants would be moved to "harvested" status. The drying process would take approximately 1-2 weeks. When the drying process is completed, the flowers are bucked into a manageable size and stored in totes for processing. The product is then tagged as bulk product with package tags in track and trace. The product is then processed by hand or trim machine and is separated into bud or trim. The finished product is entered into track and trace as trim or bud and stored in the processed materials room before being transported to a licensed distributor. Throughout the harvest process, all "waste or unusable product" would be weighed, logged into track and trace, and transported to the on-site secured compost area. All finished product, after being logged in to the track and trace system, would be stored on-site in a secure room in the processing building. All product would be transferred off-site by a licensed distributor for sale.

Pond Decommissioning and Restoration

As noted above, the proposed project also includes decommissioning of three (3) existing on-site ponds (Ponds #1-3) and associated restoration. Specific details are provided below.

Ponds #1-2

As described in the *Soils Report for the Decommissioning of Two Ponds*, prepared by SHN in October 2023 (Appendix G), Pond #1 (larger upper pond) and Pond #2 (smaller lower pond) are adjacent to each other, with the lower pond located just below the toe of the embankment of the upper pond. The spillway associated with the upper pond (a 24-inch corrugated metal culvert) drains into the lower pond, where the lower pond then drains into an adjacent Class II watercourse. Pond #1 appears to have been constructed in 2017 without

the benefit of State and local review. It is unclear when Pond #2 was constructed, although apparently it was constructed by neighboring property owners but not yet filled in Google Earth imagery from October 2006. Pond #1 was created by excavating on a pre-existing bench and developing an earthen embankment around the downhill margin. Pond #1 is approximately 220 feet long and 195 feet wide, in maximum dimension and measured to be 14 feet deep by SHN staff. The embankment is considered a significant structure with a crest width of about 10 feet. The outboard face of the embankment slopes at between 1.5:1 (horizontal: vertical) and 2:1. Pond #1 drains to the lower Pond #2 only when the upper pond is relatively full. Following excavation of Pond #1, SHN notes the northern shoreline has become unstable when saturated in the over-steep cut along the shoreline; and there is no evidence that this area was unstable prior to the excavation and filling of the pond (see Appendix G).

Per the *Pond 1 and Pond 2 Restoration Plan* (Ponds #1-2 Restoration Plan), prepared by Native Ecosystems, Inc. (NEI) in November 2023 (see Appendix F), NCRWQCB staff conducted site inspections in November 2017 and May 2018 as part of the applicant's SWRCQ Cannabis Small Irrigation Use Registration. As a result of these inspections, a Notice of Violation (NOV) was issued on June 18, 2018, for dredge and/or placement of earthen materials into streams and/or wetlands at Pond #1 without the required pre-authorization via a Water Quality Certificate. Additionally, a Draft Cleanup and Abatement Order No. R1-2020-0023 (CAO) was also issued. The applicant also proposes the removal of Pond #2. It is estimated that 2.2 acres of grassland habitat, 0.54 acres of oak woodland habitat, and 0.16 acres of seasonal wetland habitat were impacted as a result of construction of the two ponds (see Appendix F).

In accordance with the *Pond 1 and Pond 2 Restoration Plan* included in Appendix F, proposed restoration activities for Pond #1-2 include grading of approximately 9,088 cubic yards and utilization of on-site materials to restore pre-pond topographic conditions, in addition to installation of more than 37,000 native plantings and 155 pounds of native seed mix after grading is complete to restore wetland, oak woodland, and grassland habitat that was previously disturbed. Annual monitoring and maintenance for a three-year period will also be required to ensure grading and replanting activities are successful, in accordance with the recommendations included in the Ponds #1-2 Restoration Plan.

Prior to the proposed restoration activities, the SHN report notes the ponds will need to be dewatered and dried. This will need to occur during the dry season once stream flows have ceased. Further, SHN reports that the water should be pumped and dispersed in a suitable (stable), and not into or within the vicinity of waters of the State (Appendix G) Alternatively, if approved by CDFW and the Water Quality Control Board, dewatering of the pond could be permitted to be directed through the pond outlet and into the Class II channel. Due to a slope failure in March 2024 at the embankment of Pond #1, SHN recommended dewatering of the pond to relieve load on the embankment. Based on photographic evidence that was provided via email correspondence, the NCRWQCB agreed that due to water on the slope, that there was potential for "imminent catastrophic failure" and requested the applicant "take all appropriate safety precautions while resolving this emergency." It was further noted that the NCRWQCB, in consultation with the Division of Water Rights, supported the applicant taking limited emergency actions to avoid pond failure as soon as possible. Dewatering Pond #1 into Pond #2 was recommended, as well as conferring and obtaining an Emergency Lake or Streambed Alteration Agreement (LSAA) from CDFW (see Appendix H).

Per documentation provided by the applicant, an application (Notify for Emergency Work) was submitted for the emergency landslide stabilization on March 26, 2024 (see Appendix H). As measured by CDFW staff approximately 33,105 square feet of area was impacted. The slide buried a stream channel, which will be reconstructed as part of the restoration.

The proposed restoration activities associated with Ponds #1-2 are provided in the Grading Plans, enclosed as Appendix A to the Ponds #1-2 Restoration Plan (Appendix F).

Pond #3

As indicated on the notes contained within the Pond Decommissioning Plan for Pond #3, prepared by Omsberg and Preston, dated December 6, 2023 (Appendix I), Pond #3's berm is proposed to be removed, with the excavated material to be placed as fill in the lowest portion of the pond to prevent the retention of rainwater. It is estimated that approximately 65 cubic yards of material would be relocated under the proposed pond

decommissioning. Restored cut and fill slopes would be graded at 3:1 maximum unless otherwise noted on the plans. To minimize potential impacts associated with the pond decommissioning, appropriate grading and erosion control measures would be implemented, including but not limited to installing straw wattles.

In accordance with the Pond #3 Restoration Plan (Appendix I), seeding is proposed to occur following completion of the pond restoration activities. Then, planting of native grasses and forbs in clusters is recommended to help enhance biodiversity and improve habitat diversity for a wide variety of animal and insect species. It is recommended that planting occur following adequate rainfall in the autumn and early winter months, prior to the onset of freezing temperatures, for the highest potential for success. However, should planting at this time not be feasible due to on-site conditions, it is recommended that new plantings be watered within 24 hours of planting, then watered at least weekly until the rainy season begins. Three years of monitoring with reports to be submitted to appropriate regulatory agencies is recommended.

Additional Project Details

Additional details regarding the project are described below. Please refer to the project's Operation Plan included in Appendix D for additional information.

Employees and Schedule of Operations

Staff would include an agricultural crop farm manager, lead cultivator, inventory/processing manager, nursery manager, up to two (2) full-time seasonal laborers, and temporary seasonal workers. The number of seasonal laborers varies based on the needs of the ranch during the cultivation, harvest, and processing seasons. During the peak harvest and processing season, there would be an estimated five (5) additional workers onsite. A total of 11 employees would be on the project site during peak operations.

Security

Security currently exists at the facility. The facilities, including cultivation, wholesale nursery greenhouse, processing buildings, and climate-controlled storage buildings, would continue to be secured behind locked entry gates that are located off Clark Road and at the north perimeter of the property. The entry gates would remain locked at all times, and access to the site would be limited exclusively to employees and registered guests. Restricted access signs are posted conspicuously at the entry gates. The processing facility area would have low intensity exterior lighting to illuminate the entrances and would include a small number of motion-activated security lights. All lighting would be designed and located so that lightings are downward facing and confined to the property. Security cameras are installed throughout the ranch, at the main access gate and entrances to the facilities. The proposed processing and storage facility would include an alarm system.

Hours of Operation

Activities associated with cultivation (watering, transplanting, and harvesting) generally occur during daylight hours (8:00 a.m. to 5:00 p.m.). Depending on seasonal activities, hours may need to be extended. All other activities, such as processing and wholesale nursery, typically occur no earlier than 8:00 a.m. and extend no later than 8:00 p.m. Monday through Friday. Between the hours of 12:00 p.m. to 2:00 p.m., personnel would be on-site to accommodate necessary inspections.

Water Use and Storage

As indicated in the Operations Plan (Appendix D), water for domestic use is provided by springs. Historically, water for irrigation was supplied by unpermitted surface water diversions. In 2019, Shadow Light Ranch, LLC, drilled a groundwater well to irrigate cannabis. The water is pumped via solar power up to a series of water tanks that gravity feed water to the cultivation sites. Currently, there is 59,500 gallons of on-site water storage, with another 100,000 gallons of supplemental storage proposed (for a total of 159,500 gallons of on-site storage). The additional 100,000 gallons of storage would be utilized for rainwater catchment, where the applicant proposes to capture rainwater from the roofs of the proposed structures to reduce reliance on the use of the well. Water management strategies would continue to be implemented to conserve and reuse on-site water and fertilizers to achieve net zero discharge.

Total water usage is estimated at baseline levels of 969,750 gallons based on an estimated 15 gallons per square foot for the full sun outdoor in pots, hand watered and 12.5 gallons per square foot for mixed light (pots in greenhouses, hand watered; see Appendix N). Based on 2019 reporting, for the interim permitted and cultivated canopy of 10,000 square feet of mixed light and 47,300 square feet of outdoor, the total water usage was

741,340 gallons, approximately 12.9 gallons per square foot canopy. This represents a reduction of 228,410 gallons from baseline levels. Efficient drip irrigation systems were implemented to irrigate pots in lieu of hand watering.

Projected water usage is estimated in three phases (Appendix N). Water would be provided by the groundwater well and rainwater catchment. For phase 1/year 1 post approval, the estimated well use of 516,557 gallons is proposed based on drought conditions representing a reduction of over 215,000 gallons from interim conditions and over 450,000 gallons over baseline conditions. There would be approximately 59,500 gallons of water storage filled with rainwater captured from 6,250 SF of surface area from 2 existing structures (Buildings A and B). For phase 2/year 2, A total of 756,900 gallons of water use is proposed mitigated by 289,686 gallons of rain catchment based on a water balance using current severe drought conditions rainfall data. There would be an increase of 100,000 gallons of water storage for a total of 159,500 gallons as surface for catching rainwater would be expanded to include Building C and the 10,000-square-foot mixed light greenhouse. A net well usage of 467,214 gallons is expected, a reduction of 498,00 gallons from baseline conditions and a reduction of 49,343 gallons from Phase 1 conditions. For Phase 3 it is anticipated that surface area for rain catchment would be increased to reduce reliance on the groundwater well. The future employee housing of up to 5,100 sf would potential use up to 300,000 additional gallons of water for domestic purposes, which would come from the on-site spring and the well.

The applicant provided a assessment of the well [*Hydrologic Isolation of Existing Well from Surface Waters* from Lindberg Geologic Consulting dated August 26, 2020 (Appendix L)) that states that the groundwater well is hydrologically disconnected from surface waters. The Well Completion Report dated October 31, 2019, states the well is located on APN: 223-073-005, specifically at Dec. Latitude 40.097818 and Dec. Longitude -123.761395. The well was drilled through layers of topsoil, brown sandstone, blue sandstone and shale. A blank is installed for the first 90 feet, then a screen is installed between 90 – 235 feet of depth, with a blank is installed for the final 5 feet of the well from 235 – 240 feet. The well is approximately 240 feet deep and depth to first water is 98 feet. The well produces approximately 50 gallons per minute. The well is centrally located between the headwaters of two (2) Class II watercourses as shown Sheet C-2 (Proposed Site Plan, Appendix B). Using measurements from the Humboldt County WebGIS, the well appears to be at an elevation of approximately 1,520 feet. The watercourse to the north is located approximately 527 feet northwest of the well at an elevation of approximately 1,400 feet and the southerly watercourse is located approximately 421 feet south of the well at an elevation of approximately 1,520 feet.

Access/Parking

The subject parcels are accessed via Shadow Light Ranch Road, approximately 1.0 miles from its intersection with Wallan Road and Clark Road. According to the Road Evaluation Report submitted by the applicant, the access roads are developed to the functional equivalent of a Category 4 road standard. Wallan Road is a County-maintained road until approximately 200 feet east of the intersection with Pigeon Road. A *Road System Assessment* was performed by Rinehart Engineering in October 2020 (see Appendix O) to assess current road conditions (including surface, drainage features, and stability) within the subject parcels, as well as their capacity to support traffic related to cultivation activities. Per the Report, the subject properties comprise approximately 2.42 miles of roads and 1.97 miles of ATV trails. The roads can be generally characterized as minimum 15-foot-wide crowned and/or outsloped roads, armored with native or imported gravel, with 15% maximum slopes. The ATV trails are generally double track trails on native soils, with an average width of 12 feet and grades that may exceed 15% for short segments. Overall, the road network within the project site was found to be in good condition. Several recommendations are included in the *Road System Assessment*, which will be required to be implemented under the proposed project. Please refer to Section XVII *Transportation*, below, for further discussion.

There is secondary access to the project site via Flat Rock Road. Flat Rock Road is accessed from Buck Mountain Road (both of which are privately maintained), which intersects with Alderpoint Road. A *Road Evaluation Report* for the secondary access was prepared by Reinhart Engineering dated July 20, 2020 (see Appendix O). The report concluded that the secondary access road could support the volume of traffic generated by the project without additional improvements.

In accordance with the County Department of Public Works (DPW) standards and referral comments dated July 13, 2017, the project applicant would be required to construct two (2) 24-foot-wide commercial driveways

that meet County Urban Driveway No. 1 standards. The DPW also recommended approval of the project, including paving a minimum width of 20 feet and a length of 50 feet at the intersection of the County-maintained and privately-maintained portions of Wallan Road. The project would provide 27 parking spaces, including two (2) ADA-compliant spaces adjacent to the processing facility.

Storm Water Management

Currently, cultivation areas at the project site are mostly flat with surface flow in the wet season generally draining from the west to the east. All sites are designed to provide slope for drainage and two (2) areas are slightly above 5% grade. The edges of the sites are ditched and have either a waddle like hay absorbing element or is further directed to a catchment zone that has a series of waddle filter zones to capture any runoff. All other sites, roads, driveways, parking areas, and turnarounds have drainage that is designed to code. The existing and proposed cultivation sites and greenhouses are located away from riparian zones. Fertilizers and pesticides are currently stored in a lockable storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

A Site Management Plan (SMP; WDID 1_12CC415333) was developed for the proposed project (see Appendix P). The SMP was prepared for the project site by Timberland Resource Consultants in September 2019 (revised December 2019) in accordance with SWRCB's Cannabis Cultivation Policy (WDID 1_12CC415333). Proposed cultivation sites are located approximately 100-200 feet from the nearest watercourse and are anticipated to provide a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures would be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

The SMP includes erosion and sediment control best management practices (BMPs) designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including removing burn piles; removing livestock from the swale area of the property; constructing a sediment basin within the swale area to catch surface runoff; and constructing a drainage ditch that extends across the site. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse.

Watershed Protection

The property is in the Eel River Hydrologic Unit (HUC-8010106). Existing and proposed cultivation activities and associated structures are located 50-200 feet from the nearest watercourse, providing a buffer between the cultivation operation and habitat. Site development and maintenance activities would implement BMPs in accordance with the North Coast Regional Water Quality Control Board (NCRWQCB) and State Water Resources Control Board's (SWRCB) recommendations. Any grading and earthwork activities would be conducted by a licensed contractor in accordance with approved grading permits and the SMP.

Monitoring would be conducted to confirm the effectiveness of corrected measures listed in the SMP and determine if the site meets all standard conditions. Inspections would include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection would occur at those locations on the site where pollutants or wastes, if not contained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection would also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on the SMP map. On-site monitoring shall occur in compliance with the water discharge order.

Prior to adoption of the SWRCB Cannabis Cultivation Policy, a WRPP was required for the proposed project. The WRPP includes conditions to protect riparian and wetland features, including but not limited to buffers from cultivation areas and associated facilities, spoil management, and proper storage of chemicals. These conditions have been included as conditions of approval for the proposed project to adhere to current NCRWQCB and SWRCB regulations with oversight of cannabis cultivation.

The applicant received Notice of Violation from the NCRWQCB dated June 27, 2018. The Notice of Violation identified several areas of non-compliance with NCRWQCB's Cannabis Waste Discharge Regulatory Program that include work performed without permits, standard conditions out of compliance, enrollment document

discrepancies, deficiencies, and requested revisions to the WRPP. The applicant continues to coordinate with the NCRWQCB and SWRCB to resolve the outstanding violations.

The SMP identifies approximately 80 locations on the subject parcel that require remedial actions for compliance with the State Board Policy. Table 6 below identifies 17 projects that are required to improve hydrology and water quality. Mitigation measures included in the *Hydrology and Water Quality* section (Section X) of this document require compliance with the recommendations of the SMP, including implementation of the identified remedial actions.

Table 6. Site Management Plan Remediation Points

SMP-4	Maintenance road outsloping, crowning and existing inside ditch leadout/kickouts or install kickout drainage feature every 50-75 feet in segments where there are none of these features.
SMP-7	Install and maintain two water bars 100 feet apart
SMP-8	Install and maintain three water bars 100 feet apart
SMP-9	Install and maintain three water bars 100 feet apart
SMP-10	Install and maintain two water bars 100 feet apart
SMP-11	Install and maintain a water bar
SMP-12	Permit existing 42-inch culvert at road/stream crossing
SMP-17	Rock surface of access road 50 TP 60 feet from cultivation area and rock approaches to crossing
SMP-21	R-align watercourse to allow water to flow into historic flow path, excavate a ditch approximately 40-foot to 60-foot long by 2-feet deep by 4-feet
SMP-23	Install a Type 1 rocked rolling dip that drains into the existing kickout drainage features as flagged
SMP-24	Install a Type 1 rocked rolling dip that drains into the existing kickout drainage feature as flagged
SMP-25	Install a Type 3 rocked rolling dip
SMP-27	Install 18-inch diameter ditch relief culvert
SMP-30	Re-construct road fillslope
SMP-34	Re-construct the road fillslope
SMP-36	Re-construct the road fillslope
SMP-60	Install 15-inch ditch relief culvert

Sources:
Timberland Resource Consultants. September 2019 (revised December 2019). Site Management Plan. (Appendix P)
Site Plans – Sheet C7B (Remediation Plan Notes). (Appendix B)

Additionally, the following remedial actions are required under the project in accordance with the December 2023 Stipulated Judgement, as detailed in Table 7.

Table 7. Additional Required Remedial Actions

Pond-1/Slide-1	Removal of the pond and restoration of the area impacted by the construction of the pond and landslide occurring at the northwestern corner of the pond
Pond 2	Removal of the pond and restoration of the area impacted by construction of the
Pond 3	Existing stock pond berm to be removed to render it incapable of storing water
Slide-2	Road landslide to be stabilized based on design from a licensed engineering
Watercourse Crossings	All scope identified in the LSAA and SMP remediation points

Notes: Details pertaining to the proposed pond decommissioning and restoration activities are described above, under "Pond Decommissioning and Restoration."
Source: Site Plans – Sheet C7B (Remediation Plan Notes). (Appendix B)

The project also includes 31 existing and proposed encroachments/remediation actions, as conditioned by the pending LSAA with CDFW (see Appendix E). Four encroachments are for water diversion from unnamed tributaries to Bear Canyon Creek and the South Fork Eel River. Water is diverted for domestic use and, historically, for cannabis irrigation. Work for the water diversion would include use modifications of existing infrastructure, stream restoration, use, and maintenance of the water diversion infrastructure. Twenty-two existing and proposed encroachments would permit 14 existing culverts placed without permits, upgrade 2 existing culverts, and install infrastructure at 6 road/stream crossings where no conveyance structure is in place. Three (3) encroachments would improve spillways for two ponds. One encroachment would realign a stream with its historic channel. Work for these encroachments would include excavation, removal of the falling culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armorings necessary to minimize erosion. All 31 CDFW LSAA encroachments/remediation actions are listed below in Table 8:

Table 8. Lake and Streambed Alteration Agreement Remediation Actions

Location	Remediation
Crossing-1	Permit existing 42" culvert
Crossing-2	Permit rocked ford crossing
Crossing-3	Permit existing 42" culvert
Crossing-4	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing
Crossing-5	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing
Crossing-6	Permit existing 24" diameter culvert at road/stream crossing
Crossing-7	Permit existing 42" diameter culvert at road/stream crossing
Crossing-8	Permit existing 48" diameter culvert at road/stream crossing
Crossing-9	Rock armor outlet of an existing 36" diameter culvert to minimize erosion
Crossing-10	Permit existing 60" diameter culvert at road/stream crossing
Crossing-11	Install a minimum 36" diameter culvert at road/stream crossing
Crossing-12	Permit existing 24" diameter culvert at road/stream crossing
Crossing-13	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing
Crossing-14	Permit existing 60" diameter culvert at road/stream crossing
Crossing-15	Install a minimum 18" diameter culvert to improve rocked ford at road/stream crossing
Crossing-16	Permit existing 60" diameter culvert at road/stream crossing
Crossing-17	Abandon existing dirt ford crossing and allow revegetation processes
Crossing-18	Permit existing 24" diameter culvert at road/stream crossing
Crossing-19	Permit existing 12" diameter culvert at road/bank seep crossing
Crossing-20	Permit existing 30" diameter culvert at road/stream crossing
Crossing-21	Install a minimum 18" diameter culvert to improve dirt ford at road/stream crossing
Crossing-22	Replace existing 12" diameter culvert with minimum 18" diameter culvert at road/stream crossing
23 (Upper Pond-1)	Decommission existing pond and associated outlet per an approved stream restoration plan, to be submitted and approved by CDW prior to construction
24A/B: (Lower Pond-2)	Decommission existing pond and associated outlet per an approved stream restoration plan, to be submitted and approved by CDW prior to construction
Pond-3 Restoration	Remove fill berm to effectively decommission pond, install grade control as needed to minimize erosion
Crossing-25	Install a rocked ford to improve dirt ford at road/stream crossing
Map Point D	Realign Class III stream per approved Stream Restoration Plan
POD A	Remove cistern, concrete, and debris from stream to decommission POD A
POD B	Remove cistern, concrete, and debris from stream to decommission POD A
POD C	Water diversion from a Class II stream per approved CDFW Diversion Infrastructure Plan
POD D	Water diversion from a bank seep for domestic use

Notes:
POD = point of diversion
Source: Remediation Site Plan (Sheet C7A) in Appendix B

Hazardous Materials and Waste

Trash and recycling containers are located in the side basement under the deck of the ranch house. The containers are situated on a concrete pad to prevent storm water contamination and leachate from entering or percolating to receiving waters. The trash containers are in an enclosed area to prevent animal intrusion.

Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week. Future plans are to develop a fenced refuse area.

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area (see Appendix B). Soils are analyzed annually and then amended and reused. Used pots would be collected and stored in the warehouse for the winter. All packaging from soil amendments and fertilizers would be collected and disposed of at an appropriate facility.

The water management plan aims to achieve low evaporation, properly absorbing irrigation and nutrient system. Drip system and hand watering methods minimize the overirrigation of plants and subsequent runoff.

Odors

Odors would be contained on the property on which the cannabis activity is located. Ventilation and control equipment would be installed to control dust, odor, and vapors that would prevent or reduce odor emission impacts to employees and/or properties located in the vicinity and cross contamination of cannabis produces/product. Additionally, rubbish disposal would be conveyed, stored, and/or disposed of to minimize the development of odor, deflect attraction of pests, and protect against cross contamination of any cannabis products.

