

RESOLUTION NO. 21 -86

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
APPROVING THE REMEDIATION AND MITIGATION PROGRAM GUIDELINES AND
AUTHORIZING IMPLEMENTATION OF THAT PROGRAM

WHEREAS, an October 2019 settlement agreement between Friends of the Eel River and Humboldt County regarding the Commercial Cannabis Land Use Ordinance (CCLUO) (Humboldt County Superior Court Case # CV180495) requires the County to establish and implement a new grant program administered by the County that seeks to improve water quality in targeted watersheds impacted by cannabis cultivation; and

WHEREAS, in this agreement, the Board authorized creation of a “Mitigation and Remediation Fund” with \$1,100,000 from the General Fund the first year, and up to that same amount for the next three years with funding from fines and penalties of cannabis civil enforcement actions, potentially augmented by other grants and/or funding from other sources as directed by the Board in the annual budget review process; and

WHEREAS, the agreement also stipulates the Program will prioritize awards of grant money to cannabis cultivators and road maintenance associations based upon the expected water quality benefits that would result from the road improvement projects given the following criteria:

- 1) Highest priority will be given to projects with one or more stream crossings and corrective grading within and close to a stream channel.
- 2) Improvements to roads in priority sub watersheds identified in Resolution 18-43 (Resolution Establishing a Cap on the Number of Commercial Cannabis Cultivation Permits and Acres – Attachment 2).
- 3) Roads which will not be maintained by a Road Maintenance Association and serving cultivation sites approved under the 2016 Commercial Medical Marijuana Land Use Ordinance when the improvements will bring the road into compliance with the standards of the 2018 Commercial Cannabis Land Use Ordinance.
- 4) Locations in highly erodible soils, steep slopes, proximity to watercourses, and the presence of impacted fisheries; and

WHEREAS, the agreement also stipulates that grants will be awarded for improvements to public and private roads for the specific purpose of protecting water quality in streams, creeks and rivers; and

WHEREAS, the agreement also stipulates that at least eighty percent (80%) of funds will be used for physical road improvements, and that properties in the abatement process are not eligible for funding under this Program; and

WHEREAS, the Program Guidelines in Exhibit A of this Resolution, incorporated by reference as if fully set forth herein, are consistent the October 2019 settlement agreement between Friends of the Eel River and Humboldt County, Humboldt County Superior Court Case # CV180495; and

WHEREAS, the agreement also targeted the use of \$500,000 of the funds in the first year for projects identified by the County in the Redwood Creek and Sprowel Creek watersheds in Southern Humboldt to reduce sediment delivery; and

WHEREAS, the list of projects identified by the County in the Redwood Creek and Sprowel Creek watersheds in Southern Humboldt is included in Attachment 3 of the staff report.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors as follows:

1. The Program Guidelines in Exhibit A of this Resolution, incorporated by reference as if fully set forth herein, are approved and shall be used to implement the Remediation and Mitigation Program; and
2. The Board of Supervisors hereby authorizes and directs the Planning and Building Director, or designee(s), to administer the Mitigation and Remediation Grant Program according to the approved Program Guidelines in Exhibit A of this Resolution, and sign contracts or agreements to carry out Grant activities upon the review and approval by County Counsel and Risk Management; and
3. The Board of Supervisors hereby authorizes and directs the Public Works Director, or designee(s), to implement the use of \$500,000 of the funds in 2022, or as soon thereafter as practicable, for high priority projects on the list in Attachment 3 of the staff report that most reduce sediment delivery in the Redwood Creek and Sprowel Creek watersheds in Southern Humboldt.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on August 17, 2021 by the following vote:

Adopted on motion by Supervisor Wilson, seconded by Supervisor Bushnell and the following vote:

AYES: Supervisors: Bohn, Bushnell, Wilson, Bass, Madrone

NOES: Supervisors:

ABSENT: Supervisors:



Virginia Bass, Chair

Humboldt County Board of Supervisors

ATTEST:
Kathy Hayes,
Clerk of the Board of Supervisors

By: 
Tracy Damico, Deputy Clerk