

**CALIFORNIA COASTAL COMMISSION**

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# Th16a

**DATE:** March 22, 2022

**TO:** Coastal Commissioners and Interested Persons

**FROM:** John Ainsworth, Executive Director  
Shana Gray, North Coast District Director  
Melissa B. Kramer, North Coast District Manager

**SUBJECT:** **Humboldt County Minor LCP Amendment No. LCP-1-HUM-21-0034-2**  
For the Commission meeting of April 7, 2022

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## **AMENDMENT DESCRIPTION**

The County of Humboldt proposes to amend the Implementation Plan (IP) portion of the County's certified Local Coastal Program (LCP) to add new regulations related to the commercial cultivation of Industrial Hemp throughout the County coastal zone. The proposed IP amendment would add new IP sec. 313-55.5 that includes a definition of Industrial Hemp<sup>1</sup> and specification that the commercial cultivation of Industrial Hemp, which by definition includes crops at least 1/10<sup>th</sup> or an acre in size, by any person or entity for any purpose is prohibited in all zoning districts in the unincorporated area of the County. The cultivation of hemp crops less than 1/10<sup>th</sup> of an acre in size, which is the minimum size required for registered commercial Industrial Hemp sites under the State Food and Agricultural Code, would continue to be permitted under the County's existing certified IP (sec. 313-55.1, Cultivation of Cannabis for Personal Use; 313-55.3, Cannabis Dispensaries; and 313-55.4, Coastal Commercial Cannabis Land Use Ordinance). Additionally, the proposed IP amendment would clarify that Industrial Hemp could not be cultivated at "Established Agricultural Research Institutions."

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<sup>1</sup> The proposed definition under the ordinance is "A crop agricultural product, whether growing or not, that is limited to types of the plant Cannabis sativa Linnaeus and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salt, and salts of isomers, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3 percent on a dry weight basis. State Food and Agricultural Code Section 81000-81015 requires registered Industrial Hemp sites to be a minimum of 1/10<sup>th</sup> of an acre for entities other than seed breeders or established agricultural research institutions."

## **MINOR LCP AMENDMENT DETERMINATION**

Pursuant to section 30514(c) of the Coastal Act and section 13554(a) of the Commission's regulations, the Executive Director has determined the proposed amendment is "minor" in nature. Section 13554(a) of the California Code of Regulations (CCR) provides that a minor amendment includes, but is not limited to, changes which make the use as designated in implementing actions more specific, changes that do not affect the kind, intensity, or density of use, and changes that are consistent with the certified LUP.

The LCP amendment qualifies as minor, because it clarifies the status of industrial hemp cultivation (i.e., "Industrial Hemp"), which was not previously specifically covered by the County's LCP, because it was prohibited under federal law. Therefore, the status quo has been that cultivation of hemp for industrial purposes is not allowed in Humboldt County, albeit as a result of federal law restrictions. Due to a recent change in the status of hemp production under federal law, the County proposes to amend the LCP to specify that the cultivation of "Industrial Hemp" is prohibited throughout the County coastal zone to maintain the status quo for this type of use in the County.

The proposed regulations are consistent with the agricultural protection and other coastal resources protection policies of the County's six separate certified LUPs, (including Coastal Act sections 30241 and 30242 and the various other Chapter 3 policies, all of which are enforceable policies of each of the six LUPs), as they will allow for small-scale hemp cultivation, which is currently a permitted use under the existing IP, to continue in a manner that protects coastal resources consistent with existing certified cannabis regulations and will protect the area's agricultural economy. The proposed IP amendment does not regulate the distribution, manufacturing, processing, or retail sale of Industrial Hemp. The purpose of the regulations relates to concerns that, due to the change in the status of Industrial Hemp under federal law, large-scale Industrial Hemp farms may be developed that adversely impact existing and future commercial cannabis farms in the County from uncontrolled pollen drift and "mono-cropping" of Industrial Hemp that has the potential to bring in new pests and pathogens. These anticipated impacts of Industrial Hemp cultivation could significantly impact the viability of the agricultural economy associated with the local cannabis industry. As the proposed amendment merely clarifies the status of Industrial Hemp cultivation to maintain the status quo as to this class of development and is consistent with the six certified LUPs and the requirements of Chapter 3 of the Coastal Act, the proposed amendment is considered "minor" as defined under CCR section 13554.

## **PROCEDURES**

CCR section 13555 requires the Executive Director to prepare a report describing the proposed amendment and providing notice of the Executive Director's determination the amendment is of a "minor" nature. Section 13555 also requires the Executive Director to report to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within 10 working days. If one third of the appointed members of the Commission requests, the determination of minor

amendment shall not become effective, and the amendment shall be processed as a major LCP amendment in accordance with section 13555(b).

Notification of the proposed amendment will be mailed on March 22, 2022. The ten working-day objection period will therefore terminate on April 6, 2022. The Commission will be notified at the April 7, 2022 meeting of any objections.

Also, section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification, and amendment of any LCP. The County held public hearings on the proposed LCP amendment on January 7, 2021 and February 9, 2021. The hearings were noticed to the public consistent with CCR sec. 13515, and the County provided evidence of the measures taken to provide notice of their hearings, consistent with CCR section 13552. Notice of the subject amendment has been distributed to all known interested parties.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Commission's review process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The County exempted the proposed amendment from environmental review under CEQA. This report has discussed the relevant coastal resource issues of the proposal and has concluded that the proposed LCP amendment can be approved by the Executive Director because it is minor in nature pursuant to sections 13554 and 13555 of the Commission's regulations. It is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts, because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

### **ADDITIONAL INFORMATION**

For further information or to register an objection, please contact Melissa Kraemer at the North Coast District Office (707) 826-8950. Correspondence should be sent to the district office at the letterhead address or via email to [NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov).

### **EXHIBITS**

EXHIBIT 1 – RESOLUTION OF TRANSMITTAL OF IP AMENDMENT

EXHIBIT 2 – ORDINANCE OF ADOPTION OF IP AMENDMENT