Power Sources

According to the *Power Plan Supplemental* dated October 4, 2021, on-site power is currently provided by generators. Power is proposed to be provided by Pacific Gas and Electric Company (PG&E) using its renewable energy rate to power Zone 1, Zone 2, Roadside, and the processing facility campus (see Appendix Q). The Rockpit will be served by solar to power direct-drive fans with small battery backup to power security system (camera, motion sensors, etc.). The proposed cultivation operation will utilize generators to power string lights in the mixed light greenhouse structures, nursery operations and structures until PG&E power is available. The PG&E application has been submitted and engineered plans have been submitted to the Humboldt County Building Department. The well pump, Building A, and the residence as well as greenhouse string lights and fans in Zone 1 are currently powered by the generators as outlined in Table 9 below. Interim generator usage is proposed for Building B and Building C during drying operations. The applicant will install solar panels for day-to-day use but will be utilizing generators during peak power demand during the drying season. A solar array will be developed for the proposed Rock Pit area. PG&E power will be trenched to Zone 2 and Roadside to power fans and eventually automated greenhouse light deprivation systems. It is anticipated that generators will only be utilized for back-up purposes if PG&E power is down once grid service is installed.

Table 9. Estimated Generator Usage per Month by Activity (in hours per day)

Activity	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Nursery	12-18	12-18	12-18	12-18	12-18	12-18	12-18	12-18	12-18	12-18	12-18	12-18
Processing	8-10	8-10	8-10	8-10	24	24	24	24	24	24	8-10	8-10
Pumping Well Water	1	1	1-2	1-2	1-2	1-2	1-2	1-2	1-2	1-2	1-2	1-2
Powering Lights	12-18	12-18	12-18	12	8	6	6	6	8	12	12-18	12-18
Pumping Well Water to Fill Tanks		3 hours/ day (3-4x/ week)	3 hours/ day (3-4x/ week)	2 hours /day (3-4x/ week	2 hours /day (3-4x/ week	3 hours /day (5-7x/ week	3 hours /day (5-7x/ week	3 hours/ day (5-7x/ week	3 hours/ day (3-4x/ week)			
Supplemental String Lights				4.5-5	3.5-4.5							

Source: Power Plan Supplemental dated October 4, 2021. (Appendix Q).

11. Surrounding Land Uses and Setting

Land uses surrounding the project site are in residential, timber, and agricultural use. The surrounding parcels are zoned Agricultural Exclusive (AE), Timber Production Zone (TPZ), Forest Recreation (FR), and Rural Residential (RR).

The project site and surrounding areas are not located in any hazardous areas. The project site is in Zone X, an area of minimal flood hazard, outside the 100-year flood zone mapped by the Federal Emergency Management Agency (FEMA). The project site is not in the Alquist-Priolo Fault Zone. No schools, school bus stops, places of worship, or public parks are located within six hundred (600) feet of the project site.

12. Other Public Agencies whose Approval is Required: (e.g., permits, financing approval, or participation agreement.)

Commercial Cannabis Activity Licenses for cultivation, processing and the wholesale nursery would be required from the DCC. Proposed water diversion and a Small Irrigation Use Registration (SIUR) for the rainwater catchment pond would be required from the SWRCB. Approval from the NCRWQCB would be required for waste discharge and water quality certification under Order No. R1-2015-0023. Building permits would be required from the Humboldt County Building Department. Due to the project site's location in a State Responsibility Area (SRA), the California Department of Forestry and Fire Protection (CAL FIRE) may have requirements pertaining to access and fire safety. A Final SAA from CDFW would be required for work in a river, stream, or lake under Section 1602 of the Fish and Game Code. An Operator ID Number from the County Department of Agriculture is also required. The status of these approvals is summarized in Table 10.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? Consultation with Native American tribes traditionally and culturally associated with the project area has been an ongoing part of the process. Specifically, an invitation for Tribal Consultation pursuant to AB 52 was sent to all tribes identified as potentially being affected by the NAHC on May 29, 2020. No tribes responded to request consultation. A cultural resources report has been prepared by a qualified archaeologist which identified some cultural resources on the property and recommended measures to protect those resources, which are incorporated into the mitigation measures.

Table 10. Approvals Needed

Approval Needed	Agency	Status
Commercial Cannabis Activity License	DCC	Temporary licenses issued; Renewal dependent on compliance with CDFW, SWRCB, and NCRWQCB requirements.
Initial Statement of Water Diversion and Use (filed)	SWRCB	Filed for diversion for domestic, irrigation and livestock watering uses. Water for irrigation will be provided by a groundwater well and rainwater catchment.
Waste Discharge and Water Quality Certification	NCRWQCB	In June 10, 2016, enrolled for coverage under Tier 2 of Order No. R1 2015-0023. *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID 1B16868CHUM); Enrolled in State Discharge Order in April 2019.
Building and grading permits	Humboldt County Building Department	To be obtained upon approval of Conditional Use and Special Permits.
SRA Requirements	California Department of Forestry and Fire Protection (CAL FIRE)	Coordination in process.
Final SAA	CDFW	Agreement drafted and awaiting finalization/approval by CDFW.
Operator Identification Number	Humboldt County Department of Agriculture	Obtained.

II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigation Incorporated" as indicated by the checklists on the following pages.

	Aesthetics	X	Agriculture and Forestry Resources		Air Quality
X	Biological Resources	X	Cultural Resources	X	Energy
X	Geology and Soils	X	Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology and Water Quality		Land Use and Planning		Mineral Resources
X	Noise		Population and Housing		Public Services
	Recreation		Transportation	X	Tribal Cultural Resources
	Utilities and Service Systems		Wildfire	X	Mandatory Findings of Significance

An explanation for all checklist responses is included, and all answers take into account the whole action involved and the following types of impacts: off-site and on-site; cumulative and project-level; indirect and direct; and construction and operational. The explanation of each issue identifies (a) the threshold of significance, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. All mitigation measures required for the project are provided in Chapter VI *Discussion of Mitigation Measures, Monitoring and Reporting Program* of this Initial Study.

In the checklist the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the proposed project.

III. DETERMINATION: (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

9.18.2024
Date

Cliff Johnson, Planning Manager
Printed Name and Title

IV. EVALUATION OF ENVIRONMENTAL IMPACTS

a) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 21, "Earlier Analyses," may be cross-referenced).

   a) 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063l(3)(D). In this case, a brief discussion should identify the following) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addresses. Identify which effects from the above checklist were within the scope of and adequately analyze in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and sources that have been used and individuals contacted should be cited in the discussion.

   a) 8) The explanation of each issue identifies) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impact to less than significant.

V. CHECKLIST, DISCUSSION OF CHECKLIST RESPONSES, AND PROPOSED MITIGATION

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting

Humboldt County is an area of diverse visual character. The project site is surrounded by agriculture/grazing land, forested land cover, and residential uses. Properties to the north of the project site are in single-family residential use, and lands east, south, and west of the project site are in agricultural use.

The project site is accessed from US-101 via Alderpoint Road, Wallan Road, Clark Road, and a private driveway. Part 3, Chapter 10.7 of the 2017 General Plan states that, although there are no "officially designated" scenic highways in Humboldt County, nearby US-101 could be eligible for official designation. The 2017 General Plan defines a scenic highway as one that, in addition to its transportation function, provides opportunities for the enjoyment of natural or scenic resources. The 2017 General Plan states that "[s]cenic highways direct views to areas of exceptional beauty, natural resources or landmarks, or historic or cultural interest."[1] While there are no officially designated State Scenic or County Scenic highways in the County, Caltrans' list of *eligible* State Scenic Highways include the following:

- US-101 (from post mile 0.0 to 47.0) near Sylvandale, 0.1 mile north of Jordan Creek;
- US-101 (from post mile 0.0 to 38.8) near Arcata/Route 96 near Willow Creek;
- Route 299 (post mile 0.0 to 105.8) near Willow Creek/I-5 north of Yreka;
- US-101 (postmile 0.0 to R28.7) near Alton/Route 3 near Peanut; and
- Route 1 (post mile T91.3 to R30.8) near Leggett/Route 199 near Crescent City.

Based on the descriptions above, a segment of US-101 that is approximately 1 mile west of the project site is eligible for designation as a State Scenic Highway. Views from US-101 towards the project site, however, are blocked by topography and trees/vegetation adjacent to the roadway, and the proposed project would not be visible from eligible State Scenic Highways.

Analysis:

[1] Humboldt County. 2017. Humboldt County General Plan, Page 10-46.

a) Finding: The project will not have a substantial adverse effect on a scenic vista. ***No Impact***.

Discussion: A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape (such as an area with remarkable scenery or a resource that is indigenous to the area) for the benefit of the general public. There are no features on the project site commonly associated with scenic vistas (peaks, overlooks, ridgelines, etc.). There are no designated scenic vistas in the area. No impact would occur.

b) Finding: The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. ***No Impact***.

Discussion: A segment of US-101 that is west of the project site is listed as an "Eligible State Scenic Highway." However, the project site does not contain any landmark trees, rock outcroppings, or buildings of historical significance and is not visible from the highway. Therefore, no impact would occur.

c) Finding: The project, located away from viewsheds of designated scenic resources, would not conflict with applicable zoning and other regulations governing scenic quality. ***Less Than Significant Impact***.

Discussion: Sensitive viewer groups typically include residents, recreationists, and motorists. The proposed cultivation sites and buildings would be located away from residential streets and at least 200 feet away from the nearest residence. Considering the forested land cover at the perimeter of the site and distances to potential viewers, the project site is generally not viewable. Potential impacts would be less than significant, and no mitigation would be necessary.

d) Finding: The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. ***Less Than Significant Impact***.

Discussion: The processing facility area would have low intensity exterior lighting to illuminate the entrances and would include a small number of motion-activated security lights. All lighting would be designed and located so that direct rays are confined to the property. Any new lighting associated with the proposed project would be subject to Humboldt County standard practices regarding night lighting that would be made a condition of approval of the Conditional Use Permit and Special Permit. The exterior of proposed buildings would not be made of reflective materials that would introduce a new source of glare, and existing County standards would limit light spillover and intensity. Therefore, impacts would be a less than significant impact, and no mitigation is necessary.

Mitigation Measures
No mitigation required.

Findings
The project would have a **Less Than Significant Impact** on Aesthetics.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☒	☐	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	☐	☐	☐	☒

Setting

As previously mentioned, the project site is designated "Agricultural Grazing" (AG) in the 2017 Humboldt County General Plan. Assessor Parcel Numbers (APNs): 223-061-043 and 223-061-038 are zoned AE-B-5(160) and TPZ and APNs: 223-073-004 and 223-073-005 are zoned AE-B-5(160). The project site is currently used for cannabis cultivation.

The Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency has not yet mapped farmland in Humboldt County.[2] According to Humboldt County Web GIS mapping, the project site does not contain prime agricultural soils. Further, the Natural Resources Conservation Service (NRCS) Web Soil Survey portal has mapped this site as "Not prime farmland".[3]

As a means of agricultural land preservation, the State Legislature enacted the California Land Conservation Act of 1965, commonly called the "Williamson Act." Under the Act, property owners may enter into contracts with the County to keep their lands in agricultural production for a minimum of 10 years, in exchange for property tax relief. Lands covered by Williamson Act contracts are assessed based on their agricultural value instead of their potential market value under non-agricultural uses and are known as "Agricultural Preserves." According to Humboldt County Web GIS mapping, APN:s: 223-061-038, 223-061-043, 223-061-046, 223-073-004 and 223-073-005 are under a Williamson Act contract. The Williamson Act contract has been non-renewed and will terminate February 1, 2026. Until contract termination, the Williamson Act contract requirements continue to apply.

The Z'berg-Warren-Keene-Collier Forest Taxation Reform Action 1979 requires counties to provide for the zoning of land used for growing and harvesting timber as timberland preserve. The project site is zoned Timberland Production Zone; however, no new timber activities are taking place at the site or on adjacent

[2] California Department of Conservation. 2024. Farmland Mapping and Monitoring Program. *Search for Maps, Reports, and Data.* Available at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/county_info.aspx.

[3] Natural Resource Conservation Service (NRCS). Last modified July 31, 2019. *Web Soil Survey*. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.

properties. Some timber removal occurred prior to the environmental baseline established with the County's Commercial Medical Marijuana Land Use Ordinance, and approximately 22,000 sf of oak woodland was removed sometime after 2016 in the "rockpit" area where consolidation of cannabis is proposed. Approximately 0.54 acres of oak woodland was removed for development of Pond 1 and Pond 2.

Analysis

a) Finding: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. ***No Impact***.

Discussion: As previously mentioned, Humboldt County is not included in the FMMP, and prime agricultural soils have not been identified on the project site. Therefore, no impact would occur.

b) Finding: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. ***No Impact***.

Discussion: Assessor's Parcel Numbers (APNs): 223-061-043 and 223-061-038 are zoned AE-B-5(160) and TPZ and APNs: 223-073-004 and 223-073-005 are zoned AE-B-5(160). The proposed project will be considered for Conditional Use Permits and a Special Permit by the County. An operator with an existing outdoor cultivation area in excess of 5,000 square feet may apply for a Special Permit or Conditional Use Permit depending on the size of the cultivation area. These land use permits are discretionary, meaning that the permit may be approved, approved with conditions, or it may be denied.

According to Humboldt County Web GIS mapping, the subject parcels total 470 acres of lands within Williamson Act Contract 229. The proposed project would utilize less than 2 acres (or 0.27%) of the subject parcels. Although this contract is subject to non-renewal and subject to end on February 1, 2026, the proposed project would continue agricultural operations, uses would remain consistent with the Williamson Act contract, and would not negatively impact the subject parcels ability to be grazed commercially. As discussed in the CMMLUO, CMMLUO provides for the cultivation and processing of cannabis within the zoning districts where agriculture is a principally permitted use.[44] Humboldt County recognizes cannabis cultivation as an agricultural activity and the County's Williamson Act Advisory Committee and Board of Supervisors have previously determined that commercial cannabis cultivation is a compatible land use within existing agricultural preserves. Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act Contract. No impact would occur.

c) Finding: The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526). ***No Impact.***

Discussion: Portions of the project site (APNs: 223-061-043 and 223-061-038) are zoned as TPZ. However, the proposed project does not require a rezone, and no impact would occur.

d) Finding: The project would not result in the loss of forest land or conversion of forest land to non-forest use. ***Less Than Significant with Mitigation Incorporated***.

[4] County of Humboldt. Humboldt County Board of Supervisors. January 26, 2016. *Resolution No. 16-14*. Available at: https://humboldtgov.org/DocumentCenter/View/53374/Resolution-No-16-14---CMMLUO?bidId=.

Discussion: The project site contains both forest lands and agricultural lands. All development associated with the proposed project will occur on the portions of the site zoned Agriculture Exclusive (AE). The 'Rockpit' location on APN: 223-061-043 is a small clearing located within a larger oak woodland habitat. Within this area approximately 22,000 square feet of oak woodland, which consisted of two stumps and approximately 10 trees less than 12'' diameter at breast height (dBH) were removed with the intention of facilitating the relocation. Pursuant to Mitigation Measure AFR-1, the applicant will be required to submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcel. The Oak Woodland Restoration Plan must also prescribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected.

According to the Restoration Plan for Pond 1 and Pond 2 prepared by Native Ecosystems Inc., approximately 0.54 acres of Oak woodland habitat was removed for development of Pond 1 and Pond 2. Mitigation is proposed in the form of 0.70 acres of oak woodland plantings which will ensure that there is no net loss of forestland or conversion of forestland to non-forest use.

With implementation of Mitigation Measure AFR-1 there will be no net-loss of forestland and the proposed project would have a less than significant impact on the loss of forest land or conversion of forest land to a non-forest use.

e) Finding: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. ***No Impact***.

Discussion: The project site would continue to be accessed via Wallan and Clark Roads and the private driveway to the entrance. While some improvements are anticipated to address CAL FIRE requirements, no new roadways or connections would be constructed that would encourage conversion of farmland to non-agricultural use or forest land to non-forest use. Therefore, the project would not lead to the conversion of farmland to non-agricultural use or forest land to non-forest use in the surrounding project area. No impact would occur.

Mitigation Measures

AFR-1: Oak Woodland Restoration and Replacement

Part A - Rockpit) Prior to the issuance of any construction or grading permits the applicant will submit for review and approval by the Planning and Building Department, an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees in proximity to new development and ongoing activities will be protected from encroachment and how newly planted trees will be protected. The Plan shall include monitoring and reporting elements that require a minimum of 3 years of monitoring and achieve an 85% success rate for new plantings and a demonstration that the replanting area is protected from conifer encroachment. The monitoring reports will be provided to the Planning Department for review at the time of the annual inspection.

Part B - Ponds) The applicant shall implement the oak woodland restoration plan identified in the Pond 1 and Pond 2 Restoration Plan prepared by Native Ecosystems, Inc. Installation of seed and trees shall occur in November and December of the year following pond removal and grading and shall follow the 3-year monitoring plan specified in the Restoration Plan with year 1 of monitoring occurring the calendar year following planting. A final restoration plan shall be

prepared and submitted at the end of year 3 documenting restoration efforts. Restoration shall only be determined complete once restoration has been deemed successfully established and the restoration area has been demonstrated to be free from conifer encroachment.

Findings

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Agriculture and Forestry Resources.

III. AIR QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Setting

The project site is in Humboldt County, which lies within the North Coast Air Basin (NCAB). The NCAB extends for 250 miles from Sonoma County in the south to the Oregon border. The climate of NCAB is influenced by two major topographic units: the Klamath Mountains and the Coast Range provinces. The climate is moderate with the predominant weather factor being moist air masses from the ocean. Average annual rainfall in the area is approximately 50 to 60 inches with the majority falling between October and April. The predominant wind direction is from the northwest during summer months and from the southwest during winter storm events.

Project activities are subject to the authority of the North Coast Unified Air Quality Management District (NCUAQMD) and the California Air Resources Board (CARB). NCUAQMD is listed as "attainment" r "unclassifed" for all the federal and state ambient air quality standards except for the state 24-hour particulate (PM_{10}) standard, which relates to concentrations of suspended airborne particles that are 10 micrometers or less in size.

In determining whether a project has potentially significant air quality impact on the environment, agencies often apply their local air district's thresholds of significance to project impacts in the review process. NCUAQMD has not formally adopted specific significance thresholds, but rather utilizes the Best Available Control Technology (BACT) emissions rates for stationary sources as defined and listed in the NCUAQMD Rule and Regulations, Rule 110 – *New Source Review (NSR) and Prevention of Significant Deterioration (PSD)*, Section E.1 – *BACT* (pages 7-8)[5].

One sensitive receptor is located on APN: 223-073-005 at the southwest portion of the project site. Employees that would be housed at the project site in proposed future housing would also be considered sensitive receptors. Other sensitive receptors near the project site include residences north of the site, the nearest of which is approximately 200 feet north of the property line, and a residence approximately 350 feet east of the property line.

Analysis

a) Finding: The project will not conflict with or obstruct implementation of the applicable air quality plan. ***No Impact***.

Discussion: A potentially significant impact on air quality would occur if the project would conflict with or obstruct the implementation of the applicable air quality management or attainment plan.

[5] North Coast Unified Air Quality Management District. July 9, 2015. *Rules and Regulations*. Available at: https://www.ncuaqmd.org/rules-regulations.

Therefore, it is necessary to assess the project's consistency with these plans.
The California Clean Air Act (CCAA) requires the NCUAQMD to achieve and maintain state ambient air quality standards for PM_{10} by the earliest practicable date. The NCUAQMD prepared the *Particulate Matter Attainment Pl–n - Draft Report*, in May 1995[6]. This Report includes a description of the planning area (North Coast Unified Air District), an emissions inventory, general attainment goals, and a listing of cost-effective control strategies. The NCUAQMD's Attainment Plan established goals to reduce PM_{10} emissions and eliminate the number of days in which standards are exceeded. The Plan includes three areas of recommended control strategies to meet these goals: (1) transportation, (2) land use, and (3) burning. Control measures for these areas are included in the Attainment Plan. The project design incorporates control measures identified in the PM_{10} Attainment Plan appropriate to this type of project, such as The project would be located at a site with existing cannabis cultivation activities. As an existing cannabis farm, vehicle miles traveled are not anticipated to increase. Further, the construction of employee housing on-site is anticipated to reduce vehicle miles traveled and would result in less associated vehicular exhaust emissions generated when compared to the existing condition.

The project would apply water in construction areas to control dust. Paved and gravel access roads would control dust. The project involves a commercial cannabis cultivation and processing operation. The Humboldt County General Plan designates the project area as "Agricultural Grazing" (AG). The AG designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Particulate emissions from the proposed project would be appropriate for its General Plan Designation.

The proposed project's cannabis operation does not include any burning and would not employ wood stoves for heat.

The proposed project would not obstruct implementation of the NCUAQMD Attainment Plan for PM_{10}. No impact would occur.

b) Finding: The project would have a less than significant impact on a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. ***Less Than Significant Impact***.

Discussion: Air quality standards within the NCUAQMD are set for emissions that may include, but are not limited to visible emissions, particulate matter, and fugitive dust. Pursuant to Air Quality Regulation 1, Chapter IV, Rule 400 – *General Limitations*, a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, endanger the comfort, repose, health or safety of any such persons or the public, or have a natural tendency to cause injury or damage to business or property. Visible emissions include emissions that are visible to the naked eye, such as smoke from a fire. The proposed project involves the construction and operation of commercial cannabis cultivation and processing. No activities resulting in visible emissions, including intentional fire/burn, would be associated with the project.

Air quality impacts can be divided into two phases for a project: construction and operation.

Mobile sources of emissions include equipment used during short-term construction and vehicle/truck traffic and light-duty equipment from long-term operation. According to NCUAQMD Rule 102 – *Required Permits*, the Air District does not currently require permits for the operation of

[6] North Coast Unified Air Quality Management District (NCUAQMD). Adopted May 11, 1995. *Particulate Matter (PM_{10}) Attainment Plan – Draft Report.* Available at: https://ncuaqmd.specialdistrict.org/files/6f1ad639b/NCUAQMD+Attainment+Plan+5-95.pdf.

heavy equipment used for construction (except pavement burners) or agricultural operations.[7] There are no "target" air quality standards/limits in this area; however, heavy equipment is generally subject to off-road equipment emission standards from CARB and exceeding those standards may constitute a "nuisance" condition and can be mitigated by proper equipment maintenance.

The project proposes to construct various buildings, 27 parking spaces, cultivation area hoop houses, and improvements to stream crossings throughout the site, as well as restoration activities, including pond removal and revegetation. Emissions from construction equipment would occur for a limited period, and the equipment would be maintained to meet current emissions standards as required by CARB and the NCUAQMD. As described in Section XVII *Transportation* of this Initial Study, below, during long-term operation at peak operating times, the project could generate up to 42 vehicle trips per day (21 in/21 out); this could be the maximum per day if at peak season every employee showed up for work, and distribution, supply run, equipment maintenance, and wholesale nursery all happened on the same day. The anticipated average daily trips would be 10 (5 in/5 out) from December to February; 16 (8 in/8 out) from March to April, and 30 (15 in/15 out) from May to November.

Stationary sources of emissions from the project would include the HVAC and filter systems for air conditioning, odor reduction, manufacturing, extraction, processing, and heating. According to NCUAQMD Rule 102, the Air District does not require permits for HVAC systems.

The project has the potential to generate particulate matter (dust) during construction activities. All activities at the project site are required to meet NCUAQMD Air Quality standards, including Regulation 1, which prohibits nuisance dust generation and is enforceable by the District.[8] Rule 104 – *Prohibitions* states that:

1. No person shall allow handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.
    a. 2. Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.

    b. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.

    c. Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.

    d. The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

    e. The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.

[7] North Coast Unified Air Quality Management District. July 9, 2015. *Rules and Regulations*. Available at: https://www.ncuaqmd.org/rules-regulations.

[8] Ibid.

f. The paving of roadways and their maintenance in a clean condition.

g. The prompt removal of earth or other track out material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

The NCUAQMD currently enforces dust emissions according to the California Health and Safety Code (Section 41701) which limits visible dust emissions that exceed 40% density to a maximum of 3 minutes for any one-hour period. NCUAQMD District Rule 104 states that "*reasonable precautions shall be taken to prevent particulate matter from becoming airborne*." The U.S. Environmental Protection Agency (USEPA) has determined that dust generally settles out of the atmosphere within 300 feet of the source. The closest sensitive receptors are the residence at the project site, residences approximately 200 feet to the north, and a residence 350 feet to the east, but because of the limited activity that would occur, the rapid dissipation of the dust, the low density of residences, and since the project would comply with NCUAQMD regulations potential impacts would be minimal.

Carbon monoxide (CO) hot spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersections with an excess of 100,000 vehicle trips per day). There are no projected CO hot spot intersections in Humboldt County or in the general project area which exceed the 100,000 vehicles per day threshold typically associated with CO hot spots. In addition, the North Coast Air Basin is currently in attainment for CO. As such, project-related vehicular emissions would not create a hot spot nor contribute to an existing one.

Therefore, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Additionally, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Therefore, impacts would be less than significant, and no mitigation would be necessary.

c) Finding: The project will not expose sensitive receptors to substantial pollutant concentrations. ***Less Than Significant Impact***.

Discussion: Sensitive receptors (e.g., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effect of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. Sensitive receptors include a residence at the site, residences approximately 200 feet north, and a residence 350 feet to the east.

As indicated by the air quality impact analysis under subsection b), the proposed project would not produce significant quantities of criteria pollutants (e.g., PM_{10}) during short-term construction activities or long-term operation. In addition, the proposed project would not create a CO hot spot.

Cultivation operations involving application of dry or wet chemicals, such as pesticides, would be conducted inside the proposed buildings and therefore not susceptible to wind dispersal to sensitive receptors. Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant, and no mitigation would be necessary.

d) Finding: The project will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. ***Less Than Significant Impact***.

Discussion: During long-term operation of the project, there is potential to impact air quality due to

odors that would be generated by the proposed cultivation and processing activities. The nearest sensitive receptors are the residence at the site, residences approximately 200 feet to the north of the property boundary, and a residence approximately 350 feet to the east of the property boundary. Odors during the construction phase would consist primarily of diesel truck fumes; however, these impacts would be temporary and less than significant. Odors from operations would be agriculture related. Under Humboldt County Code Section 313-43, properly conducted agricultural operations are not deemed a nuisance and purchasers and users of property adjacent or near agricultural operations are notified of potential problems associated with such agricultural uses, including noises, odors, dust, chemicals, smoke, and hours operation. The proposed project would not result in substantial other emissions (such as those leading to odors) affecting a substantial number of people. Impacts would be less than significant, and no mitigation would be necessary.

Mitigation Measures
No mitigation required.

Findings
The project would have a **Less Than Significant Impact** on Air Quality.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Setting

A Biological Report was prepared for the proposed project in May 2020 by Natural Resources Management Corporation (NRM)[9], and a Botanical Survey was performed by Kyle Wear, botanical consultant, in May 2020 and July 2021[10]. Information in this section is summarized from the Biological Report and Botanical Survey, which are provided in full as Appendix R and Appendix S, respectively. The study area for both surveys consisted of APNs: 223-061-038, 223-061-043, 223-073-004, and 223-073-005. Additionally, a Wetland Assessment conducted by WRA Environmental Consulting, dated April 11, 2019[12] documents the wetland areas that were filled by pond construction, and the Pond 1 and Pond 2 Restoration Plan prepared by Native Ecosystems Inc.[13], documents the grassland and oak habitat area that was removed for pond construction.

Overall, the project site can be described as a mid-mature forest dominated by Douglas fir interspersed with large open grassland areas within the rolling hills of the coastal range. When viewing the general area in Google Earth imagery from 1993-2019[11], it appears the open areas previously utilized for cannabis

[9] Natural Resources Management Corporation. 2020. *Biological Report Shadow Light Ranch, Garberville, Humboldt County, California, APNs: 223-061-038, 223-061-043, 223-073-004, 223-073-005*. (Appendix R)
[10] Wear, Kyle (Botanical Consultant). May 202 and July 2021 B*otanical Survey Results, Shadowlight Ranch (APNs: 223-061-043, 223-061-038, 223-073-004 & 223-073-005)*. (Appendix S)
[11] Google. 2020. Google Earth Pro.
[12] WRA Environmental Consulting Assessment, April 11, 2019 (Appendix U)
[13] Pond 1 and Pond 2 Restoration Plan, Native Ecosystems (Appendix F)

cultivation were natural grassland openings. Some open areas appear larger in earlier imagery, suggesting forest encroachment into the natural grassland openings.

The mainstem Eel River, a Class I fish bearing watercourse, flows northwest from Garberville to the confluence with South Fork Eel River at Dyerville, continuing another 20 air miles to the confluence with the Van Duzen River, then flows approximately 12 additional air miles to the Pacific Ocean. The parcels have a general western aspect towards the South Fork Eel River, with elevations ranging from approximately 500 feet at the northwest corner to approximately 2,000 feet at the northeast parcel boundary, with several promontories across the open grassland areas.

At the northwest corner of the project site, a tributary to the South Fork Eel River in Bear Canyon flows into and back out of the northern parcel boundary, approximately 2 miles east of the South Fork Eel River. Just west of the parcel boundary, this tributary joins another tributary with forks originating in the south-central portion of APN: 223-061-038, approximately 0.2 miles (1,055 feet) west of Zone II, and in the southwest corner of APN: 223-073-005, approximately 0.2 miles west of Zone I. Under the SWRCB's Cannabis Cultivation Policy (2019), minimum required setbacks are 150 feet from perennial watercourses, waterbodies, or springs; 100 feet from intermittent watercourses or wetlands; and 50 feet from ephemeral watercourses. The County's Streamside Management and Wetland Ordinance (SMAWO; Humboldt County Code §314-61.1) requires 100 feet from the top of bank or outer edge of riparian drip-line of perennial streams and 50 feet from intermittent streams, and 150 feet from perennial wetlands and 50 feet from seasonal wetlands. As such, the cultivation areas and associated development meet the required watercourse setbacks (buffers) for the SWRCB and Humboldt County.

Biological Report Survey Results

Prior to the biological survey[13] (see Appendix R), CDFW's California Natural Diversity Database (CNDDB) was queried for records of wildlife species occurrences in a nine-quad area surrounding the project site. Another query was done for the May 2020 revision of the Biological Report to ensure no additional records were added to the database since the site visit in 2018. Table 11 lists the potential special status wildlife species in the Garberville nine-quad area.

Table 11. California Natural Diversity Database List of Potential Special Status Wildlife Species in the Garberville Nine-Quad Area

Common Name	Scientific Name	Federal/State Listing
Cooper's hawk	*Accipiter cooperii*	Watch List
golden eagle	*Aquila chrysaetos*	Fully Protected
osprey	*Pandion haliaetus*	Watch List
American peregrine falcon	*Falco peregrinus anatum*	Delisted, Fully Protected
little willow flycatcher	*Empidonax traillii brewstersi*	State Endangered
Sonoma tree vole	*Arborimus pomo*	Species of Special Concern
Pacific fisher- West Coast DPS	*Pekania pennanti*	Proposed & Candidate Threatened
pallid bat	*Antrozous pallidus*	Species of Special Concern
western pond turtle	*Emys marmota*	Species of Special Concern
Pacific tailed frog	*Ascaphus truei*	Species of Special Concern
foothill yellow-legged frog	*Rana boylii*	Species of Special Concern
Southern torrent salamander	*Rhyacotriton variegatus*	Species of Special Concern
red-bellied newt	*Taricha rivularis*	Species of Special Concern

Source: Natural Resources Management Corporation. 2020. *Biological Report Shadow Light Ranch, Garberville, Humboldt County, California, APN:s 223-061-038, 223-061-043, 223-073-004, 223-073-005* – Table 1. (Appendix R)

A field survey was conducted on April 26, 2018, by NRM's biologist, Michelle McKenzie, and botanist, Claire Brown. No listed wildlife species or species of special concern were detected during the survey. In addition, no sensitive species or natural communities of plants were detected during the survey, and no wetland indicator vegetation was identified in the proposed cultivation areas. Special status and additional species of interest, and the potential for project impacts, are presented in Table 12, below.

Table 12. Special Status Wildlife Species, Wildlife Species Potentially Present in the Project Areas, and Potential Impacts

Common Name	Listing Status	General Habitat Description	Presence of Suitable Habitat w/in Site?	Potentially Impacted by Project?	Comments
BIRDS					
Cooper's hawk	WL	Dense stands of live oak, riparian deciduous or other forest habitats near water used most frequently. Woodland, chiefly of open, interrupted or marginal type for hunting; nests usually in second growth conifer stands or deciduous riparian areas near streams	Yes	No	No impacts; nesting/foraging habitat present in wider general area; more likely utilizing watercourse areas
golden eagle	FP	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas	Yes	No	No impacts; parcel in vicinity of habitat but unlikely to have any impacts due to extensive options and no nearby historic records
osprey	WL	Ocean shore, bays, freshwater lakes, and larger streams. Large nests built in tree-tops within 15 miles of a good fish-producing body of water	No	No	No impacts; likely pre-sent in SF Eel river watershed
American peregrine falcon	FP	Breeds near water in woodland, forest, and coastal habitats. Riparian areas important year-round. Requires cliffs, ledges for cover and breeding	No	No	No impacts; some large cliff areas typically of this species (locally) in the vicinity

Common Name	Listing Status	General Habitat Description	Presence of Suitable Habitat w/in Site?	Potentially Impacted by Project?	Comments
northern spotted owl	T	Old-growth forests or mixed stands of old-growth and mature trees; occasionally in younger forests with patches of big trees	No	No	No impacts; nearest known AC is greater than 3 miles from project areas
little willow flycatcher	SE	Breeds in moist brushy thickets, open second-growth, and riparian woodland, especially with willow	No	No	No impacts; no concentrated areas of willow or other riparian brushy areas observed on parcels
MAMMALS					
Sonoma tree vole	SSC	North coast fog belt from Oregon border to Sonoma County; in Douglas-fir, redwood & montane hardwood-conifer forests	Yes	No	No impacts; if habitat on parcel it occurs in areas with no disturbance; no habitat being removed
fisher	CT	Intermediate to large-tree stages of coniferous forests and deciduous- riparian areas with high percent canopy closure; denning structures include hollow trees, logs and snags	Yes	No	No impacts; this wide ranging species is expected to be in general area foraging; may be denning structures present on ranch; no habitat being removed
Pallid bat	SSC	Frequents open habitats for foraging, often taking prey on the ground, such as crickets and grasshoppers; day roosts in caves, crevices and occasionally hollow trees and buildings; night roosts more open sites such as bridges and open buildings; prefers rocky outcrops, cliffs to access open habitats	Yes	No	No impacts; foraging habitat present, assume roosting in general vicinity
HERPETOFAUNA					

Common Name	Listing Status	General Habitat Description	Presence of Suitable Habitat w/in Site?	Potentially Impacted by Project?	Comments
western pond turtle	SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic	Yes	No	No impacts; not present/detected at pond sites, which dry up by July
Pacific tailed frog	SSC	Occurs in montane hardwood-conifer, redwood, Douglas-fir & ponderosa pine habitats	No	No	No impacts; Class III creek surveyed is not considered consistent or cool enough for this species
Red-bellied newt	SSC	Prefers clean rocky streams and rivers with moderate to fast flows	No	No	No impacts; no habitat; may be out of range for this species
Foothill yellow-legged frog	CT	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Need at least some cobble-sized substrate for egg-laying. Need at least 15 weeks to attain metamorphosis	No	No	No impacts; rarely encountered far from rocky streams with permanent water; no habitat in surveyed areas
southern torrent salamander	SSC	Coastal redwood, Douglas-fir, mixed conifer, montane riparian, and montane hardwood-conifer habitats; Old growth forests	No	No	No impacts; requires cold, well shaded permanent water; stays within splash zone; Class III not permanent

Botanical Survey Results

A Botanical Survey Results report[13], included in Appendix S, was prepared in July 2021 by Kyle Wear, botanical consultant, to identify special status plants and natural communities that could be impacted by the proposed cannabis cultivation project. This report supercedes the 2020 botanical survey that was conducted on a portion of the project area.

Per the Botanical Survey, the property includes coniferous forest dominated by Douglas-fir (*Pseudotsuga menziesii*), mixed Douglas-fir and hardwood stands, oak woodlands, grasslands, emergent wetlands, and ponds. Much of the subject site is a mix of Douglas-fir and hardwoods. The oak woodlands are generally dominated by Oregon white oak (*Quercus garryana*). The understory includes a mix of native and non-native herbaceous plants. The grasses on the project site are predominately comprised of non-native grasses; however, several areas on the project site were noted to include stands of native grasses, including California oatgrass (*Danthonia californica*) and purple needle grass (*Stipa pulchra*). There are several wetlands associated with the watercourses or concave topography in the grasslands, which include rushes (*Juncus patens* and *Juncus effusus*), feta sedge (*Carex feta*), nut-grass (*Cyperus eragrostis*), and pennyroyal (*Mentha pulegium*). The ponds include cattail (*Typha latifolia*), pondweed (*Potamogeton sp.*), and duckweed (*Lemna sp.*).

A list of special status plants that have the potential to occur on-site was generated from CDFW's California Natural Diversity Database (CNDDB) and the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants, and includes special status plants with documented occurrences in the Garberville USGS quadrangle or adjacent quadrangles. A total of 45 special status plant species were identified with the potential to occur at the subject site.

A survey of the subject area was conducted on April 8, June 7, and July 26, 2021, at the time of year when plants on the scoping list with potential to occur, as well as other common plants, would be recognizable and identifiable. An occurrence of one special status plant species, long-beard lichen (*Usnongissimiima*) was identified on tree branches along a watercourse. However, this species was not found near any cultivation areas or other areas of potential disturbance and is therefore not anticipated to be impacted by the project. No other special status plants were identified on-site. Please refer to Appendix S for a complete list of plant species identified on the subject site.

While most of the grassland on the subject properties is dominated by non-native grasses, stands of native grasses, including California oatgrass (*Danthonia californica*) and purple needle grass *(Stipa (Nassella) pulchra*), were identified on-site, primarily within the western portion of the property, including the new proposed Rockpit cultivation area. The grasslands on the eastern portion of the site have a much lower cover of native grasses. Approximately 50 acres of Oregon white oak woodland (*Quercus garryana* Forest and Woodland Alliance) was also identified but is not expected to be impacted by the project. Several small emergent wetlands were also identified; however, none of the identified wetland areas are within or near cultivation areas or other areas of potential disturbance and would not be impacted by the project. Additionally, four (4) highly invasive plant species were also documented onsitIluding Scotch broom (*Cytisus scoparius*), French broom (*Genista monspessulana*), yellow starthistle (*Centaurea solstitialis*), and Himalayan blackberry (*Rubus armeniacus*).

Analysis

a) Finding: The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. ***Less Than Significant with Mitigation Incorporated***.

Discussion: There is low potential for several regionally-occurring special-status plant and animal species to occur in the project site and be affected by the proposed project. Queries of the CNDDB database identified two listed or candidate species (fisher, little willow flycatcher) potentially in the area. Based on surveys, there does not appear to be sufficient extensive habitat in the immediate project area to support these species, although foraging by fisher is presumed on forested patches. There is no willow on the project site to support willow flycatchers, although habitat may exist elsewhere on the site; presence was not confirmed for either species.

The Upper Pond (Pond #1) contained hundreds of tadpoles on the margins that appeared to be Northern Pacific tree frogs. According to the landowner, this pond, as well as the Tooby pond across the road, is shallow and tends to be dry by June which likely contributes to keeping the non-native bullfrog from establishing. This pond appears stable; what slumping has occurred appears contained and was perhaps due to unseasonably saturating rains the winter following construction. As this pond is proposed for removal and restoration under the project, the Biological Report recommends that it be done once the pond has dried up and juvenile frogs have had time to disperse into the surrounding landscape.

The Lower Pond (Pond #2) is connected to the Upper Pond (Pond #1) via a culvert. The culvert connecting the two ponds showed some signs of slumping but did not appear to be delivering sediment to the Lower Pond during biological field survey. The pond was noted to contain Pacific tree frog tadpoles and some nesting red-winged blackbirds in the cattails. The habitat at this site is similar to that of the Upper Pond, but with an established emergent wetland along the margins. The area between the Lower Pond and the adjacent Class II below has some significant erosion issues that need to be addressed to avoid delivering sediment to the watercourse downslope. The Class II stream course was not surveyed during the April 2020 field survey; it is assumed that if habitat for foothill yellow-legged frog and other amphibians existed in the stream course, adult frogs and amphibians would be present year-round. To mitigate potential impacts to frogs and other species, pre-construction surveys for amphibians should occur if earth moving activities are required in the vicinity of the stream course near the Lower Pond at any time of year. Implementation of Mitigation Measure BIO-1, pre-construction surveys for native amphibians, would reduce impacts to less than significant.

With Pond #2 also proposed for removal under the project, the biological recommends this activity occur once it dries, if indeed it does, and juvenile amphibians or fledgling red-winged blackbirds and /or other birds from the last nesting attempt have had the opportunity to disperse. Mitigation Measure BIO-1 and BIO-2 would ensure dispersal of amphibians and nesting birds, and would reduce impacts to less than significant.

In accordance with the Pond #3 Restoration Plan (Appendix I), seeding is proposed to occur following completion of the pond restoration activities. Then, planting of native grasses and forbs in clusters is recommended to help enhance biodiversity and improve habitat diversity for a wide variety of animal and insect species. It is recommended that planting occur following adequate rainfall in the autumn and early winter months, prior to the onset of freezing temperatures, for the highest potential for success. However, should planting at this time not be feasible due to on-site conditions, it is recommended that new plantings be watered within 24 hours of planting, then watered at least weekly until the rainy season begins. Three years of monitoring with reports to be submitted to appropriate regulatory agencies is recommended.

Plastic netting that is often used for erosion control and for support of growing cannabis plants can create a significant risk of wildlife entrapment and substantially harm wildlife, as can the use of rodenticides that are often associated with agricultural operations. Therefore, for general wildlife protection, Mitigation Measure BIO-3 would require that plastic support netting be utilized only in contained and fenced or enclosed cultivation areas and stored in enclosed containers when not in use and Mitigation Measure BIO-4 would require no use of rodenticide. Existing ordinance

requirements prevent the use of light or noise pollution that could affect wildlife. Mitigation Measures BIO-1 through BIO-4 would reduce impacts to less than significant.

Regarding special status plant species, one (1) special status plant species was identified (long-beard lichen) was identified on tree branches along a watercourse. However, since this species was not found near any cultivation areas or other areas of potential disturbance, it is not anticipated to be impacted by the project. The areas of Oregon white oak woodland identified are also not anticipated to be impacted by the project.

As previously discussed, stands of native grassland were identified onsite. The Botanical Report estimates that approximately 4,844 square feet of grassland that includes approximately 25% cover of California oatgrass and approximately 10% cover of purple needle grass will be impacted by the development of the proposed Rockpit cultivation area. To minimize the associated impact, Mitigation Measure BIO-5 is recommended, which requires control of invasive weeds in the site's grassland areas. Specifically, the Report recommends removal of Scotch broom from an approximately 2-acre area in the western portion of the subject site that has a similar native grass cover and species composition as the Rockpit, which also "has a significant infestation of Scotch broom" (an invasive species).

Pond 3 is a legacy stock pond that was not created or substantially altered subsequent to the environmental baseline established for this project. Pond 3 is proposed for removal as per the Stipulated Final Judgement against Shadowlight Ranch and this is proposed to be revegetated with hydrophytic vegetation to support and enhance the historical wetlands in this area, as well as to plant native grasses alongside the hydrophytic vegetation.

With implementation of Mitigation Measures BIO-1, 2, 3, 4, and 5, the proposed project would have a less than significant impact on special status wildlife and plant species.

b) Finding: The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. ***Less Than Significant with Mitigation Incorporated***.

Discussion: Surveys conducted for the Botanical Report surveyed all existing and proposed cultivation areas (including the Rockpit site), appurtenant roads, stream crossings, ponds, water storage areas, and processing facilities. As previously described, several relatively small emergent wetlands were identified onsite within the grassland areas and include rushes, horsetails, and other hydrophytic vegetation. However, none of the identified wetland areas are within or near cultivation areas or other areas of potential disturbance and will not be impacted by the project.

Regarding sensitive natural communities, two (2) native grassland natural communities are located on-site, including stands of California oatgrass (*Danthonia californica*) and purple needle grass *(Stipa (Nassella) pulchra*), located primarily within the western portion of the property, including the new proposed Rockpit cultivation area. Additionally, approximately 50 acres of Oregon white oak woodland (*Quercus garryana* Forest and Woodland Alliance) was also identified, but is not expected to be impacted by the project.

As described above, the Botanical Report estimates that approximately 4,844 square feet of grassland that includes approximately 25% cover of California oatgrass and approximately 10% cover of purple needle grass will be impacted by the development of the proposed Rockpit cultivation area. In order to mitigate for the associated impact, Mitigation Measure BIO-6 is recommended, which requires control of invasive weeds in the site's grassland areas, specifically removing Scotch broom from an approximately 2-acre area in the western portion of the subject site that has a similar native grass cover and species composition as the Rockpit. According to the Botanical Report, this will benefit the oatgrass and purple needlegrass to a greater extent than the

impact occurring as a result of the development of the Rockpit area because the 2-acre area has a significant infestation of scotch broom which is adversely impacting the 2-acre grassland area. The Restoration Plan for Pond 1 and 2 estimates that approximately 2.2 acres of grassland was impacted by construction of Ponds 1 and 2; however based on analysis of reference areas and satellite image analysis none of the grassland areas likely contained Sensitive Natural Communities. The Restoration Plan proposes restoration of these areas with native grasses.

With implementation of Mitigation Measure BIO-5, potential impacts to sensitive communities would be less than significant.

c) Finding: The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. ***Less Than Significant with Mitigation Incorporated***.

Discussion: During surveys for the Biological Report, the presence of wetland indicator and riparian vegetation was surveyed within and around the proposed cultivation sites. Within the surveyed areas, streams, wetlands, or natural water bodies on the project site include Bear Canyon Creek in the northern portion of the project site and unnamed tributaries flowing east through the project site. Two constructed ponds, the Upper Pond (Pond #1) and Lower Pond (Pond #2), are located in the southern portion of the project site. An established emergent wetland occurs at the margins of the Lower Pond. The Upper Pond was constructed in 2016 and the Lower Pond was constructed in 2006. Based on details provided by the applicant, including the pending CDFW SAA (see Appendix E), and as required under the December 2023 Stipulated Judgement, these two ponds are to be removed and the area restored. In addition, Pond #3 is also proposed for removal under the project. Restoration plans and soils reports associated with the decommissioning and restoration of Ponds #1 - #3 are provided as Appendices F, G, I, J, and K.

All aquatic resources delineated within the project site are likely to be determined to be classified either as waters of the U.S. and/or State. if it is determined that these features are not subject to federal jurisdiction but are subject to state jurisdiction, then these features would be subject to waste discharge requirements under the Porter-Cologne Water Quality Control Act should the project result in impacts to these features. Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State. A report of waste discharge shall be filed for impacts to non-federal waters, if required.

An evaluation of wetlands near the Upper Pond was conducted by WRA Environmental Consultants, dated April 11, 2019 (Appendix U) identified 6,828 square feet of seasonal seep wetlands that were impacted from construction of the Upper Pond.

As part of the Botanical Survey Results surveys, conducted in April, June, and July of 2021, several relatively small emergent wetlands with rushes, horsetails, and other hydrophytic vegetation were found to occur in the grassland area, often associated with watercourses. However, none of these identified areas are within or near cultivation areas or other areas of potential disturbance and will not be impacted by the proposed project.

To address the filling of 6,828 square feet of wetlands on the subject site, the applicant will be required to restore wetlands at a 3:1 ratio on the subject parcels (Mitigation Measure BIO-6), as well as obtain all required regulatory agency authorizations and Final LSAA from CDFW. With implementation of Mitigation Measure BIO-6 and compliance with regulatory requirements, the proposed project would have a less than significant impact on wetlands.

d) Finding: The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. ***Less Than Significant with Mitigation Incorporated***.

Discussion: As previously discussed, migratory birds, including red-wing blackbirds, are presumed to nest in the area. In addition, other species, including foothill yellow-legged frogs or other native amphibians, may utilize the ponds for nursery sites. Implementation of Mitigation Measures BIO-1 and BIO-2 would ensure impacts to these species are minimized. With mitigation incorporated, a less than significant impact would occur.

e) Finding: The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. ***Less Than Significant with Mitigation Incorporated***.

Discussion: In addition to the general biological resources policies in the 2017 General Plan, the County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and minimize erosion, runoff, and other conditions detrimental to water quality. The SMA extends 50-100 feet to both sides of any stream, depending on the location (inside or outside of an urban area) and the nature of the stream (perennial or seasonal) and may extend up to 200 feet to include riparian vegetation. An LSAA with CDFW has been drafted and is pending approval (see Appendix D). Conditions of approval will required the applicant to comply with all CDFW standards to obtain and maintain the LSAA agreement. Additionally, prior to commencement of ground disturbing activities, the applicant shall obtain all required regulatory authorizations, including those from the SWRCB and NCRWQCB, for the discharge of dredged or fill material within waters of the state. It is anticipated that impacts to streams, including the proposed LSAA encroachments and remediation actions, would be adequately minimized through provisions in permits and approvals from CDFW, SWRCB, and NCRWQCB.

The project cultivation sites are either existing cultivation areas or previously disturbed (Rockpit). Development of the portion of the project at the Rockpit site requires tree removal of two stumps and approximately 10 trees that are less than 12" dBh, which were already removed, and the Botanical Report identified a mosaic of mixed conifer and hardwood stands and grasslands at the site. The mixed conifer and hardwood stands include Douglas-fir, Oregon white oak (*Quercus garryana*), California bay (*Umbellularia californica*), madrone (*Arbutus menziesii*), buckeye (*Aesculus californica*), and tanoak (*Notholithocarpus densiflorus* var. *densiflorus*). See the *Agriculture and Forest Resources* section (Section II), above, for a description and mitigation measure (AFR-1) associated with the tree removal.

Additionally, the Restoration Plan prepared by Native Ecosystems Incorporated identifies approximately 0.54 of oak woodland habitat that was removed for creation of the two pond areas identified as ponds 1 and 2. With implementation of Mitigation Measure AFR-1 and compliance with regulatory requirements, the proposed project would have a less than significant impact on local policies or ordinances protecting biological resources.

f) Finding: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. ***No Impact***.

Discussion: Habitat Conservation Plans in Humboldt County include the following: 1) Green Diamond Resource Company California Timberlands & Northern Spotted Owl (formerly Simpson Timber Company); 2) Humboldt Redwood Company (formerly Pacific Lumber, Headwaters); and 3) Regli Estates. These HCPs primarily apply to forest lands in the County. According to the USFWS Environmental Conservation Online System (ECOS), the project site is not located within the boundaries of a Habitat Conservation Plan (HCP)(USFWS 2020).

The conservation plans for Humboldt County listed on California Regional Conservation Plans Map on the CDFW website include the Green Diamond and Humboldt Redwoods Company Habitat Conservation Plans. According to the CDFW website, the project site is not located within the boundaries of a Natural Community Conservation Plan.

The project would not conflict with any local policies or ordinances protecting biological resources or conflict with the provisions of an adopted HCP, Natural Community Plan, or other approved plan applicable to the project area. No impact would occur.

Mitigation Measures

BIO-1 Avoid and Minimize Impacts to Native Amphibians

- Pre-construction surveys for native amphibians shall be conducted by a qualified biologist in the vicinity of any ground or vegetation disturbing activities near Class II watercourses. If it is determined that earth moving activities will need to occur at or near the Upper Pond, Lower Pond, or Pond #3, surveys shall be conducted on the adjacent Class II stream prior to any ground or vegetation disturbing activities to determine presence/absence.

- In the event that pre-construction surveys find amphibians in proximity to any earthwork, they shall be relocated, and amphibian exclusion fencing shall be installed a minimum of 50 feet from the edge of the earthwork.

BIO-2 Pre-construction nesting bird surveys for Upper Pond, Lower Pond and/or Pond #3

Prior to the removal of the Upper Pond, Lower Pond, or Pond #3, a qualified biologist shall confirm that nesting birds have fledged and left the site.

BIO-3 Responsible Use of Plastic Support Netting

Plastic support netting for cultivation shall only be utilized in contained cultivation areas that are fenced off from wildlife or enclosed within hoophouses and/or greenhouses. When not in use plastic support netting shall be stored in enclosed containers.

BIO-4 No Rodenticides

The applicant shall not use rodenticides on the project site during construction or operations.

BIO-5 Invasive Species Removal

The applicant shall remove Scotch broom (*Cytisus scoparius*) from an approximately 2-acre area in the western portion of the subject site that has a similar native grass cover and species composition as the Rock Pit, as identified in the Botanical Survey Results report, prepared by Kyle Wear in July 2021.

BIO-6 Wetland Restoration

The applicant shall restore wetlands at a 3:1 ratio on the subject parcels as mitigation for the 6,828 square feet of wetlands that were filled as described by the WRA Environmental Consulting report dated April11, 2019 (Appendix U). Prior to any ground disturbing activities, a wetland restoration plan prepared by a qualified botanist specializing in wetland restoration shall be reviewed and approved by the Humboldt County Planning and Building Department in consultation with the

California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board. The Wetland Restoration Plan shall provide rationale to support the location of the replacement wetlands including soil type and water availability, and shall identify the seed source for the plant material, and contain a monitoring and reporting plan that insures non-native or invasive vegetation is removed and requires a minimum of 3 years of monitoring with an 85% success rate sustained for 2 years.

Findings

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Biological Resources.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Setting

A *Cultural Resource Investigation* (Cultural Report) was prepared for the proposed project in May 2020 by William Rich and Associates. Due to the confidential nature of the information contained in the Cultural Report, a copy is not enclosed as an appendix to this Initial Study; however, information contained in the Cultural Report is summarized below. The study area consists of APNs: 223-061-038, 223-061-043, 223-073-004, and 223- 073-005. A comprehensive field survey was performed over the entire project area, encompassing 88 acres, on June 19, and July 25, 2017, and May 20, 2020.

The project area is within the ethnographic territory of the Sinkyone people. Tribal representatives from the Bear River Band of Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, Round Valley Indian Tribe, and the Wailaki Tribe were contacted during the course of the investigation. A letter was sent in May 2020 to Bear River Band of Rohnerville Rancheria requesting information and formal consultation per AB 52 on May 29, 2020, based on a list provided by the Native American Heritage Commission dated May 21, 2020. No ethnographic villages or other features were known in the project vicinity. Given the geography of the area, it is likely that prairie areas in or near the project area were used for hunting and gathering by Native Americans who had winter villages along the South Fork Eel River in the vicinity of modern-day Garberville. The project property was historically homesteaded by Henry Morse between 1874 and 1876. The government survey map from the latter year shows a house on this property, in the vicinity of the current project area. Other homesteaders and landowners on this property over the years included P. and J.E. Wood (1896), William Turner and William J. Turner (1896, 1898), E.N. Tooby (1921, 1922), Tooby and Dauphiny (1911), the Western Livestock Company (1922, 1949), and John Meyer (1927).

The field survey resulted in the identification of an archaeological site (*WRA #1 – Sweet Hills*) in the project site consisting of flaked-stone debitage, biface, and chert core. A historic-period refuse scatter is also present nearby. Per the Cultural Report, the identified archaeological site spans approximately one-half acre. Since this cultural resource may be related to the local prehistory of the Sinkyone and early homesteaders of the region, it may contain important archaeological information and is presumed eligible for listing in the California Register of Historical Resources (CRHR) under Criterion 4 for its potential to address important research questions. The site should therefore be considered a historical resource under CEQA and considered a significant aspect of the environment. For these reasons, the site may also be considered a tribal cultural resource, pursuant to Assembly Bill 52 (Public Resource Code Section 21074) and is discussed in Section XVIII *Tribal Cultural Resources* of this Initial Study. The Cultural Report further notes that the cultivation area is located approximately just under 500 feet from the identified resource; however, an additional access road is proposed on-site in close proximity to the identified archaeological resource.

On June 15, 2020, the Bear River Band of Rohnerville Rancheria responded to the request of formal consultant sent by the County of Humboldt, as Lead Agency, on May 29, 2020. The Bear River Band of Rohnerville Rancheria declined the formal consultation request but provided final comments on the cultural resources report stating they concur with the conclusion of the Report.

Analysis

a) Finding: The project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5. ***Less Than Significant with Mitigation Incorporated***.

Discussion: The archaeological site, WRA #1 (Sweet Hills), appears eligible for listing in the CRHR and should be considered a historical resource under CEQA. Impacts to the site may be significant under the project. While the cultivation areas are located just under 500 feet from the identified resource, an access road is proposed in close proximity to the resource. Implementation of Mitigation Measure CUL-1, avoidance of the site, would reduce impacts to a level that is less than significant.

There is always the possibility that previously unknown historic resources exist below ground surface. There is the potential for subsurface excavation activities to uncover previously unknown subsurface archaeological resources. Implementation of a standard cultural resource construction mitigation measure regarding inadvertent discovery, CUL-2, would reduce potential impacts to a level that is less than significant.

b) Finding: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. ***Less Than Significant with Mitigation Incorporated*** .

Discussion: See discussion under subsection a) above.

c) Finding: The project would not disturb any human remains, including those interred outside of formal cemeteries. ***Less Than Significant with Mitigation Incorporated*** .

The record search conducted at the NWIC did not indicate known human remains on the project site. Implementation of a standard cultural resource construction mitigation measure regarding inadvertent discovery, CUL-2, would reduce potential impacts to a level of less than significant.

Mitigation Measures

CUL-1 Avoid Archaeological Site WRA #1 (Sweet Hills).

Archaeological Site WRA #1 (Sweet Hills) shall be avoided during all activities associated with this permit. The dirt ranch road which bisects the site between the two identified artifact concentrations shall be decommissioned in such a manner as to preclude heavy equipment (including but not limited to excavators, bulldozers, dump trucks and domestic vehicles) from using the road. A plan for decommissioning the road shall be submitted to the Planning and Building Department for review and approval prior to issuance of construction permits and the decommissioning shall be complete prior to cultivation in the rock pit cultivation area.

CUL-2 Inadvertent Discoveries of Cultural Resources and Human Remains.

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, and/or human remains are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Prehistoric materials which could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

If human remains are discovered during project construction, work would stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Findings

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Cultural Resources.

VI. ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☒	☐	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Setting

In 2003, the California Public Utilities Commission, the California Energy Commission, and the California Power Authority adopted an Energy Action Plan to meet California's electricity and natural gas needs. The plan was revised and updated in 2005 and again in 2008. The primary objectives of the plan are to invest in energy efficiency, renewable resources, and a clean conventional electricity supply. Senate Bill (SB) 100, passed in 2018, sets in place a goal to produce 50 percent renewable energy by 2026, 60 percent renewable energy by 2030, and 100 percent renewable energy by 2045 within the California electricity grid. As of 2022, renewable energy sources, including biomass, geothermal, hydrologic, solar, and wind, accounted for 54 percent of California's power mix.

As detailed in the Applicant's Power and Generators Plan (Appendix S), power at the subject site is currently provided by generators, with the locations denoted on the Site Plans (see Appendix B). Under the project, power is proposed to be provided by PG&E using its renewable energy rate to power Zone 1, Zone 2, Roadside, and the processing facility campus. The Rockpit is proposed to be served by solar to power direct-drive fans with small battery backup to power security system (camera, motion sensors, etc). The proposed cultivation operation will utilize generators to power string lights in the mixed light greenhouse structures, nursery operations, and structures until PG&E power is available. An application has been submitted to PG&E and engineered plans have been submitted to the Building Department. The Applicant believes he is on the delivery list as soon as the project is approved based on the executed contract. Additionally, PG&E is in process of upgrading the Garberville substation and should be able to provide power by the end of 2024.

The well pump, Building A, and the residence as well as greenhouse string lights and fans in Zone 1 are currently powered by the generators. Interim generator usage is proposed for Building B and Building C during drying operations. The Operator will install solar panels for day-to-day use but will be utilizing generators during peak power demand during the drying season. Operator will work to minimize the need for new generators as power usage for the mixed light is only needed. A solar array will be developed for the proposed Rock Pit area. Power from PG&E will be trenched to Zone 2 and Roadside to power fans and eventually automated greenhouse light deprivation systems. It is anticipated that generators will only be utilized for back-up purposes if PG&E power is down once grid service is installed. An outline of the generators currently utilized is provided below along with an analysis of the noise generation and mitigation.

a) Finding: With mitigation the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. ***Less Than significant Impact with mitigation***.

   Discussion: The proposed project would be constructed according to modern building code standards. The cultivation, processing, and wholesale nursery would operate according to industry standards. Power at the subject site is currently provided by generators.

Under the project, power is proposed to be provided by PG&E using its renewable energy rate to power Zone 1, Zone 2, Roadside, and the processing facility campus. The proposed cultivation operation will utilize generators to power string lights in the mixed light greenhouse structures, nursery operations, and structures until PG&E power is available. The generator use proposed to be utilized until PG&E is obtained is substantial, with nursery operations relying on generators for 12-18 hours a day during the majority of the year, and with generators providing the power for operations up to 24 hours a day during some months (Appendix Q, Power Supplemental). This amount of generator use is a wasteful and inefficient use of energy that could rise to a level of significance. The amount of fuel storage, fuel delivery vehicle traffic, and consumption of fuel to run multiple generators up to 12-24 hours a day is a potential significant impact if PG&E is significantly delayed or unable to connect to the site to provide the power needs of the operation. Mitigation Measure ENE-1 requiring development of on-site renewable in the evet PG&E is not timely connected will ensure the development of these features does not have an adverse impact on energy.

Electricity for cultivation operations including lighting, ventilation, and climate control would be sourced entirely from renewable energy once PG&E is brought to the site. The Rockpit is proposed to be served by solar to power direct-drive fans with small battery backup to power security system (camera, motion sensors, etc). Use of an on-site generator is limited to emergency power outage events, and if the solar energy system is limited by weather conditions.

As discussed above, the proposal is to eventually connect the site to PG&E while maintaining the use of renewable energy. Provided this occurs as planned and grid power is available by January 1, 2026, the proposed project would not result in a wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be less than significant. In the event that PG&E is significantly delayed or unavailable to serve the site, the impacts would be potentially significant. Therefore, mitigation is appropriate to require development and implementation of an on-site alternative energy plan to serve the cannabis operation if PG&E is not connected to serve the operation by January 1, 2026. Mitigation Measure ENE-2 will ensure that the on-going cultivation activities will not have a significant impact on energy if PG&E is not timely connected to serve the operation.

b) Finding: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. ***Less Than Significant Impact***.

Discussion: As discussed above, power at the subject site is currently provided by generators. Under the project, power is proposed to be provided by PG&E using its renewable energy rate to power Zone 1, Zone 2, Roadside, and the processing facility campus. The proposed cultivation operation will utilize generators to power string lights in the mixed light greenhouse structures, nursery operations, and structures until PG&E power is available. Electricity for cultivation operations including lighting, ventilation, and climate control would be sourced entirely from renewable energy once PGE is brought to the site. The Rockpit is proposed to be served by solar to power direct-drive fans with small battery backup to power security system (camera, motion sensors, etc). Use of an on-site generator is limited to emergency power outage events. The applicant plans to eventually connect the site to PG&E. electricity, while maintaining the use of renewable energy. The proposed project would be constructed to meet, at a minimum, the requirements of Title 24.11, 2013 California Green Building Standards Code or the Building Standards Code in effect at the time of building design. Impacts would be less than significant.

Mitigation Measures:

ENE-1: The proposed wholesale nursery and buildings B and C of the processing facility campus may not be utilized until either) the operator provides evidence that demonstrates that either PG&E (utilizing the renewable energy portfolio) has been connected to serve these locations or an on-site renewable energy system has been developed and fully implemented to provide all power needs, with generators reserved for emergency backup purposes only.

ENE-2: After January 1, 2026, no commercial cultivation, propagation, or processing operations shall occur on the properties until the operator provides evidence that demonstrates that either PG&E (utilizing the renewable energy portfolio) has been connected to serve these locations or an on-site renewable energy system has been developed and fully implemented to provide all power needs, with generators reserved for emergency backup purposes only.

Findings

With mitigation the proposed project would have a **Less Than Significant Impact** on Energy.

VII. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

Geology

The project site and entire Northern California Region are located in a seismically active area. According to Humboldt County Web GIS and California Geological Survey data,the project site is in the Garberville-Briceland Fault Zone and a north-northwest to south-southeast trending inferred fault segment runs through the eastern portion of the project site. The project site itself is not within an Alquist-Priolo earthquake fault zone (where the State of California anticipates potential surface rupture).

According to Humboldt County Web GIS data, the project site is not within an area of potential liquefaction; however, the project site has a Seismic Safety Classification of 2 which is considered "Moderate Instability", and historic landslides have occurred within the project site.

As previously described, the proposed project includes decommissioning of three (3) existing on-site ponds (Ponds #1-3) and associated restoration to address a NCRWQCB Notice of Violation (NOV) issued in June 2018 and recent slope instability observed on-site. Additional information pertaining to the pond removal and restoration is provided below.

- *Ponds #1-2*
  As described in the *Soils Report for the Decommissioning of Two Ponds*, prepared by SHN in October 2023 (Appendix G), Pond #1 (larger upper pond) and Pond #2 (smaller lower pond) are

adjacent to each other, with the lower pond located just below the toe of the embankment of the upper pond. The spillway associated with the upper pond (a 24-inch corrugated metal culvert) drains into the lower pond, where the lower pond then drains into an adjacent Class II watercourse. Pond #1 appears to have been constructed in 2017 without the benefit of State and local review. It is unclear when Pond #2 was constructed, although apparently it was constructed by neighboring property owners but not yet filled in Google Earth imagery from October 2006. Pond #1 was created by excavating on a pre-existing bench and developing an earthen embankment around the downhill margin. Pond #1 is approximately 220 feet long and 195 feet wide, in maximum dimension and measured to be 14 feet deep by SHN staff. The embankment is considered a significant structure with a crest width of about 10 feet. The outboard face of the embankment slopes at between 1.5:1 (horizontal: vertical) and 2:1. Pond #1 drains to the lower Pond #2 only when the upper pond is relatively full. Following excavation of Pond #1, SHN notes the northern shoreline has become unstable when saturated in the over-steep cut along the shoreline; and there is no evidence that this area was unstable prior to the excavation and filling of the pond (see Appendix G).

Per the *Pond 1 and Pond 2 Restoration Plan* (Ponds #1-2 Restoration Plan), prepared by Native Ecosystems, Inc. (NEI) in November 2023 (see Appendix F), NCRWQCB staff conducted site inspections in November 2017 and May 2018 as part of the applicant's SWRCQ Cannabis Small Irrigation Use Registration. As a result of these inspections, a Notice of Violation (NOV) was issued on June 18, 2018, for dredge and/or placement of earthen materials into streams and/or wetlands at Pond #1 without the required pre-authorization via a Water Quality Certificate. Additionally, a Draft Cleanup and Abatement Order No. R1-2020-0023 (CAO) was also issued. The applicant also proposes the removal of Pond #2. It is estimated that 2.2 acres of grassland habitat, 0.54 acres of oak woodland habitat, and 0.16 acres of seasonal wetland habitat were impacted as a result of construction of the two ponds (see Appendix F).

In accordance with the *Pond 1 and Pond 2 Restoration Plan* included in Appendix F, proposed restoration activities for Pond #1-2 include grading of approximately 9,088 cubic yards and utilization of on-site materials to restore pre-pond topographic conditions, in addition to installation of more than 37,000 native plantings and 155 pounds of native seed mix after grading is complete to restore wetland, oak woodland, and grassland habitat that was previously disturbed. Annual monitoring and maintenance for a three-year period will also be required to ensure grading and replanting activities are successful, in accordance with the recommendations included in the Ponds #1-2 Restoration Plan.

Prior to the proposed restoration activities, the SHN report notes the ponds will need to be dewatered and dried. This will need to occur during the dry season once stream flows have ceased. Further, SHN reports that the water should be pumped and dispersed in a suitable (stable), and not into or within the vicinity of waters of the State (Appendix G). Due to a slope failure observation in March 2024 at the embankment of Pond #1, SHN recommended dewatering of the pond to relieve load on the embankment. Based on photographic evidence that was provided via email correspondence, the NCRWQCB agreed that due to water on the slope, that there was potential for "imminent catastrophic failure" and requested the applicant "take all appropriate safety precautions while resolving this emergency." It was further noted that the NCRWQCB, in consultation with the Division of Water Rights, supported the applicant taking limited emergency actions to avoid pond failure as soon as possible. Dewatering Pond #1 into Pond #2 was recommended, as well as conferring and obtaining an Emergency Lake or Streambed Alteration Agreement (LSAA) from CDFW (see Appendix H).

Per documentation provided by the applicant, an application (Notify for Emergency Work) was submitted for the emergency landslide stabilization on March 26, 2024 (see Appendix H). As noted on the application form, it is anticipated that approximately 33,105 square feet of area was impacted.

The proposed restoration activities associated with Ponds #1-2 are provided in the Grading Plans, enclosed as Appendix A to the Ponds #1-2 Restoration Plan (Appendix F).

- *Pond #3*
  As indicated on the notes contained within the *Pond Decommissioning Plan for Pond #3*, prepared by Omsberg and Preston, dated December 6, 2023 (Appendix I), Pond #3's berm is proposed to be removed, with the excavated material to be placed as fill in the lowest portion of the pond to prevent the retention of rainwater. It is estimated that approximately 65 cubic yards of material would be relocated under the proposed pond decommissioning. Restored cut and fill slopes would be graded at 3:1 maximum unless otherwise noted on the plans. To minimize potential impacts associated with the pond decommissioning, appropriate grading and erosion control measures would be implemented, including but not limited to installing straw wattles.

  In accordance with the Pond #3 Restoration Plan (Appendix J), seeding is proposed to occur following completion of the pond restoration activities. Then, planting of native grasses and forbs in clusters is recommended to help enhance biodiversity and improve habitat diversity for a wide variety of animal and insect species. It is recommended that planting occur following adequate rainfall in the autumn and early winter months, prior to the onset of freezing temperatures, for the highest potential for success. However, should planting at this time not be feasible due to on-site conditions, it is recommended that new plantings be watered within 24 hours of planting, then watered at least weekly until the rainy season begins.

  Per the *Engineering Geologic Assessment of the Proposed Restoration at Pond #3*, prepared by SHN on November 6, 2023 (see Appendix K), potential impacts related to geologic conditions at the site associated with the proposed restoration efforts at Pond #2 are considered negligible.

In addition, an *Engineering Geologic Soils Exploration Report* (2019 Geologic Soils Report) was prepared in October 3, 2019, by Lindberg Geologic Consulting (Appendix T) for the new processing facility proposed under the project, which concluded that the site is suitable for the proposed use. Several design recommendations are provided in the Report, which would be incorporated as conditions of approval for the project.

Soils

Based on a review of NRCS Web Soil Survey soils on the project site are mapped as:

- Map Unit 655—Yorknorth-Witherell complex, 15 to 30 percent slopes
- Map Unit 451—Burgsblock-Coolyork-Tannin complex, 15 to 30 percent slopes
- Map Unit 673—Coolyork-Yorknorth complex, 30 to 50 percent slopes
- Map Unit 452—Burgsblock-Coolyork-Tannin complex, 30 to 50 percent slopes
- Map Unit 405—Tannin-Wohly-Rockyglen complex, 30 to 50 percent slopes

Slopes

Review of the County's Web GIS portal (n.d.) indicates that on-site slopes range from less than 15 percent up to more than 50 percent.

Analysis

a) i) Finding: The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Divisions of Mines and Geology Special Publication 42). ***Less Than Significant Impact***.

Discussion: Seismically-induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude and nature of fault rupture can vary for different faults or even along different strands of the same fault. Surface rupture can damage or collapse buildings, cause severe damage to roads and pavement structures, and cause failure of overhead and underground utilities.

For purposes of the Alquist- Priolo Act, an active fault is one that has ruptured in the last 11,000 years. Although a fault segment of the Quaternary-age Garberville-Briceland fault zone traverses the project site, it is not considered an active fault. Surface rupture is unlikely. The impact of surface rupture or other seismic-related movement at the project site would be reduced as new construction projects must comply with the California Building Code (CBC) requirements and have geotechnical/soils reports prepared prior to obtaining grading or building permits from the Humboldt County Building Division. A geotechnical/soils report was prepared by Lindberg Geologic Consultants in October 2019 for the location where the processing structures will be constructed (see Appendix T). The 2019 Geologic Soils Report includes recommendations to ensure stability of the structures. With incorporation as required conditions of approval and implementation of the proposed recommendations in the 2019 Geologic Soils Report, in addition to compliance with the CBC, impacts would be less than significant.

ii) Finding: The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. ***Less Than Significant Impact***.

Discussion: Earthquakes on active faults in the region have the capacity to produce a range of ground shaking intensities in the project area. Ground shaking may affect areas hundreds of miles distant from an earthquake's epicenter. Ground motion during an earthquake is described by the parameters of acceleration and velocity as well as the duration of the shaking. Because the project site is located within a seismically active area, some degree of ground motion resulting from seismic activity in the region is expected during the long-term operation of the project.

The State of California provides minimum standards for building design through the CBC (California Code of Regulations Title 24). Where no other building codes apply, CBC Chapter 29 regulates excavation, foundations, and retaining walls. The CBC applies to building design and construction in the State and is based on the federal Uniform Building Code (UBC) used widely throughout the country. The CBC has been modified for California conditions with numerous more detailed and/or more stringent regulations. Specific minimum seismic safety and structural design requirements are set forth in CBC Chapter 16. The Code identifies seismic factors that must be considered in structural design. With implementation of the proposed recommendations in the 2019 Geologic Soils Report and compliance with the CBC, impacts would be less than significant.

iii) Finding: The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. ***Less Than Significant Impact***.

Discussion: Liquefaction is a phenomenon whereby unconsolidated and/or near-saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in temporary, fluid-like behavior of the soil. Soil liquefaction causes ground failure that can damage roads, pipelines, underground cables and buildings with shallow foundations.

Although the project site is not in an area mapped as subject to liquefaction, it is in an area with a Seismic Safety Classification of "Moderate Instability" (Web GIS, n.d.). This could threaten the integrity of the existing and proposed structures on the project site, and the people occupying those structures. The impact of seismic-related ground shaking on the project site would be reduced as new construction projects must comply with the CBC requirements and soils reports prior to

obtaining grading or building permits from the Humboldt County Building Division. With implementation of the proposed recommendations in the 2019 Geologic Soils Report and compliance with the CBC, impacts would be less than significant.

iv) Finding: The project would not directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. ***Less Than Significant Impact***.

Discussion: Landslide susceptibility is a function of various combinations of factors including rainfall, rock and soil types, slop aspect, vegetation, seismic conditions, and human construction. Generally, landslides are expected to occur most often on slopes steeper than 15 percent grade in an area with a history of landslides underlain by certain geologic units. The proposed project would be located in an area that has a history of landslides.

As described in further detail, above, a landslide recently occurred on-site. Specifically, a slope failure at the embankment of Pond #1 was observed in March 2024, in which it is estimated that approximately 10,000 square feet of area was impacted. The NCRWQCB acknowledged there was potential for "imminent catastrophic failure" and requested the applicant "take all appropriate safety precautions while resolving this emergency." Further, the NCRWQCB, in consultation with the Division of Water Rights, supported the applicant taking limited emergency actions to avoid pond failure as soon as possible. Dewatering Pond #1 into Pond #2 was recommended, as well as conferring and obtaining an Emergency Lake or Streambed Alteration Agreement (LSAA) from CDFW. An application for the emergency landslide stabilization was submitted on March 26, 2024 (see Appendix H).

However, the risk of loss, injury, or death involving landslides associated with construction and operation of the proposed project would be less than significant with implementation of proposed recommendations in the soils reports and restoration plans and compliance with the CBC, all of which will be conditions of approval for the project. The project involves restoring the land to its previous stable condition.

b) Finding: The project would not result in substantial soil erosion or the loss of topsoil. ***Less Than Significant Impact***.

Discussion: As conditions of approval for the project, the project applicant would be required to implement all site improvement recommendations included in the soils reports, restoration plans, and Site Management Plan (SMP), as well as comply with all requirements of the CDFW LSAA, once finalized, which includes measures specific to erosion and pollution control (see Appendices E-K and T). Additionally, cultivation sites would be located away from natural surface water features to which sediment might be discharged. Therefore, with implementation of the proposed recommendations in the various reports and avoidance and minimization measures included in the CDFW LSAA, project impacts would be less than significant.

c) Finding: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. ***Less Than Significant Impact***.

Discussion: According to Humboldt County Web GIS data, the project site has a Seismic Safety Classification of 2, which indicates the project site is moderately unstable. The project site is designated as an area not subject to liquefaction. The project applicant would be required to comply with all site improvement recommendations contained in the soils reports, restoration plans, and SMP, in addition to requirements of the CBC. Therefore, impacts would be less than significant.

d) Finding: The project would not be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), creating substantial direct or indirect risks to life or property. ***No Impact***.

Discussion: Expansive soils possess a "shrink-swell" characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time due to expansive soils, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

The soils on the project site have low and moderate shrink-swell potential based on linear extensibility ratings. (NRCS 2020). Therefore, the project would not be located on expansive soils creating substantial risks to life or property. Therefore, with implementation of the recommendations from the soils reports, restoration plans, and SMP, in addition to requirements of the CBC, impacts would be less than significant.

e) Finding: Soils at the project site may have limited capability of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. ***Less Than Significant Impact***.

Discussion: The proposed project would entail the use of septic tanks for wastewater disposal. As described in the project's Operation Plan (see Appendix D), the proposed drying and processing facility would include an Americans with Disabilities Act (ADA)-compliant restroom, which would include a flush toilet and sink with hot and cold running water. Additional ADA-compliant restrooms are located in Building B. Furthermore, portable toilets and handwashing stations will be provided at worksites located further than 250 feet from the proposed processing facility.

Based on a preliminary review of soils via NRCS' Web Soil Survey, soils at the site have a rating of "Very Limited" regarding septic tank absorption fields. Construction of septic tanks are required to be in compliance with regulations and requirements of the County of Humboldt Department of Environmental Health (DEH), with specific standards denoted in the *Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual*.

The project was referred to DEH in June 2017 for review and comment. Per comments provided in July 2017, DEH recommended conditional approval of the project, and requested DEH be provided an invoice, or equivalent documentation, to confirm the continual use of portable toilets on-site to serve the needs of cultivation staff prior to reissuance of the project's annual permit. This will be included as a required condition of approval for the project.

With compliance with the DEH regulations related to the septic system and providing the requested documentation for the continued use of portable toilets on-site, a less than significant impact would occur.

f) Finding: The project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature. ***Less Than Significant Impact***.

Discussion: The proposed project area is not located in an area considered likely to have paleontological resources present. Previous disturbance from cultivation has taken place at the project site. Fossils of plants, animals, or other organisms of paleontological significance have not been discovered within the project area, nor within the general vicinity. In this context, the project would not result in significant impacts to paleontological resources or unique geologic features. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation required.

Findings

The proposed project would have a **Less Than Significant Impact** on Geology and Soils.

VIII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

The project site is located within the North Coast Air Basin (NCAB) and is subject to North Coast Unified Air Quality Management District (NCUAQMD) requirements. The NCUAQMD is responsible for monitoring and enforcing federal, State, and local air quality standards in the County of Humboldt.

The Global Warming Solutions Act of 2006, also known as Assembly Bill (AB) 32, is a State law that establishes a comprehensive program to reduce GHG emissions from all sources throughout the State. AB 32 requires the State to reduce its total GHG emissions to 1990 levels by 2020, a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario. Pursuant to the AB 32 Scoping Plan (last reviewed in 2018), the California Air Resources Board (CARB) must adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The following major GHGs and groups of GHGs being emitted into the atmosphere are included under AB 32: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3). The 2020 GHG emissions statewide limit set by AB 32, equal to the 1990 level, is 431 million metric tonnes of carbon dioxide equivalent ($MMTCO_2e$) (CARB, 2018). Pursuant to Senate Bill (SB) 32 and Executive Order S-3-05, California has a reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

Under CEQA, lead agencies are obligated to determine whether a project's GHG emissions significantly affect the environment and to impose feasible mitigation to eliminate or substantially lessen any such significant effects. Currently, the County of Humboldt is working with other local jurisdictions to develop a Climate Action Plan (CAP) in accordance with Policy AQ-P9 *County Climate Action Plan* of Air Quality Element of the Humboldt County General Plan (2017). The purpose of the CAP would be to achieve GHG emissions consistent with current legislation. At this time, the NCUAQMD and Humboldt County have not adopted any thresholds of significance for measuring the impact of GHG emissions generated by a proposed project.

According to the US Energy Information Administration, the use of diesel for energy creates approximately 22.45 pounds of CO2 per gallon used, and regular gasoline creates approximately 19.37 pounds of CO2 per gallon used. Per the MQ Power specifications the DCA45SSIU-aF utilizes 1.6 gallons of diesel per hour running at 50% load and 2.93 gallons per hour running at 100% load; and the DCA24-SSIU4F utilizes 0.94 gallons at 50% load and 1.62 gallons at full load. Per the Honda specifications a Honda 5000sx utilizes 0.59 gallons per hour at 50% load and 1.14 gallons per hour at full load. Per the Power Plan Supplemental (Attachment Q) these generators can run from 8-24 hours a day depending on month and need. Assuming even a 100% load for 24 hours these generators could be producing as much as almost 3,000 pounds of CO2 per day. If this were to occur 365 days a year, which is far in excess of the anticipated usage, there would be a total of 1,087,482 pounds of CO2 produced per year, or 493 metric tons per year. While neither the North Coast Air Quality Management District, nor the County have adopted thresholds for determining significance of CO2 emissions, a nearby air quality district, the Sacramento Metro Air

Quality Management District does have adopted significance threshold of 10,000 metric tons per year for operational emissions for stationary development projects. Utilizing the SMAQMD thresholds, the CO2 emissions from these generators would be less than significant.

Analysis

a) Finding: The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. ***Less Than Significant Impact***.

Discussion: This section includes a qualitative discussion of potential GHG/climate change impacts with an emphasis on project features which would reduce construction and operational GHG emissions (see discussion under subsection b) below).

Construction

Construction GHG emissions are generated by vehicle engine exhaust from construction equipment, on-road hauling trucks, vendor trips, and worker commuting trips. The proposed project is relatively small, and construction would be short term (less than one year). All construction equipment and commercial trucks are maintained to meet current emissions standards as required by the CARB. Based on the size of the project and the short duration of construction activities, impacts associated with GHG emissions generated from construction would be less than significant.

Operation

The NCUAQMD and Humboldt County have not adopted any thresholds of significance for measuring the impact of GHG emissions generated by a proposed project. GHG emissions sources during operation would include vehicle traffic from workers and deliveries and operation of HVAC units for the proposed buildings. As described in Section XVII *Transportation*, below, during long-term operation at peak operating times, the project could generate up to 42 vehicle trips per day (21 in/21 out); this would be the maximum per day if at peak season every employee showed up for work, and distribution, supply run, equipment maintenance, and wholesale nursery all happened on the same day. The anticipated average daily trips would be 10 (5 in/5 out) from December to February; 16 (8 in/8 out) from March to April, and 30 (15 in/15 out) from May to November. Although up to 42 trips per day may occur during peak operation, 22 of the trips would be during the morning and afternoon peak commute hours and the remainder of the trips would be distributed throughout the facility's operating hours. The number of vehicle trips is not considered substantial and associated GHG emissions would be less than significant.

The proposed nursery and indoor cultivation would feature HVAC and filter systems for air conditioning, odor reduction, and heating. The power used by the HVAC system would be provided by solar panels, any power usage not covered by solar panels would be offset with carbon credits purchased from a carbon offset company. According to NCUAQMD Rule 102, the Air District does not require permits for HVAC systems. As such, the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. A less than significant impact would occur.

b) Finding: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. ***Less Than Significant Impact***.

Discussion: The proposed project would not conflict with any plans, policies, or regulations established to reduce GHG emissions. The project would be required to comply with the CMMLUO and would not be anticipated to obstruct implementation of the NCUAQMD Attainment Plan for PM_{10}. As noted above, the County is currently in process of developing a Climate Action Plan (CAP) to help reduce GHG emissions within the County.

There are no components of the project that would be anticipated to result in significant GHG emissions. Notably, while the project would continue to utilize generators as a supplemental and back-up power source, the primary source of power for the project would transition to PG&E and solar. Addtionally, HVAC and filter systems would be utilized for air conditioning, odor reduction, and heating, and a significant amount of vehicular traffic would not be anticipated under the project.

Therefore, the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and impacts would be less than significant.

Mitigation Measures

No mitigation required.

Findings

The proposed project would have a **Less Than Significant Impact** on Greenhouse Gas Emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or has characteristics defined as hazardous by a federal, state, or local agency. Chemical and physical properties such as toxicity, ignitability, corrosiveness, and reactivity cause a substance to be considered hazardous. These properties are defined in the California Code of Regulations, Title 22, Article 3: Characteristics of Hazardous Waste (effective July 1, 1991). A "hazardous waste" includes any hazardous material that is discarded, abandoned, or will be recycled. The criteria that render a material hazardous also cause a waste to be classified as hazardous, per California Health and Safety Code, Chapter 6.5, Section 25117 (effective January 1, 1997).

Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations to protect public health and the environment. These regulations provide definitions of hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. The major federal, state, and regional agencies enforcing these regulations are USEPA and the Occupational Safety and Health Administration (OSHA); California Department of Toxic Substances Control (DTSC); California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); California Governor's Office of Emergency Services (Cal OES); and NCUAQMD.

The Humboldt County Department of Environmental Health serves as the local Certified Unified Program Agency (CUPA). The CUPA is responsible for collecting and disseminating hazardous materials information. If the facility has a maximum quantity on-site at any one time in excess of 55 gallons, then the facility must complete a Business Plan to the satisfaction of the CUPA. This information can then be made available to emergency first responders or other members of the public.

The site is not shown as containing hazardous materials or being involved in any cleanup or monitoring programs on the USEPA's EnviroMapper, the California Department of Toxic Substances Control (DTSC) EnviroStor, or the SWRCB's Geotracker databases.

Schools located nearest to the project site are Redway Elementary School, located approximately 2.5 miles northwest of the project site.

The project site is located two miles northeast of the Garberville Airport, which is maintained by the County. The project site is not located within the Airport Land Use Compatibility Zone or the Building Height Restriction Area.

According to Humboldt County Web GIS data, the project site is within an area classified as having a "High" to "Very High" fire hazard severity rating, indicating the area is at high risk from wildland fires. The site is located within the State Responsibility Area (SRA) and is served by the California Department of Forestry and Fire Protection (CAL FIRE) for fire protection services.

Analysis

a) Finding: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. ***Less Than Significant Impact***.

Discussion: The proposed project would involve continued operation of a commercial cannabis cultivation operation, as well as construction and operation of a wholesale nursery and processing facility. Hazardous materials associated with construction generally include fuels, lubricants, and paint. Hazardous materials associated with the proposed operation include fertilizers, pesticides, and solvents. Best Management Practices (BMPs) would continue to be employed when storing, handling, mixing, application of all fertilizers, pesticides, and fungicides. All nutrients, pesticides, and fungicides would be located in a locked storage room and contained within a water-tight, locked, and labeled container in accordance with manufacturer's instructions. Application rates would be tracked and reported with the end of the year monitoring report, required in the SMP. Employees responsible for the application of these products would be trained to handle, mix, apply, and dispose of the products with the proper safety equipment in accordance with the manufacturer's recommendations. The SMP provides additional BMPs that the proposed project would be required to follow to ensure the safe and proper use of hazardous materials.

Hazardous chemicals would be purchased from licensed vendors and transported/shipped to the project site in accordance with all federal, state, and local regulations for the transport of hazardous materials.

With appropriate storage, handling, and application practices that comply with the requirements of Humboldt County, it is not anticipated that the use of these materials at the facility would not pose a significant hazard. As such, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

b) Finding: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. ***Less Than Significant Impact***.

Discussion: As described in the Cultivation and Operations Plan (see Appendix D), all potentially hazardous materials would be properly stored. Existing materials are stored with secondary containment (the generator and diesel fuel are located within a secondary containment trough; fertilizers and pesticides are currently stored in a lockable storage shed with secondary containment to prevent contamination with runoff), and these practices are anticipated to continue under the project.

Use of such materials would be required to comply with all applicable local, state, and federal standards associated with the handling and storage of hazardous materials, including the CMMLUO and oversite by the CUPA. These include implementation of spill prevention, control, and countermeasures and the maintenance of appropriate cleanup materials onsite. The project proponent would be required to file a Hazardous Materials Business Plan with the County Division of Environmental Health.

With appropriate storage, handling, and application practices, it is not anticipated that the use of these materials would pose a significant hazard. In the event of foreseeable upset and accident conditions, it is unlikely that these hazardous materials would be released in a manner that would create a significant hazard to the public or the environment. Therefore, impacts would be less than significant.

c) Finding: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. ***No Impact***.

Discussion: There are no schools located within one-quarter mile of the project site. The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. No impact would occur.

d) Finding: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. ***No Impact***.

Discussion: The project site is not included on a list of hazardous materials sites reporting to the EPA. Because there are no hazardous materials concerns currently at the project site, implementation of the proposed project would not create a significant hazard to the public or the environment. No impact would occur.

e) Finding: The project would not result in a safety hazard or excessive noise for people residing or working in the project area for a project within two miles of a public airstrip. ***No Impact***.

Discussion: The site is approximately 2 miles northeast of the Garberville Airport. The project site is not located within an airport land use plan or the Building Height Restriction Area.

The proposed buildings would comply with Part 77 of the Code of Federal Regulations; Safe, Efficient Use, and Preservation of the Navigable Airspace, which limits the allowable height of all structures within the airport runway approaches. The project does not propose to construct a building greater than 200 feet tall. Therefore, the project applicant will not need to notify the Federal Aviation Authority (FAA), and no impact would occur.

f) Finding: The project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. ***Less Than Significant Impact***.

Discussion: The project would comply with the requirements of the County Building Code, CAL FIRE regarding emergency vehicle access, sprinkler systems, and minimum water supply requirements. The project site is accessed by an existing driveway connecting to Clark Road, and improvements will be made in response to comments received from the Department of Public

Works, Land Use Division, in July 2017, in which the access road encroachment will be paved for a minimum width of 20 feet and length of 50 feet (see Section XVII *Transportation* for further discussion). Additionally, the project would not interfere with any emergency response or evacuation plan.

Therefore, the proposed project would not impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. Potential impacts would be less than significant, and no mitigation would be necessary.

g) Finding: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. ***Less Than Significant Impact***.

Discussion: According to Humboldt County GIS data, the project site is within an area classified as having a "High" to "Very High" fire severity rating, indicating the area is at high risk from wildland fires. The site is located within the SRA and is served by CALFIRE for fire protection services. CALFIRE has commented to the proposed project with a list of requirements and recommendations including emergency access with turnarounds, signing and building numbers, emergency water standards, and fuel modification standards. The proposed project would be required to comply with all of these requirements as a condition of project approval. Therefore, as the project will implement all measures listed by Cal-Fire to reduce the impacts, the project would result in a less than significant impact and no mitigation would be necessary.

Mitigation Measures

No mitigation required.

Findings

The proposed project would have a **Less Than Significant Impact** on Hazards and Hazardous Materials.

X. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

The subject properties are located in the Garberville-Benbow Hydrologic Sub Area, which is part of the South Fork Eel River Hydrologic Area, which is part of the Eel River Hydrologic Unit (HUC-18010106). Bear Canyon Creek (Class II watercourse) and unnamed tributaries (Class III watercourses) flow east-west through the project site that drain to the South Fork Eel River. The South Fork Eel River is listed on the State Water Resource Control Board 303(d) list as impaired by sediment and temperature.

The South Fork Eel River is approximately 0.9 miles to the west, across US-101, from the subject site. The project site slopes to the west.

FEMA flood insurance rate maps were reviewed for the project's proximity to a 100-year floodplain. The proposed project is included on FEMA panel #0623C1985F, effective 11/4/2016. The project site is in an area mapped as Zone X, an area of minimal flood hazard, and outside of the 100-year flood zone.

The project site is not connected to a municipal storm drainage system; however, the project would include internal storm water management measures as prescribed in the project's Site Management Plan (SMP; WDID 1_12CC415333), prepared by Timberland Resource Consultants in December 2019 (see Appendix P).

CDFW LSAA Remediation Actions

CDFW LSAA required actions would remediate previous encroachments and address proposed encroachments. The full list of remediation actions are included in Table 8 of this Initial Study and generally include installation and/or replacement of existing culverts and the proposed pond restoration for Ponds #1 - #3.

NCRWQCB Required Site Management Plan

The applicant is enrolled with the NCRWQCB for Tier 2 coverage. Additionally, the applicant enrolled in the State Water Board Discharge Order in April of 2019. A SMP was developed by Timberland Resource Consultants to comply with BMPs of the order (see Appendix P). The SMP identifies approximately 80 locations on the subject parcel that require remedial actions for compliance with the State Board Policy. Included in Table 6 is a list of 17 projects that are required to improve hydrology and water quality.

Site Drainage and Runoff

The cultivation sites are mostly flat with surface flow in the wet season generally draining from the west to the east. All sites are slightly sloped to drain. Two zones are slightly above 5% grade. The edges of the sites are ditched and have either a waddle like hay absorbing element or is further directed to a catchment zone that has a series of waddle filter zones to capture any runoff. All other sites, roads, driveways, parking areas, and turnarounds have drainage that is designed to code. The existing and proposed cultivation sites and greenhouses are located away from riparian zones, outside of required setback buffers. Fertilizers and pesticides are currently stored in a lockable storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Site investigation for the development of the SMP showed no evidence of surface runoff with associated with the cultivation. The cultivation activities and associated structures are located approximately 50-200 feet from the nearest watercourse, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures would be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

Erosion Control

The SMP includes erosion and sediment control BMPs designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including removing burn piles; removing livestock from the swale area of the property; constructing a sediment basin within the swale area to catch surface runoff; and constructing a drainage ditch that extends across the site. The ditch is vegetated and does an adequate job in reducing water velocity and settling fine sediment and requires no corrective action. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. Conditions of approval would require compliance with the SMP, including implementation of the BMPs and corrective actions identified (see Appendix P and Table 6).

Watershed and Habitat Protection

Adherence to the SMP would ensure that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are 50-200 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMPs in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities would be conducted by a licensed contractor in accordance with approved grading permits and the SMP.

Further, all aquatic resources delineated within the project site are likely to be determined to be classified either as waters of the U.S. and/or State. if it is determined that these features are not subject to federal jurisdiction but are subject to state jurisdiction, then these features would be subject to waste discharge requirements under the Porter-Cologne Water Quality Control Act should the project result in impacts to these features. Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State. A report of waste discharge shall be filed for impacts to non-federal waters, if required.

Monitoring and Reporting

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the SMP and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if not contained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on the SMP map. On-site monitoring shall occur in compliance with the water discharge order.

Table 6 identifies proposed SMP Remediation Points and associated actions. Approval would be required from the SWRCB and NCRWQCB.

Pond Decommissioning and Restoration

As previously described, the proposed project includes decommissioning of three (3) existing on-site ponds (Ponds #1-3) and associated restoration to address a NCRWQCB Notice of Violation (NOV) issued in June 2018 and recent slope instability observed on-site. Additional information pertaining to the pond removal and restoration is provided below.

- <u>*Ponds #1-2*</u>
  As described in the *Soils Report for the Decommissioning of Two Ponds*, prepared by SHN in October 2023 (Appendix G), Pond #1 (larger upper pond) and Pond #2 (smaller lower pond) are adjacent to each other, with the lower pond located just below the toe of the embankment of the upper pond. The spillway associated with the upper pond (a 24-inch corrugated metal culvert) drains into the lower pond, where the lower pond then drains into an adjacent Class II watercourse. Pond #1 appears to have been constructed in 2017 without the benefit of State and local review. It is unclear when Pond #2 was constructed, although apparently it was constructed by neighboring property owners but not yet filled in Google Earth imagery from October 2006. Pond #1 was created by excavating on a pre-existing bench and developing an earthen embankment around the downhill margin. Pond #1 is approximately 220 feet long and 195 feet wide, in maximum dimension and measured to be 14 feet deep by SHN staff. The embankment is considered a significant structure with a crest width of about 10 feet. The outboard face of the embankment slopes at between 1.5:1 (horizontal:vertical) and 2:1. Pond #1 drains to the lower Pond #2 only when the upper pond is relatively full. Following excavation of Pond #1, SHN notes the northern shoreline has become unstable when saturated in the over-steep cut along the shoreline; and there is no evidence that this area was unstable prior to the excavation and filling of the pond (see Appendix G).

  Per the *Pond 1 and Pond 2 Restoration Plan* (Ponds #1-2 Restoration Plan), prepared by Native Ecosystems, Inc. (NEI) in November 2023 (see Appendix F), NCRWQCB staff conducted site inspections in November 2017 and May 2018 as part of the applicant's SWRCQ Cannabis Small

Irrigation Use Registration. As a result of these inspections, a Notice of Violation (NOV) was issued on June 18, 2018, for dredge and/or placement of earthen materials into streams and/or wetlands at Pond #1 without the required pre-authorization via a Water Quality Certificate. Additionally, a Draft Cleanup and Abatement Order No. R1-2020-0023 (CAO) was also issued. The applicant also proposes the removal of Pond #2. It is estimated that 2.2 acres of grassland habitat, 0.54 acres of oak woodland habitat, and 0.16 acres of seasonal wetland habitat were impacted as a result of construction of the two ponds (see Appendix F).

In accordance with the *Pond 1 and Pond 2 Restoration Plan* included in Appendix F, proposed restoration activities for Pond #1-2 include grading of approximately 9,088 cubic yards and utilization of on-site materials to restore pre-pond topographic conditions, in addition to installation of more than 37,000 native plantings and 155 pounds of native seed mix after grading is complete to restore wetland, oak woodland, and grassland habitat that was previously disturbed. Annual monitoring and maintenance for a three-year period will also be required to ensure grading and replanting activities are successful, in accordance with the recommendations included in the Ponds #1-2 Restoration Plan.

Prior to the proposed restoration activities, the SHN report notes the ponds will need to be dewatered and dried. This will need to occur during the dry season once stream flows have ceased. Further, SHN reports that the water should be pumped and dispersed in a suitable (stable), and not into or within the vicinity of waters of the State (Appendix G), although with approval from CDFW and the Water Board this could be directed to the pond outflow and into the Class II drainage. Due to a slope failure observation in March 2024 at the embankment of Pond #1, SHN recommended dewatering of the pond to relieve load on the embankment. Based on photographic evidence that was provided via email correspondence, the NCRWQCB agreed that due to water on the slope, that there was potential for "imminent catastrophic failure" and requested the applicant "take all appropriate safety precautions while resolving this emergency." It was further noted that the NCRWQCB, in consultation with the Division of Water Rights, supported the applicant taking limited emergency actions to avoid pond failure as soon as possible. Dewatering Pond #1 into Pond #2 was recommended, as well as conferring and obtaining an Emergency Lake or Streambed Alteration Agreement (LSAA) from CDFW (see Appendix H).

Per documentation provided by the applicant, an application (Notify for Emergency Work) was submitted for the emergency landslide stabilization on March 26, 2024 (see Appendix H). As noted on the application form, it is anticipated that approximately 10,000 square feet of area was impacted.

The proposed restoration activities associated with Ponds #1-2 are provided in the Grading Plans, enclosed as Appendix A to the Ponds #1-2 Restoration Plan (Appendix F).

- <u>*Pond #3*</u>
  As indicated on the notes contained within the *Pond Decommissioning Plan for Pond #3*, prepared by Omsberg and Preston, dated December 6, 2023 (Appendix I), Pond #3's berm is proposed to be removed, with the excavated material to be placed as fill in the lowest portion of the pond to prevent the retention of rainwater. It is estimated that approximately 65 cubic yards of material would be relocated under the proposed pond decommissioning. Restored cut and fill slopes would be graded at 3:1 maximum unless otherwise noted on the plans. To minimize potential impacts associated with the pond decommissioning, appropriate grading and erosion control measures would be implemented, including but not limited to installing straw wattles.

  In accordance with the Pond #3 Restoration Plan (Appendix I), seeding is proposed to occur following completion of the pond restoration activities. Then, planting of native grasses and forbs in clusters is recommended to help enhance biodiversity and improve habitat diversity for a wide

variety of animal and insect species. It is recommended that planting occur following adequate rainfall in the autumn and early winter months, prior to the onset of freezing temperatures, for the highest potential for success. However, should planting at this time not be feasible due to on-site conditions, it is recommended that new plantings be watered within 24 hours of planting, then watered at least weekly until the rainy season begins. Three years of monitoring with reports to be submitted to appropriate regulatory agencies is recommended.

Per the *Engineering Geologic Assessment of the Proposed Restoration at Pond #3*, prepared by SHN on November 6, 2023 (see Appendix K), potential impacts related to geologic conditions at the site associated with the proposed restoration efforts at Pond #2 are considered negligible.

Analysis

a) Finding: The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. ***Less Than Significant Impact***.

Discussion: Construction activities associated with the project would involve excavation, grading, and other soil disturbing activities that have the potential to expose soil to erosion and may result in the transport of sediments which could adversely affect water quality. It is anticipated that impacts to water features, including the proposed LSAA encroachments and remediation actions and SMP remediation points, would be mitigated through provisions in permits and approvals from CDFW, SWRCB, and NCRWQCB. An LSAA with CDFW has been drafted and is pending approval. The applicant would comply with all CDFW standards to obtain and maintain the LSAA agreement. Construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures, in accordance with the General Plan, would be implemented during construction to minimize the potential for erosion and storm water runoff. In addition, several remedial actions have been identified in the project's Site Management Plan (SMP), which would help improve water quality on the subject properties.

Although the project would increase impermeable area at the processing facility, employee housing building, and associated parking, the site would be designed to route storm water runoff away from directly entering water features and allowing percolation into soils. Cultivation sites would be setback from drainages according to the watercourse classification (100-foot setbacks from Class 2- and 50-foot setbacks from Class 3). Other improvements, including LSAA encroachment and remediation actions and SMA remediation points described above would remediate previous violations and mitigate for the proposed project improvements. Compliance with regulatory requirements would further ensure that surface or ground water quality is maintained.

Therefore, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, and a less than significant impact would occur.

b) Finding: The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin. ***Less Than Significant Impact***.

Discussion: The project site currently uses a spring for domestic uses and a non-hydrologically connected well (constructed in 2019) for cannabis irrigation. Under the project, the applicant proposes to capture rainwater from the roofs of the proposed structures to minimize use of the well. Water management strategies would continue to be implemented to conserve and reuse on-site water and fertilizers to achieve net zero discharge.

Total water usage is estimated at baseline levels of 969,750 gallons based on an estimated 15

gallons per square foot for the full sun outdoor in pots, hand watered and 12.5 gallons per square foot for mixed light (pots in greenhouses, hand watered; see Appendix N). Based on 2019 reporting, for the interim permitted and cultivated canopy of 10,000 square feet of mixed light and 47,300 square feet of outdoor, the total water usage was 741,340 gallons, approximately 12.9 gallons per square foot canopy. This represents a reduction of 228,410 gallons from baseline levels. Efficient drip irrigation systems were implemented to irrigate pots in lieu of hand watering.

Projected water usage is estimated in three phases for 2022, 2023, and 2024 (Appendix N). Water would be provided by the groundwater well and rainwater catchment. For 2022, the estimated well diversion of 516,557 gallons is proposed based on drought conditions representing a reduction of over 215,000 gallons from interim conditions and over 450,000 gallons over baseline conditions. There would be approximately 59,500 gallons of water storage filled with rainwater captured from 6,250 SF of surface area from 2 existing structures (Buildings A and B). For 2023, A total of 756,900 gallons of water use is proposed mitigated by 289,686 gallons of rain catchment based on a water balance using current severe drought conditions rainfall data. There would be an increase of 100,000 gallons of water storage for a total of 159,500 gallons as surface for catching rainwater would be expanded to include Building C and the 10,000-square-foot mixed light greenhouse. A net well diversion of 467,214 gallons is expected, a reduction of 498,00 gallons from baseline conditions and a reduction of 49,343 gallons from Phase 1 conditions. For Phase 3 (2024 and beyond), it is anticipated that surface area for rain catchment would be increased to reduce reliance on the groundwater well.

The proposed project would not substantially interfere with groundwater recharge. While the proposed project would continue to use the well which would contribute to a decrease in groundwater supplies, the incorporation of rainwater catchment will reduce the project's reliance on the well for cannabis irrigation. As such, the proposed would have a less than significant impact on groundwater supplies or groundwater recharge.

c) Finding: The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would:

i) Result in substantial erosion or siltation on- or off-site. ***Less Than Significant Impact***.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site. ***Less Than Significant Impact***.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater runoff drainage systems or provide substantial additional resources of polluted impact. ***Less Than Significant Impact***.

iv) Impede or redirect flood flows. ***Less Than Significant Impact***.

Discussion: As described in subsection a), soil disturbing activities have the potential to expose soil to erosion which may result in the transport of sediments that could adversely affect water quality. Impacts to water features, including the proposed LSAA encroachments and remediation actions and SMP remediation points, would be adequately minimized through provisions in permits and approvals from CDFW, SWRCB, and NCRWQCB. An LSAA with CDFW has been drafted and is pending approval. The applicant would comply with all CDFW standards to obtain and maintain the LSAA agreement. With compliance with regulatory requirements, the proposed project would have a less than significant impact on local policies or ordinances protecting biological resources.

The proposed project would add impermeable surfaces for the processing facility, employee housing, and parking onsite. This has the potential to increase the intensity and quantity of storm water runoff. While this would alter the drainage pattern of the site, implementation of the SMP

would contain runoff on-site and reduce potential off-site impacts through the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone. Impacts to drainage patterns would be less than significant.

d) Finding: The project will not risk release of pollutants due to project inundation, in flood hazard, tsunami, seiche zones. ***No Impact***.

Discussion: The project is not in an area that is at risk from seiche, tsunami, or floods. The project is not located near a large body of water capable of producing a seiche or tsunami, and no portions of the subject site is located within a 100-year flood hazard area. Therefore, the proposed project would not risk release of pollutants due to project inundation from seiche, tsunami, or flood. No impact would occur.

e) Finding: The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. ***Less Than Significant Impact***.

Discussion: The project is located within the area covered by the *Water Quality Control Plan for the North Coast Region* (also known as the North Coast Basin Plan) and would not conflict with or obstruct its implementation.

Construction activities would feature standard BMPs, including temporary erosion and runoff control measures that minimize the potential for erosion and storm water runoff. Based on compliance, the proposed project is unlikely to have an impact upon groundwater.

The project is not located in an area with a sustainable groundwater management plan in place, as the Sustainable Groundwater Management Act only applies to groundwater basins designated as medium or high priority. Currently there is one medium-priority basin, the Eel River Valley groundwater basin, within Humboldt County, located approximately 31 miles northwest of the project site.

Mitigation Measures

No mitigation required.

Findings

The proposed project would have a L**ess Than Significant Impact** on Hydrology and Water Quality.

XI. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Setting

The Humboldt County General Plan designates the project area as "Agricultural Grazing" (AG). The AG designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation. Assessor's Parcel Numbers (APNs): 223-061-003, 223-061-038, 223-061-039 and 223-061-043 are zoned Agricultural Exclusive (AE-B-5(160)) and Timber Production Zone (TPZ). Assessor's Parcel Numbers 223-073-004 and 223-073-005 are zoned Agricultural Exclusive (AE-B-5(160)). Principal permitted uses of AE include one-family dwelling, general agriculture, rooming and boarding of not more than two (2) persons, and manufactured home. All other uses not specified in principal permitted uses may be permitted upon the granting of a Use Permit. Agricultural Exclusive zones apply to bottomland farms and lands that can be irrigated, and it is also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. Residential subdivision is not supported. Residential uses must support agricultural operation.

Section 314-7.4 of the Humboldt County Zoning Regulations identifies that in the Timberland Production Zone (TPZ), the principal permitted use is timber production. Conditionally permitted uses include "Any use not specifically enumerated…if it is similar and compatible with the uses permitted in the TPZ zone." Section 312-21.1 of the Humboldt County Zoning Regulations states that uses permitted with a conditional or special permit in TPZ zones will "not significantly detract from or inhibit the growing and harvesting of timber on the site or on adjacent properties." All cultivation associated with the proposed project is located within the AE-zoned portions of the subject parcels.

Analysis

a) Finding: The project will not physically divide an established community. ***No Impact***.

Discussion: The proposed project would include cannabis cultivation, processing and a wholesale nursery on a site zoned to allow compatible uses upon the grant of a Conditional Use Permit. The project site is east of the community of Garberville and is surrounded by rural residential, timberland, and agricultural land uses. There is no established community on the project site or adjacent areas. The project site is accessed from Wallan and Clark Roads and a private driveway to the site. Proposed cultivation sites and associated buildings would stay within the project site, which has limited access via the private driveway. No new access roads would be required that would cut through existing neighborhoods. Therefore, the proposed project would not physically divide an established community, and no impact would occur.

b) Finding: The proposed project would not cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. ***Less Than Significant Impact***.

Discussion: The proposed project would develop a cannabis cultivation and processing operation

on a property designated AG and zoned AE and TPZ. The proposed land use for the project would be agricultural, which is compatible with the AG land use designation because it allows for non-prime agricultural lands. The proposed project does not fall under the principal permitted uses for lands classified AE or TPZ; however, other uses not specified in the principal permitted uses may be permitted upon the granting of a Conditional Use Permit (CUP). As part of the proposed project, the County would issue a CUP to allow for the proposed project operations. Upon County issuance of the CUP, the proposed project would not conflict with any goals, policies, or objectives in the County's General Plan or zoning ordinance intended to mitigate potential environmental impacts. Potential impacts would be less than significant, and no mitigation would be necessary.

Mitigation Measures

No mitigation required.

Findings

The proposed project would have a **Less Than Significant Impact** on Land Use and Planning.

XII. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Setting

Current mineral resource production in the County is primarily limited to sand, gravel, and rock extraction. The State Surface Mining and Reclamation Act of 1975 (SMARA) brought about a State policy for the reclamation of mined lands. According to Humboldt County Web GIS, there are six SMARA parcels located near the project site. Two SMARA parcels are at Monschke Quarry (Mine ID 91-12-0011), approximately 0.5 miles north near Alderpoint Road at Quarry Road; one SMARA parcel is at Wallan Gravel Bar (Mine ID: 91-12-0048), approximately 0.9 miles northeast at the South Fork Eel River at Bear Canyon Road; two SMARA parcels at Randall Quarry (Mine IDs: 91-12-0083 and 91-12-0014), approximately 1 mile southwest at the South Fork Eel River at Sprowl Creek Road, and one SMARA parcel at Tooby Park (Mine ID: 91-12-0023), adjacent to Randall Quarry. These SMARA parcels are all sand and gravel quarries.

Analysis

a) Finding: The project will not result in the loss of availability of a known mineral resource that would be of value to the region and/or residents of the state. ***No Impact***.

Discussion: According to SMARA Mines Online, the project site is not within or immediately adjacent to any mining operations. Implementation of the project would not result in the loss of availability of a known mineral resource, and no impact would occur.

b) Finding: The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. ***No Impact***.

Discussion: There are no known mineral deposits of significance on or near the project site. Therefore, implementation of the proposed project would not result in the loss of availability of a locally important mineral resource recovery site, and no impact would occur.

Mitigation Measures
No mitigation required.

Findings
The proposed project would have **No Impact** on Mineral Resources.

XIII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Setting

Noise is typically defined as unwanted sound. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. Acceptable levels of noise vary depending on the land use. Generally speaking, land uses considered noise-sensitive are those in which noise can adversely affect the people performing general activities on the land. Per the Humboldt County General Plan (2017), the perception of nuisance will vary based upon sound level, frequency, and fluctuation. It also depends upon the character of the sound, number of noise events, familiarity and predictability, and the attitude of the listener. According to the Noise Element of the Humboldt County General Plan, the most prominent sources of noise within the community of Garberville are Highway 101, the Garberville Airport, and gravel operations.

The project site is in a primarily agricultural and rural residential area of the County and bounded by residential properties to the north and agriculture/rural residential to the east, south, and west. Noise sensitive receptors primarily include residences and a mobile home park. One sensitive receptor is located on APN:: 223-073-005 at the southwest portion of the project site. Other sensitive receptors near the project site include residences north of the site, the nearest of which is approximately 200 feet north of the property line, and a residence approximately 350 feet east of the property line. Employees that would be housed at the project site in proposed future housing would also be considered sensitive receptors.

The predominant existing noise sources in the vicinity of the proposed project site are vehicles on adjacent streets. Potential noise impacts as a result of the proposed project are those resulting from project construction activities, in which construction noise would be short-term and temporary. Additionally, noise associated with operation of the project would primarily be associated with vehicles, including staff and deliveries traveling to and from the subject site.

Under the current AE and TPZ zoning designations of the subject parcels, short-term noise standards (L_{max}) are limited to a maximum of 80 dBA between the hours of 6:00 a.m. to 10:00 p.m. and a maximum of 70 dBA between the hours of 10:00 p.m. and 6:00 a.m., per Policy N-S7 of the Noise Element of the County General Plan.

SHORT-TERM NOISE STANDARDS (Lmax)		
Zoning Classification	**Day (maximum) 6:00 a.m. to 10:00 p.m. dBA**	**Night (maximum) 10:00 p.m. to 6:00 a.m. dBA**
MG, MC, AE, TPZ,TC, AG, FP, FR, MH	80	70
CN, MB, ML, RRA, CG, CR	75	65
C-1, C-2. C-3, RM, R-3, R-4	65	60
RS, R-1, R-2, NR	65	60

Source: Humboldt County General Plan. Adopted October 23, 2017. Part 4, Chapter 13 (Noise Element). Standard N-S7 (Short-Term Noise Performance Standards (L_{max})). p.13-9.

Per the *Power Plan Supplemental* dated October 4, 2021, on-site power is currently provided by generators. Power is proposed to be provided by Pacific Gas and Electric Company (PG&E) using its renewable energy rate to power Zone 1, Zone 2, Roadside, and the processing facility campus (see Appendix Q). The Rockpit will be served by solar to power direct-drive fans with small battery backup to power security system (camera, motion sensors, etc.). The proposed cultivation operation will utilize generators to power string lights in the mixed light greenhouse structures, nursery operations and structures until PG&E power is available. Interim generator usage is proposed for Building B and Building C during drying operations. The applicant will install solar panels for day-to-day use but would also utilize generators during peak power demand during the drying season. A solar array will be developed for the proposed Rock Pit area. PG&E power will be trenched to Zone 2 and Roadside to power fans and eventually automated greenhouse light deprivation systems. It is anticipated that generators will be utilized for back-up purposes if PG&E power is down once grid service is installed.

Analysis

a) Finding: The project will result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. ***Less Than Significant with Mitigation Incorporated.***

Discussion: The proposed project is on a site with agricultural and rural residential uses. Potential noise sources associated with the project would include temporary noise during construction of the proposed buildings. During operation, noise would be associated with vehicular and truck traffic, as well as associated generator use.

Construction

Construction activities would result in a temporary increase in noise levels in the area. This noise increase would be short-term and would occur during daytime hours. Nearby noise sensitive receptors include the residence at the project site and residences 200 feet north and 350 feet east of the property line, respectively. Mitigation Measure NOI-1 is proposed to reduce potential impacts from construction noise to a level of less than significant. The proposed mitigation would limit construction hours and days and would require standard maintenance of tools and equipment to reduce noise levels. With implementation of the proposed mitigation, potentially significant impacts would be reduced to a level of less than significant.

Operation

Long-term operation of the project is not expected to generate significant noise levels that would exceed the Humboldt County General Plan Noise Element standards. Outdoor operations would be

consistent with the sorts of activities that occur on the agricultural and rural residential uses, such as deliveries, personal vehicle travel, and routine maintenance. Processing operations would take place inside buildings which would not increase exterior noise. Potential noise impacts from typical operational activities would be less than significant. Additionally, HVAC units for the processing facility and housing would be located in enclosed structures with proper ventilation and located towards the center of the site; this would reduce the noise level for surrounding neighbors. Therefore, nearby sensitive receptors would not experience significant noise from fans or ventilation systems.

Although generators are currently the primary power source on-site, the applicant's energy plan includes transitioning from generators to PG&E and solar, with interim supplemental generator use during the drying season and for back-up purposes. The County monitors the use of generators for cannabis operations pursuant to Section 55.4.11 (o) of the CMMLUO.

Therefore, with the proposed mitigation measures, the proposed project would not expose persons to or result in the generation of temporary or permanent noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standard of other agencies. Impacts would be less than significant with mitigation.

b) Finding: The project will not generate excessive groundborne vibration or groundborne noise levels. ***Less Than Significant Impact***.

Discussion: Generally, construction activities within 200 feet and pile driving within 600 feet of a vibration sensitive use would be potentially disruptive to vibration-sensitive operations (Caltrans, 2013). Land uses in which groundborne vibration could potentially interfere with operations or equipment, such as research, manufacturing, hospitals, and university research operations are considered "vibration sensitive" (Caltrans, 2013). There are no vibration sensitive land uses within 200 feet of the proposed project. The operation of the project would not involve the use of heavy machinery or ground disturbing activities that would result in excessive groundborne vibration or groundborne noise levels. Therefore, the proposed project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and impacts would be less than significant.

c) Finding: The project will not expose people residing or working in the project area to excessive noise levels related to being in the vicinity of a private airstrip or airport land use plan or within two miles of a public airport or public use airport. ***Less Than Significant Impact***.

Discussion: The nearest airport to the project site is Garberville Airport, located approximately 2 miles to the southwest. At this distance, there would be no excessive noise levels related to the airport and the project site is outside of the airport's mapped compatibility zones and noise contours (Web GIS, n.d.). There are no private airstrips in the vicinity of the project site. As such, the proposed project would not expose people working in the project area to excessive noise levels. Impacts would be less than significant, and no mitigation would be necessary.

Mitigation Measures

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall only occur between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.

- No heavy equipment related construction activities shall be allowed on Sundays or holidays.

- All stationery and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

Findings

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Noise.

XIV. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting
Humboldt County is a rural county with a large land area and low population density. The Census Bureau estimates the County's population was 136,463 in 2020. The population of Garberville was 1,815 in 2022.

Analysis

a) Finding: The project would not induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure). ***Less Than Significant Impact***.

Discussion: Growth inducing impacts are generally caused by projects that have a direct or indirect effect on economic growth, population growth, or when the project taxes community service facilities which require upgrades beyond the existing remaining capacity. The project proposes to construct a wholesale nursery and processing facility within a mile of Garberville. Existing cannabis cultivation will continue in distinct cultivation areas. Construction workers, employees, and customers of the project would likely be local and not commute long distances to reach the project site. Project operation would require up to 10 full-time workers, which would not induce substantial population growth, either directly or indirectly. The on-site employee housing is proposed to be provided to support employees who are already working at the site and living in the vicinity and Impacts associated with population growth would be less than significant, and no mitigation would be necessary.

b) Finding: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. ***No Impact***.

Discussion: The proposed project would not remove the existing residence at the project site. As discussed under subsection a), the proposed project is not expected to result in an influx of people to surrounding communities that would displace current residents. Therefore, the proposed project would not displace existing people or housing. Although not required, the project does propose a new building for employee housing on-site for convenience and improved accessibility for workers. The construction of replacement housing elsewhere is not required.

Mitigation Measures
No mitigation required.

Findings
The proposed project would have a **Less Than Significant Impact** on Population and Housing.

XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Setting

The project site is in a State Responsibility Area served by the California Department of Forestry and Fire Protection. The nearest California Department of Forestry and Fire Protection Station is approximately 0.5 miles to the northwest at 324 Alderpoint Road, Garberville.

The Humboldt County Sheriff's Office is responsible for law enforcement in the area, including the project site. The nearest Humboldt County Sheriff's Office is approximately 0.6 miles to the west at 648 Locust Street, Garberville. The Sheriff's Office has mutual aid agreements with cities and the California Highway Patrol. Mutual aid is an agreement between agencies where the agency of jurisdiction can request manpower or resources from allied agencies or agencies within the surrounding areas.

The nearest school to the project site is Redway Elementary School located approximately 2.5 miles northwest of the project site.

There are no existing recreational resources at or adjacent to the project site. The nearest park is Tooby Memorial Park located approximately 1 mile southwest of the project site.

Analysis

a) i) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection. ***Less Than Significant Impact***.

Discussion: The proposed project would result in continued cultivation of 60,240 square feet of outdoor and mixed light cultivation areas, addition of a 10,000-square-foot wholesale nursery and 14,562 square feet of proposed structures for processing. This would potentially increase the likelihood of structure fires. According to Humboldt County Web GIS data, the project site is within a Fire Rating Zone of "High" to "Very High" indicating the area is at high risk from wildland fires. The site is located within an SRA served by CAL FIRE. All proposed buildings would comply with County fire code requirements and access would be in compliance with requirements by CAL FIRE. There will be adequate water storage (159,900 gallons), surface water and the groundwater well that could be used for fire protection an emergency situation. Correspondingly, the project would not result in the need for new or physically altered fire protection facilities. Impacts to fire protection services from the proposed project would be less than significant, and no mitigation would be necessary.

ii) Finding: The project would not result in substantial adverse physical impacts associated with the

provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection. ***Less Than Significant Impact***.

Discussion: Cannabis-related operations are commonly associated with greater security-related demands, which may result in an increase in law enforcement services provided by the County Sheriff's Department. The proposed project would have locked entry gates off Clark Road and at the north perimeter. The entry gates would remain locked at all times, and access to the site would be limited exclusively to employees and registered guests. Low intensity lighting, activated security lights, and security cameras would discourage break-ins. Implementation of the proposed security measures would minimize impacts to local law enforcement. The proposed project would not result in the need for new or physically altered law enforcement facilities. Potential impacts would be less than significant, and no mitigation would be necessary.

iii) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public schools. ***No Impact***.

Discussion: The proposed project would include employee housing on-site, but only up to eleven staff are anticipated. This would not directly or indirectly induce population growth in the area; therefore, the project would not result in the need for new or expanded school facilities. No impact on school facilities would occur.

iv) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public parks. ***No Impact***.

Discussion: As previously mentioned, the proposed project would not directly or indirectly induce substantial population growth and would not result in the need for new or expanded park facilities. No impact on park facilities would occur.

v) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other public facilities. ***No Impact***.

Discussion: As previously mentioned, the proposed project would not directly or indirectly induce population growth and would not result in an increased demand for other public facilities. No impact on demand for public facilities would occur.

Mitigation Measures
No mitigation required.

Findings
The proposed project would have a **Less Than Significant Impact** on Public Services.

XVI. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting

Recreational resources are addressed in the Humboldt County General Plan. There are no existing recreational resources in or near the project site. The nearest neighborhood or regional park is Tooby Memorial Park, approximately 1 mile to the southwest of the project site and on the other side of US-101.

Analysis

a) Finding: The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. ***No Impact***.

Discussion: The project would not directly induce population growth or otherwise result in an increased demand on existing recreational facilities. There are no existing recreational facilities in or near the project site, and the project would not provide direct access to or increase the use of recreational facilities in the region. No impact would occur.

b) Finding: The project will not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. ***No Impact***.

Discussion: The proposed project would not induce population growth or otherwise result in an increased demand for existing recreational facilities that would require the construction or expansion of recreational facilities. Further, the proposed project does not include construction of recreational facilities. No impact would occur.

Mitigation Measures

No mitigation required.

Findings

The proposed project would have **No Impact** on Recreation.

XVII. TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Setting

From US-101, the subject property is accessed from Alderpoint Road, Wallan Road, and Clark Road. Alderpoint Road is identified as a Major Collector in the Humboldt County General Plan and Humboldt GIS Portal. The Humboldt County Travel Demand Forecasting Model Development Report specifies Major Collectors as generally having a capacity of 750 vehicles per lane per hour. Humboldt County GIS lists Alderpoint Road as having a lane capacity of 500 vehicles per hour. In addition, the entirety of Alderpoint Road has been identified by the Humboldt County Public Works Department, Land Use Division as a County-maintained road that is the functional equivalent to Category 4 road standards for cannabis projects.

A *Road System Assessment* was performed by Rinehart Engineering in October 2020 (see Appendix O) to assess current road conditions (including surface, drainage features, and stability) within the subject parcels, as well as their capacity to support traffic related to cultivation activities. Per the Report, the subject properties comprise approximately 2.42 miles of roads and 1.97 miles of ATV trails. The roads can be generally characterized as minimum 15-foot-wide crowned and/or outsloped roads, armored with native or imported gravel, with 15% maximum slopes. The ATV trails are generally double track trails on native soils, with an average width of 12 feet and grades that may exceed 15% for short segments. The Road System Assessment includes a description of each roadway segment and sufficient photographic evidence to verify the roadway conditions as described, including roadway width and line of sight. Please note since culverts have been addressed in the Streambed Alteration Agreement with CDFW (Notification No. 1600-2018-0857-R1), they were not evaluated in detail during the site inspection.

Overall, the road network within the project site was found to be in good condition, with much of the roads already armored. Specifically, the Report notes the road network meets all performance standards required by Humboldt County Code §314-55.4.12.1.8 (Performance Standard – Road Systems) for commercial cannabis projects, and is constructed and maintained in accordance with the best management practices (BMPs) included in the Five Counties (5C) Salmonid Conservation Program Roads Maintenance Manual. Regarding the ATV trails, they are noted to be primarily unarmored double track trails, with loose, silty conditions on some segments throughout the ranch.

Several recommendations are included in the Road System Assessment. Regarding the roads, it is noted that additional aggregate rock should be imported as required, and drainage features should be reshaped or maintained to "preserve established outsloped drainage patterns." The numerous turnouts throughout the ranch properties should also be maintained for emergency access. Additionally, it is noted that all rolling dips should meet the design standards of the Appendix B-8.6 of the 5C Road Manual and any disturbed soils as a result of subsequent work or the project should be stabilized per the standards outlined in Appendix B-4 of the 5C Road Manual. Castings from recent grading along segments of the onsite road network were observed and are recommended to be removed to allow for outsloped sheet

flow.

Regarding the ATV trails, the Report notes they are subject to continued rutting and erosion and are in need of annual maintenance. It is recommended that areas that are overgrown or aligned through tight trees should be maintained and cut back as necessary. It is also recommended that maintenance of the trails include levelling ruts as appropriate and re-establishing surface runoff features at regular intervals along each trail. Additionally, it is recommended that regrading of all ATV trails should occur as feasible prior to dry summer soil conditions and/or be abandoned following reconfiguration of the overall site layout.

Secondary access to the site is provided via a 0.48-mile section of Flat Rock Road, a private road, from Alderpoint Road to Buck Mountain Road, then for a 1.62-mile segment of Buck Mountain Road, a private road, to an unnamed private for a length of 0.67 miles. A Humboldt County Road Evaluation Report was prepared by Bret Rinehart, PE, of Rinehart Engineering in July 2020 (see Appendix O), which found that all three road segments are not developed to the equivalent of a Road Category 4 or better but can accommodate the cumulative increased traffic from the project and all known cannabis projects in the area.

As a condition of approval, the applicant will be required to adhere to and implement the recommendations included in the Road System Assessment to ensure adequate access and sufficient drainage. In addition, any existing or proposed non-County maintained road to serve as access for the proposed project that connects to a County-maintained road shall be improved to current standards for a commercial driveway. Additionally, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and all fences and gates shall be relocated out of the County right of way.

Analysis

a) Finding: The project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. ***Less Than Significant Impact***.

Discussion: The project would be accessed from Clark Road from Wallan and Alderpoint Roads via a gravel driveway. Secondary access is also available from Flat Rock Road to Buck Mountain Road to an unnamed private road from Alderpoint Road. Construction of the project would result in a temporary increase in construction traffic that would be minimal and for a short duration. Construction activities would be contained on-site and would not result in substantial adverse effects or conflicts with the local roadway system.

Vehicle trips generated during operation of the project are anticipated to include daily round trips for each of up to 11 staff, plus round trips by distributors. During long-term operation during peak operating times the project could generate up to 42 vehicle trips per day (21 in/21 out); this could be the maximum per day if at peak season every employee showed up for work, and distribution, supply run, equipment maintenance and wholesale nursery all happened on the same day. The anticipated average daily trips would be 10 (5 in/5 out) from December to February; 16 (8 in/8 out) from March to April, and 30 (15 in/15 out) from May to November. Although up to 42 trips per day may occur during peak operation, 22 of the trips would be during the morning and afternoon peak commute hours and the remainder of the trips would be distributed throughout the facility's operating hours. The number of vehicle trips are not considered substantial.

The 22 trips that occur during the peak hour would constitute approximately 4 percent of the lane capacity of Alderpoint Road. Based on the rural surroundings, it is unlikely that Alderpoint Road is operating close to its lane capacity of 500 vehicles per hour.

Site visibility must be maintained at the commercial driveway approaches in conformance with

County Code. These improvements will be a condition of approval for the Use Permit, and the applicant would obtain an encroachment permit as required for any work in the County right- of-way before making the improvements.

Redwood Transit runs the Southern Humboldt Route, an intercity route, between the communities of Redcrest, Weott, Meyers Flat, Miranda, Phillipsville, Redway, Garberville, and Benbow; the route extends north to the communities of Rio Dell, Fortuna, and Eureka. The Southern Humboldt Route runs Monday through Sunday on Redwood Drive within Garberville. The operations associated with this project will not interfere with this transportation service.

Therefore, the proposed project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and impacts would be less than significant.

b) Finding: The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision. ***Less Than Significant Impact***.

Discussion: State CEQA Guidelines Section 15064.3 requires that transportation impacts be analyzed based on vehicle miles traveled (VMT). For a land use project, VMT exceeding an applicable threshold of significance may indicate a significant impact. The Lead Agency is responsible for establishing the thresholds of significance; however, as of the date of this Initial Study, the County has not adopted thresholds to determine impacts based on VMT as a result of a project. However, the Governor's Office of Planning and Research (OPR) issued a *Technical Advisory on Evaluating Transportation Impacts in CEQA* in December 2018, which provides recommended methodology. In accordance with OPR's guidance (2018), "projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact." As previously described, up to 11 employees are anticipated to work at the subject site, who will be driving to the site from Garberville and nearby surrounding areas. The project is expected to generate up to a maximum of 42 vehicle trips per day (21 in/21 out) during peak operations. Since the project will generate less than 110 trips per day and considering the County VMT as a whole, vehicle trips related to the project would not result in a considerable increase in VMT, and a less than significant impact would occur.

c) Finding: The project would not substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). ***Less Than Significant Impact***.

Discussion: The proposed project would use existing roadways to access the site. The property is primarily accessed from the intersection of Wallan Road and Clark Road via Shadowlight Ranch Road, which would be improved to County commercial driveway standards in compliance with the County Department of Public Works referral comments, as a condition of approval of the Use Permit. The proposed project does not include construction of any new public roads and would not introduce any incompatible uses on an existing public road. The County has not expressed concern regarding the traffic volume expected to be generated by the project.

Therefore, the proposed project would not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (e.g. farm equipment). Potential impacts would be less than significant, and no mitigation would be necessary.

d) Finding: The project will not result in inadequate emergency access. ***Less Than Significant Impact***.

Discussion: As previously mentioned, the project site would be accessed by a County-approved driveway that would meet commercial driveway standards. The internal circulation driveway would provide emergency vehicle access to all proposed buildings in accordance with California Department of Forestry and Fire Protection (CAL FIRE) requirements and would allow emergency

vehicles to enter and exit without having to turn around. In addition, as a condition of approval, the applicant will be required to implement and adhere to all recommendations contained in the Road System Assessment (2020; see Appendix O) to ensure sufficiently maintained roadways and adequate site access. Therefore, the proposed project would not result in inadequate emergency access. Potential impacts would be less than significant, and no mitigation would be necessary.

Mitigation Measures
No mitigation required.

Findings
The proposed project would have a **Less Than Significant Impact** on Transportation.

XVIII. TRIBAL CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Setting

The tribal cultural resources setting of the project is described in Section V *Cultural Resources*, above.

Analysis

a) i) Finding: The project will not cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1(k). ***Less Than Significant Impact with Mitigation***.

Discussion: As discussed under subsection a) of Section V *Cultural Resources*, archaeological site WRA #1 (Sweet Hills) is located within the project site boundaries. Impacts to the archaeological site would be potentially significant without mitigation. Implementation of mitigation measure CUL-1 requiring avoidance would reduce impacts to a level of less than significant.

There is the potential for subsurface excavation activities to uncover previously unknown subsurface archaeological resources. Implementation of a standard cultural resource construction mitigation measure, CUL-2, regarding inadvertent discoveries would reduce potential impacts to a level of less than significant.

a) ii) Finding: The project will not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1. ***Less Than Significant Impact with Mitigation***.

Discussion: See discussion a) above.

Mitigation Measures

See Mitigation Measures CUL-1 and CUL-2 in Section V *Cultural Resources*, above.

Findings

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Tribal Cultural Resources.

XVIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The subject parcels are located in a rural area of Humboldt County where there is not a community service district to provide water and sewer services. The Garberville Sanitary District (GSD) is the nearest service district that provides water and sewer services to the unincorporated community of Garberville. The project area is served by the following service providers:

- Water supply – Water for domestic use is supplied by a spring. Existing cannabis cultivation at the project site is supplied by a non-hydrologically connected well constructed in 2019. Water is pumped daily from the well and enters into holding tanks where it is then used daily. Additional water from rainwater catchment support cannabis cultivation to reduce the reliance on the groundwater well.

- The applicant has filed for a diversion with the SWRCB as well as a SIUR for the rainwater catchment pond. The SIUR is strictly for the exempt seep in the rainwater catchment pond. The capacity of the rainwater catchment pond is 1.3 million gallons. If the SIUR is approved, the objective would be to use rainwater as the primary source of water.

- The proposed project's water management plan aims to achieve a low evaporation, properly absorbing irrigation and nutrient system. Drip system and hand watering methods would be used to minimize the over-irrigation of plants and minimize subsequent runoff.

- Storm water drainage facilities – The proposed project would include the construction of on-site detention basins which would require excavations to depths of approximately 4 to 5 feet.

- Solid waste service – Solid waste is picked up weekly by Recology. Existing trash and recycling containers are located in the side basement under the deck of the ranch house. The containers are situated on a concrete pad to prevent storm water contamination and leachate from entering or percolating to receiving waters. The trash containers are in an enclosed area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week. Future plans are to develop a fenced refuse area.

  Solid waste from Humboldt County is largely transported to one of three out-of-area landfills for

disposal: the Anderson Landfill in Shasta County; Dry Creek Landfill in Medford, Oregon; and Potrero Hills Landfill in Suisun City. Cannabis green waste generated from pruning, trimming, and decay would be broken down and composted on site. Before any disposal of cannabis waste, the waste must be deemed "unusable and unrecognizable" by means of disguise through blending with soil or solid waste. Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area. Soils are analyzed annually then amended and reused. Used pots would be collected and stored in the warehouse for the winter. All packaging from soil amendments and fertilizers would be collected and disposed at an appropriate facility.

- Electricity – Existing off grid electricity is provided by solar systems for all cultivation and domestic uses. Use of the on-site generator is limited to power outage events and when solar electricity is limited by weather conditions. The generator is used following all guidelines set up by Humboldt County and the State of California. Electricity for cultivation operations including lighting, ventilation, and climate control will be sourced from 100% renewable energy. Current plans include PG&E to be brought onsite.

Analysis

a) Finding: The project would result in the relocation or construction of new or expanded utilities, including water, wastewater treatment or storm water drainage, and electric power. The construction or relocation of utilities would not cause significant environmental effects. ***Less Than Significant Impact***.

Discussion: Construction of septic tanks would be in compliance with regulations and requirements of the Humboldt County Department of Health and Human Services. Regulations are included in the Humboldt County OWTS Regulations and Technical Manual. With compliance with County regulations, the proposed project is unlikely to have an impact on groundwater.

The project would not require or result in the construction of new expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Impacts would be less than significant, and mitigation would not be necessary.

b) Finding: The project will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. ***Less Than Significant Impact***.

Discussion: Domestic water comes from a spring. Sufficient water supply for cannabis irrigation comes from an on-site well drilled in 2019. The well is non-hydrologically connected. Projected water usage is estimated in three phases for 2022, 2023 and 2024 (Appendix N). Water would be provided by the groundwater well and rainwater catchment. For 2022, the estimated well diversion of 516,557 gallons is proposed based on drought conditions representing a reduction of over 215,000 gallons from interim conditions and over 450,000 gallons over baseline conditions. There would be approximately 59,500 gallons of water storage filled with rainwater captured from 6,250 SF of surface area from 2 existing structures (Buildings A and B). For 2023, A total of 756,900 gallons of water use is proposed mitigated by 289,686 gallons of rain catchment based on a water balance using current severe drought conditions rainfall data. There would be an increase of 100,000 gallons of water storage for a total of 159,500 gallons as surface for catching rainwater would be expanded to include Building C and the 10,000-square-foot mixed light greenhouse. A net well diversion of 467,214 gallons is expected, a reduction of 498,00 gallons from baseline conditions and a reduction of 49,343 gallons from Phase 1 conditions. For Phase 3 (2024 and beyond), it is anticipated surface area for rain catchment would be increased to reduce reliance on the groundwater well. The proposed project would have sufficient water supplies available to serve the project during normal, dry and multiple dry years. Impacts would be less than significant, and no mitigation would be necessary.

c) Finding: The project will not result in a determination by the wastewater treatment provider which services or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. ***Less Than Significant Impact***.

Discussion: The proposed project would construct a septic system on-site and would be required to comply with County regulations. Impacts would be less than significant, and no mitigation would be necessary.

d) Finding: The project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. ***Less Than Significant Impact***.

Discussion: The project is not anticipated to generate a significant amount of solid waste. Cultivation vegetative matter (e.g., root balls, branches, and leaves) are and would continue to be composted on-site. Used pots would be collected and stored during the winter for use during the upcoming season. Solid waste, including packaging from soil amendments and fertilizers, would be collected, stored in secure containers, and collected from Recology, who operates out of the Redway Transfer Station. Waste would then be transferred to one of three out-of-area landfills for disposal, which includes the Anderson Landfill in Shasta County; Dry Creek Landfill in Medford, Oregon; and Potrero Hills Landfill in Suisun City. Each of the three landfills are expected to remain in operation for the foreseeable future, with the Anderson Landfill not expected to close until 2036, Dry Creek until 2099, and Potrero Hills until 2053. Therefore, impacts would therefore be less than significant.

e) Finding: The project will not violate any federal, state, and local management and reduction statutes and regulations related to solid waste. ***Less Than Significant Impact***.

Discussion: The California Integrated Waste Management Act of 1989 (Public Resources Code Division 30), enacted through Assembly Bill (AB) 939 and modified by subsequent legislation, required all California cities and counties to implement programs to divert waste from landfills (Public Resources Code Section 41780). Compliance with AB 939 is determined by the Department of Resources, Recycling, and Recovery (Cal Recycle), formerly known as the California Integrated Waste Management Board (CIWMB). Each county is required to prepare and submit an Integrated Waste Management Plan for expected solid waste generation within the county to the CIWMB. In 2012, the unincorporated area of Humboldt County met or exceeded the waste diversion mandate of 50 percent set by the Integrated Waste Management Act of 1989.

The proposed project would comply with all federal, state, and local statutes related to solid waste, including AB 939. This would include compliance with the Humboldt Waste Management Authority's recycling, hazardous waste, and composting programs in the county to comply with AB 939.

As previously discussed, solid waste generated by the proposed project would be stored in secure containers and picked up weekly by Recology from the Redway Transfer Station. Solid waste from Humboldt County is largely transported to one of three out-of-area landfills for disposal: the Anderson Landfill in Shasta County; Dry Creek Landfill in Medford, Oregon; and Potrero Hills Landfill in Suisun City. The Anderson Landfill is not expected to close until 2036, Dry Creek is expected to remain open until 2099, and Potrero Hills until 2053. The proposed project would have a less than significant impact regarding solid waste.

Mitigation Measures
No mitigation required.

Findings

The proposed project would have a **Less Than Significant Impact** on Utilities and Service Systems.

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	☐	☐	☒	☐

Setting

SB 1241 (2012) requires the legislative body of a city to adopt a comprehensive, long-term general plan that includes a safety element for the protection of the community from unreasonable risks associated with wildland and urban fires. The update of the safety element must address fire risks on land classified as SRA and very high fire hazard severity zones.

The Humboldt County General Plan section on Fire Hazards outlines policies that address and reduce fire risk in the County. Policies include improving subdivision design and building code conformance, increasing information exchange and education, and encouraging prescribed burning and native plant conservation. The Humboldt County Community Wildfire Protection Plan gives further guidelines on how these policies will be implemented.

The proposed project is located in an SRA and is in a "High" to "Very High" hazard severity zone, as is the majority of the community of Garberville. Emergency response services would be provided by CALFIRE from a station located at 324 Alderpoint Road, approximately 0.25 miles north of the project site.

Analysis

a) Finding: The project will not substantially impair an adopted emergency response plan or emergency evacuation plan. ***Less Than Significant Impact***.

Discussion: The project site is located within the Southern Humboldt Wildfire Planning Unit. Evacuees from this area would travel either north or south along Highway 101, based on fire behavior, wind patterns, traffic, and ingress of emergency vehicles (HCFSC 2013). The project site is located in close vicinity of an urban area already served by emergency responders and is located approximately 1.25 miles from a designated evacuation route; therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

b) Finding: The project will not exacerbate wildfire risks, due to slope, prevailing winds, and other factors and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. ***Less Than Significant Impact***.

Discussion: The project is situated near an urbanized area and located within a "High" to "Very High" fire hazard severity zone. Cultivation activities already take place on-site. As described in the project description, the proposed project would introduce additional cultivation, processing,

a wholesale nursery, employee housing and associated structures. Elevation ranges from approximately 500 feet at the northwest property boundary to approximately 2,000 feet at the northeast parcel boundary, with several promontories across the open grassland areas. Proposed development would be focused in areas with milder slopes on-site, and there are no plans to introduce slopes that may increase wildfire risks. As discussed in the project's operations plan, the proposed project would include improvements on site to meet CALFIRE SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space setback. Due to the fact that the cultivation on-site is existing, proposed development would be focused in areas with mild slopes and compliance with SRA requirements the risks of wildfire impacts on project occupants would reduce potential impacts to be less than significant.

c) Finding: The project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. ***Less Than Significant Impact***.

Discussion: The project site is are accessed via Shadow Light Ranch Road, approximately 1.0 miles from its intersection with Wallan Road and Clark Road. The site would have a fire hydrant serviced by 2,500-gallon tank dedicated for fire response. The project would be required to comply with CALFIRE SRA requirements during the construction of the proposed project, compliance with these requirements would reduce any impacts to less than significant.

d) Finding: The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. ***Less Than Significant Impact***.

Discussion: Based on FEMA Flood maps, the proposed project is located within an area of minimal flood hazard, therefore, people or structures would not be susceptible to significant risks involving downstream flooding as a result of runoff, post-fire slope instability, or drainage changes. The site is located within an area that has a history of landslides. Exposure of people and or structures involving landslides associated with construction and operation of the proposed project would be less than significant with implementation of proposed recommendations in the soils/geotechnical report and compliance with the CBC. Therefore, the proposed project would not expose people or structures to significant risks, and impacts would be less than significant.

Mitigation Measures
No mitigation required.

Findings
The proposed project would have a **Less Than Significant Impact** on Wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	☐	☒	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Setting

The project has been reviewed in Sections I through XX for subsections a) and c) above and determined to have no potentially significant unmitigated impact. With implementation of proposed mitigation measures AFR-1, BIO-1 through BIO-6, CUL-1 and CUL-2, ENE-1 and ENE-2, and NOI-1 all potentially significant impacts would be reduced to less than significant.

Analysis

a) Finding: The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. ***Less Than Significant Impact with Mitigation***.

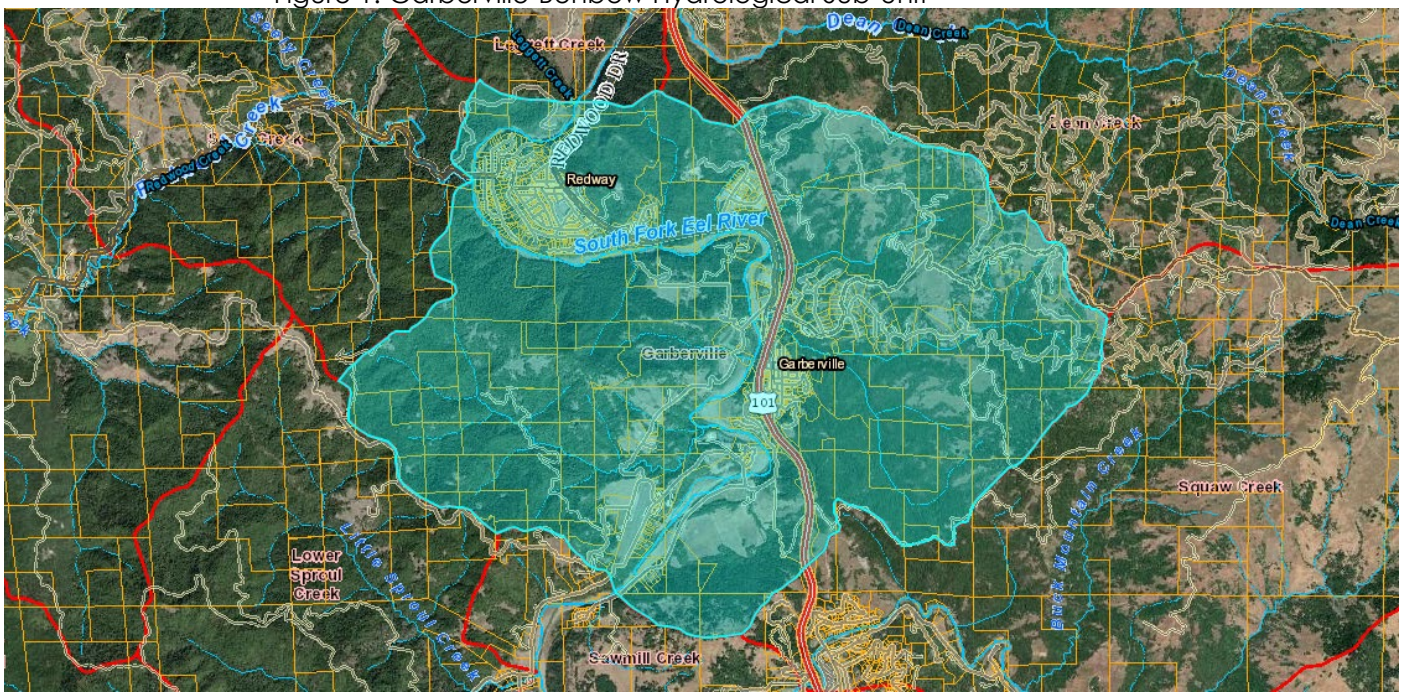
Discussion: All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animal species, and historical and prehistorical resources were evaluated as part of the analysis in this document. Where impacts were determined to be potentially significant, mitigation measures have been proposed to reduce those impacts to less than significant levels. Accordingly, with incorporation of the proposed mitigation measures, the proposed project would not substantially degrade the quality of the environment, and impacts would be less than significant.

b) Finding: The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). ***Less Than Significant Impact with Mitigation***.

Discussion: An analysis of cumulative impacts considers the potential impacts of the project combined with the incremental effects of other approved, proposed, and reasonably foreseeable similar projects in the vicinity. The area considered for cumulative impacts analysis is the Garberville-Benbow

Hydrological Sub-Unit, which is an area comprising approximately 9,500 acres surrounding and including the unincorporated towns of Garberville and Redway. This hydrological sub-unit is a sub-watershed of the larger South Fork Eel River watershed and includes the Bear Canyon Creek, Connick Creek and Bluff Creek which drain into the South Fork of the Eel River, which runs through the center of this sub-watershed. A total of 10.2 acres of permitted cannabis cultivation on approximately 37 parcels. There are current applications for another 13.7 acres of cannabis cultivation proposed on 69 parcels. If all of the proposed cannabis were permitted, a total of 23.9 acres of cannabis would be actively cultivated on 106 different parcels would be occurring within this sub-watershed of approximately 9,500 acres. Over two-thirds of the proposed 13.7 acres is for pre-existing cultivation, meaning that the cultivation areas and associated resource use was existing at the time that this application was submitted in 2016, which is utilized as the environmental baseline. Impacts associated with those projects are related primarily to measures proposed to bring the operations into compliance with county and state environmental regulations. All of the foreseeable projects in this sub-watershed are located within 3 miles of Highway 101 and the urban centers of Redway and Garberville, meaning that traffic associated with vehicle trips for employees and supplies will be minimal and generally occurring on good roadways that can accommodate the associated traffic.

Figure 1: Garberville-Benbow Hydrological Sub-Unit



The proposed project would result in no impact to mineral resources, or recreation and would therefore not contribute to cumulative impacts to those resources. Consequently, those resources are not discussed further in this section.

Aesthetics

As discussed in Section I *Aesthetics*, due to topography, distance, or intervening forested landcover, the proposed project is generally not visible from US-101, the nearest eligible scenic highway, nor is it easily visible from sensitive viewers. The proposed project would therefore not contribute to cumulative aesthetic impacts on scenic resources.

The proposed project and the cumulative projects would incorporate minimum lighting and would be

required to comply with County lighting standards and ordinances. Therefore, the project's contribution to light and glare would not be considerable, and the cumulative projects would not combine to result in a significant impact.

Agricultural and Forestry Resources

The project is to facilitate and agricultural use and restoration of water resources on an agricultural and timber zoned property. While the project has resulted in the removal of some oak woodlands, Mitigation Measure AFR-1 requires restoration of oak woodlands at a minimum of 1:1 ratio such that no net loss of forestry resources occurs as a result of project implementation. The regulatory framework in place for all of the projects identified I the cumulative impacts assessment will similarly ensure that there is no loss of agricultural or forestry resources. The projects contribution to forestry impacts is mitigated to a less than significant level and its contribution to cumulative impacts is negligible and together with all of the foreseeable similar projects the cumulative impact is less than significant.

Air Quality

As discussed in Section III *Air Quality*, the proposed project would have a less than significant impact on cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment. Emissions from construction would be minimal due to compliance with NCUAQMD regulations. Emissions from operations would not be substantial due to relatively low vehicle miles traveled and the project is consistent with the AG land use designation. The cumulative projects would not result in a significant impact to air quality. The applications for the other cumulative projects are at varying levels of completion. Consequently, the projects would have a staggered implementation schedule, and the construction impacts to Air Quality would not be cumulatively considerable. Potential effects from individual projects would be mitigated to less than significant, and the cumulative effects would be less than significant. The proposed project's contribution to air quality resource-related impacts would not be considerable, and the cumulative projects would not combine to result in a significant impact.

Biological Resources

Considering the various cumulative projects over the sub-watershed, it is possible that special status species and habitat occur could be cumulatively affected. The proposed project's contribution to these impacts, however, would be less than significant with implementation of Mitigation Measures BIO-1 through BIO-6. The proposed project would not result in a considerable contribution to cumulative effects on biological resources.

Cultural Resources

As discussed in Section V *Cultural Resources*, an archaeological site was located within the project site. Avoidance of the site and decommissioning of a road that traverses it would reduce impacts to less than significant (Mitigation Measure CUL-1). The project has potential to affect previously undiscovered cultural resources that may be revealed during ground disturbance activities associated with construction. The inadvertent discovery protocols required would reduce any such impact to less than significant (Mitigation Measure CUL-2). Because each cultural resource is unique to a physical location, and inadvertent discovery protocols require notification and documentation of any cultural resource inadvertently discovered, no cumulative impact to cultural resources is possible from similar potential project- level impacts on other project sites.

Energy

As discussed in Section VI *Energy*, off-grid electricity is currently provided by solar systems for all cultivation and domestic uses and use of an on-site generator is limited to emergency power outage

events and when the solar energy system is limited by weather conditions. The applicant plans to eventually connect the site to PG&E electricity while maintaining the use of renewable energy. Mitigation Measures ENE-1 and ENE-2 would ensure that electricity is sourced from responsible energy sources such as on-site renewable or grid power. Based on the continued use of renewable energy and grid power, the proposed project's contribution to cumulative energy impacts would be less than significant.

Geology and Soils

As discussed in Section VII *Geology and Soils*, the proposed project has potential to expose people using the project site to geologic hazards from seismic-related movement. Implementation of the site-specific design requirements recommended in the soils report to be prepared as part of the building permit process would reduce impacts to less than significant. The project would create these hazards only for people using the project site, and no component of the project would affect the geologic hazard to any other property. Consequently, the project could not contribute to any cumulative impact to geology and soils.

Greenhouse Gas Emissions

As discussed in Section VIII *Greenhouse Gas Emissions*, the proposed project would result in less than significant impacts related to GHG emissions. Because the project itself would not have any significant impacts related to greenhouse gas emissions, and because nearly all of the cumulative cannabis projects in the sub-watershed are for existing cultivation operations with limited construction impacts, the project would not result in a considerable contribution to greenhouse gas impacts, and the projects would not combine to result in a cumulatively significant impact.

Hazards and Hazardous Materials

The cumulative projects would not use large amounts of hazardous materials nor would their proximity create a threat by concentrating these materials in one area. The area is designated for agricultural uses in the area, and improvements at the site would not obstruct emergency services, nor create new hazards. Operation of the proposed cannabis facilities under the cumulative projects would involve the use of fertilizers, pesticides, and solvents. Hazardous materials associated with construction include fuels, lubricants, and paint. The County has ordinances applicable to cannabis operations that address impacts from the storage and use of hazardous materials. The projects would be required to comply with the regulations. With individual projects conforming to all standards for handling hazardous materials, there would be no additive effect of the cumulative projects. The proposed project would not result in a considerable contribution to hazards and hazardous materials impacts, and the cumulative projects would not combine to result in a significant impact.

Hydrology and Water Quality

As described in Section X *Hydrology and Water Quality*, the proposed project would result in less than significant impacts related to hydrology and water quality. The project would obtain regulatory approvals and permits for LSAA and SMA remediation actions and construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with the General Plan, and would be implemented during construction to minimize the potential for erosion and storm water runoff. A significant part of the proposed project is remediation of water resource pursuant to State Water Quality Control Board recommendations.

All of the projects identified in the cumulative assessment will each be required to comply with water quality regulations and obtain permits, as applicable. Based on the proposed projects and cumulative projects' compliance with regulatory requirements, cumulative impacts on hydrology and water quality would be less than significant.

Land Use and Planning

As discussed in Section XI *Land Use and Planning*, the proposed land use for the project would be agricultural, which is compatible with the AG land use designation. The Humboldt County Zoning Regulations consider cannabis activities to be principally permitted on the AE and TPZ zoned parcels, and conditionally permitted for up to one acre of outdoor cannabis and 22,000 square feet of mixed-light cannabis. As part of the proposed project, the County would issue a CUP to allow for the proposed project operations. Upon County issuance of the CUP, the proposed project would not conflict with any goals, policies, or objectives in the County's General Plan or zoning ordinance. The proposed project does not include any change to the land use designation or zoning of the project site, and therefore any impacts to land use and planning on the site would be unique to the project site and not affect land use and planning on adjacent properties. Consequently, the proposed project could not contribute to any cumulative impacts to land use and planning.

Noise

As discussed in Section XIII *Noise*, construction activities would result in a temporary increase in noise levels in the area. This noise increase would be short-term and would occur during daytime hours. Nearby noise sensitive receptors include the residence at the project site and residences 200 feet north and 350 feet east of the property line. Mitigation Measure NOI-1 is proposed to reduce potential impacts from construction noise to a level of less than significant. Humboldt County Code contains existing provisions to ensure noise from generators does not impact sensitive receptors. During operation, the project is not expected to generate significant noise levels that would exceed the Humboldt County General Plan Noise Element standards. Outdoor operations would be consistent with the sorts of activities that occur on the agricultural and rural residential uses, such as deliveries, personal vehicle travel, and routine maintenance. Processing operations would take place inside buildings which would not increase exterior noise levels. Furthermore, other cumulative projects would be required to mitigate noise impacts to less than significant; therefore, the cumulative projects would not have a significant cumulative impact.

Population and Housing

As discussed in Section XIV *Population and Housing*, the proposed project would not substantially induce population growth or require the construction of replacement housing. The proposed project is anticipated to have up to 21 staff members at peak season. Further, the project proposes employee housing on-site. The construction workers and operational workers for the proposed project and cumulative projects are expected to be drawn from the existing labor pool in the region and would not directly result in population growth.

The cumulative projects are served by existing roads and would not result in the extension of roads or major utilities to lands not currently served. There would be no displacement of housing or population. The proposed project would not contribute to population and housing impacts, and the cumulative projects would not combine to result in a significant impact.

Public Services

The proposed project would not result in the need for unanticipated new or expanded facilities. The potential demand for Sheriff's Department services at the project site may increase due to the project type. The proposed and cumulative projects would be required to implement Safety Plans in accordance with the CMMLUO, which would avoid the need for additional Sheriff's Department services. Individually, the projects would result in less than significant impacts and would not cumulatively result in the need for new or expanded facilities.

There would be little or no demand for other County services from the proposed project and cumulative projects, and thus would not cumulatively result in the need for new or expanded facilities.

The proposed project would not result in a considerable contribution to public services, and the cumulative projects would not combine to result in a significant impact.

Transportation/Traffic

As discussed in Section XVII *Transportation*, the proposed project would result in less than significant impacts related to transportation. Construction traffic would be minimal and temporary. Construction traffic from other cumulative projects would not combine to result in a cumulative transportation/traffic impact.

Operation of the proposed project would generate up to 42 vehicle trips per day. All of the cumulative projects are a relatively short distance (4.5 miles) from US-101. In Garberville, the average annual daily traffic at US-101 is 7,700 to 7,500 vehicles. As discussed previously, the cumulative project area is within 3 miles of Highway 101 and the urban areas of Redway and Garberville. Vehicle trips associated with all of the cumulative projects would be less than significant as they would be occurring in proximity to this high quality transportation corridor and proximity to urban services. Improtantly, over two-thirds of the cumulative projects are for existing operations that would add no additional traffic as a result. The cumulative projects would create traffic volumes that are within the historical and designed limits.

The project would result in no impacts to traffic patterns and adopted policies, plans, and programs. The project would not result in a considerable contribution to transportation/traffic impacts, and the projects would not combine to result in a cumulatively significant impact.

Tribal Cultural Resources

As discussed in Section XVIII *Tribal Cultural Resources*, a cultural resource in the project site was identified during preparation of the cultural study. Additionally, the project has potential to affect previously undiscovered tribal cultural resources that may be revealed during ground disturbance activities associated with construction. Mitigation Measure CUL-1, requiring avoidance of the known cultural resource, and Mitigation Measures CUL-2, regarding inadvertent discovery protocols, would reduce impacts to less than significant. Because each tribal cultural resource is unique to a physical location, and inadvertent discovery protocols require notification and documentation of any tribal cultural resource inadvertently discovered, no cumulative impact to tribal cultural resources is possible from similar potential project-level impacts on neighboring properties.

Utilities and Service Systems

As described in Section XIX *Utilities and Service Systems*, the project-level impacts to utilities and service systems from the proposed project would be less than significant. The proposed on-site septic system would be in compliance with County requirements. The proposed project would not contribute to any cumulative impact, as all effects of the proposed project on wastewater and storm water treatment would be confined to the project site.

Successful permitting of cumulative projects requires assurances from the provider of water and sewer services that they have the capacity to serve these additional projects. The proposed project has received such assurances. If the capacity is not available to serve subsequent projects, then the service provider will inform the applicant of that, and the project will not be permitted.

Solid waste in Humboldt County is transported to landfills outside the County; therefore, cumulative effects of the project on solid waste disposal would depend on County-wide growth and development, which is outside the scope of this analysis.

Wildfire

As discussed in Section XX *Wildfire*, potential project impacts to the risks of wildfire would be less than

significant. The proposed project is located in an SRA and is in a "High" to "Very High" hazard severity zone, as is the majority of the community of Garberville. Emergency response services would be provided by CALFIRE from a station located at 324 Alderpoint Road, approximately 0.25 miles north of the project site. The proposed project would include improvements on site to meet CALFIRE SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space setback. Due to the fact that the cultivation on-site is existing, proposed development would be focused in areas with mild slopes and compliance with SRA requirements the risks of wildfire impacts on project occupants would be less than significant. Therefore, no cumulative impact to the risk of wildfire would occur.

c) Finding: The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. *Less than significant impact with mitigation.*

Discussion: The proposed project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this document. In the instance where the proposed project has the potential to result in direct or indirect adverse effects to human beings, a mitigation measure has been identified to reduce the impact to below a level of significance. With implementation of Mitigation Measure NOI-1 identified in this document, construction and operation of the proposed project would not involve any activities that would result in environmental effects which would cause substantial adverse effects on human beings. Therefore, impacts that could adversely affect human beings would be less than significant with mitigation.

Mitigation

Mitigation Measures AFR-1, BIO-1 through BIO-6, CUL-1, CUL-2, ENE-1, ENE-2, and NOI-1discussed in this document shall apply (see Chapter 6, Discussion of Mitigation Measures, Monitoring, and Reporting Program).

Findings

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Mandatory Findings of Significance.

VI. DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

The Department found that the project could result in potentially significant adverse impacts unless mitigation measures are required. A list of measures that address and mitigate potentially significant adverse impacts to a level of non-significance follows. A mitigation monitoring and reporting program checklist is attached.

Mitigation:

AFR-1: Oak Woodland Restoration and Replacement

Part A - Rockpit) Prior to the issuance of any construction or grading permits the applicant will submit for review and approval by the Planning and Building Department, an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees in proximity to new development and ongoing activities will be protected from encroachment and how newly planted trees will be protected. The Plan shall include monitoring and reporting elements that require a minimum of 3 years of monitoring and achieve an 85% success rate for new plantings and a demonstration that the replanting area is protected from conifer encroachment. The monitoring reports will be provided to the Planning Department for review at the time of the annual inspection.

Part B - Ponds) The applicant shall implement the oak woodland restoration plan identified in the Pond 1 and Pond 2 Restoration Plan prepared by Native Ecosystems, Inc. Installation of seed and trees shall occur in November and December of the year following pond removal and grading and shall follow the 3-year monitoring plan specified in the Restoration Plan with year 1 of monitoring occurring the calendar year following planting. A final restoration plan shall be prepared and submitted at the end of year 3 documenting restoration efforts. Restoration shall only be determined complete once restoration has been deemed successfully established and the restoration area has been demonstrated to be free from conifer encroachment.

BIO-1 Avoid and Minimize Impacts to Native Amphibians

- Pre-construction surveys for native amphibians shall be conducted by a qualified biologist in the vicinity of any ground or vegetation disturbing activities near Class II watercourses. If it is determined that earth moving activities will need to occur at or near the Upper Pond, Lower Pond, or Pond #3, surveys shall be conducted on the adjacent Class II stream prior to any ground or vegetation disturbing activities to determine presence/absence.

- In the event that pre-construction surveys find amphibians in proximity to any earthwork, they shall be relocated, and amphibian exclusion fencing shall be installed a minimum of 50 feet from the edge of the earthwork.

BIO-2 Pre-construction nesting bird surveys for Upper Pond, Lower Pond and/or Pond #3

Prior to the removal of the Upper Pond, Lower Pond, or Pond #3, a qualified biologist shall confirm that native birds have fledged and left the site.

BIO-3 Responsible Use of Plastic Support Netting

Plastic support netting for cultivation shall only be utilized in contained cultivation areas that are fenced off from wildlife or enclosed within hoophouses and/or greenhouses. When not in use plastic support netting shall be stored in enclosed containers.

BIO-4 No Rodenticides

The applicant shall not use rodenticides on the project site during construction or operations.

BIO-5 Invasive Species Removal

The applicant shall remove Scotch broom (*Cytisus scoparius*) from an approximately 2-acre area in the western portion of the subject site that has a similar native grass cover and species composition as the Rock Pit, as identified in the Botanical Survey Results report, prepared by Kyle Wear in July 2021.

BIO-6 Wetland Restoration

The applicant shall restore wetlands at a 3:1 ratio on the subject parcels as mitigation for the 6,828 square feet of wetlands that were filled as described by the WRA Environmental Consulting report dated April 11, 2019. The wetland restoration plan shall be prepared by a qualified botanist specializing in wetland restoration. The report shall contain a monitoring and reporting plan that requires a minimum of 3 years of monitoring with an 85% success rate.

CUL-1 Avoid archaeological site WRA #1 (Sweet Hills).

Archaeological Site WRA #1 (Sweet Hills) shall be avoided during all activities associated with this permit. The dirt ranch road which bisects the site between the two identified artifact concentrations shall be decommissioned in such a manner as to preclude heavy equipment (including but not limited to excavators, bulldozers, dump trucks and domestic vehicles) from using the road. A plan for decommissioning the road shall be submitted to the Planning and Building Department for review and approval prior to issuance of construction permits and the decommissioning shall be complete prior to cultivation in the rock pit cultivation area.

CUL-2 Inadvertent Discoveries of Cultural Resources and Human Remains.

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences,

building pads, structures, trails/roads, etc.

If human remains are discovered during project construction, work would stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

ENE-1: Generator Use

The proposed wholesale nursery and buildings B and C of the processing facility campus may not be utilized until either) the operator provides evidence that demonstrates that either PG&E (utilizing the renewable energy portfolio) has been connected to serve these locations or an on-site renewable energy system has been developed and fully implemented to provide all power needs, with generators reserved for emergency backup purposes only.

ENE-2: Generator Use

After January 1, 2026, no commercial cultivation, propagation, or processing operations shall occur on the properties until the operator provides evidence that demonstrates that either PG&E (utilizing the renewable energy portfolio) has been connected to serve these locations or an on-site renewable energy system has been developed and fully implemented to provide all power needs, with generators reserved for emergency backup purposes only.

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall only occur between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationery and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

VII. EARLIER ANALYSES

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 16063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

1. Humboldt County General Plan (2017)
2. Revised Draft Environmental Impact Report for the General Plan Update (2017)
3. CEQA Mitigated Negative Declaration for the Medical Marijuana Land Use Ordinance – Phase IV – Commercial Cultivation of Cannabis for Medical Use.
4. Humboldt County Zoning Ordinance

These items are available for review at Humboldt County Planning Division.

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XI. LIST OF PREPARERS

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