

**RESOLUTION NO. 22-72**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING ROUND 1 FUNDING FOR THE COUNTY'S WATER QUALITY AND STREAM RESTORATION GRANT PROGRAM**

**WHEREAS**, on August 17, 2021, the Board approved the Commercial Cannabis Land Use Ordinance (CCLUO) Mitigation and Remediation Fund Program that seeks to improve water quality in targeted watersheds impacted by cannabis cultivation and implement an October 2019 settlement agreement between Friends of the Eel River and Humboldt County regarding the Commercial Cannabis Land Use Ordinance (CCLUO) – Case # CV180495; and

**WHEREAS**, the Board authorized depositing an initial amount of \$1,100,000 from the General Fund in 2019, and in both fiscal years 2020-21 and 2021-22, an additional \$200,000 was deposited per the agreement, totaling an additional \$400,000; and

**WHEREAS**, the Board committed to depositing into the CCLUO Mitigation and Remediation Fund additional amounts up to \$1.1 million each year for the next three years with 20% of the amount received 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**, as detailed in the Program Guidelines approved by the Board, grants will be awarded for improvements to public and private roads for the specific purpose of protecting water quality in streams, creeks, and rivers, at least eighty percent (80%) of funds must be used for physical road improvements, and properties in the abatement process are not eligible for funding under this Program; and

**WHEREAS**, Planning staff followed the Program Guidelines which describe the procedure for submittal, review and approval of the sediment reduction projects; and

**WHEREAS**, a notice of funding availability was published the first week of October, 2021, and a total of ten (10) applications for grants were received by the Planning Department by the deadline this year; and

**WHEREAS**, the applications were evaluated for completeness referred to the County Departments of Building and Planning Code Enforcement, Cannabis, and Current Planning Divisions, and Public Works Roads Division, and to the California Department of Fish & Wildlife, the North Coast Regional Water Quality Control Board and the Friends of the Eel River for comment; and

**WHEREAS**, County staff held three meetings with representatives of the state agencies, including one with staff from the Friends of the Eel River which provided verbal and written comment; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors finds the proposed allocation of 2021-2022 water quality improvement grant program funds from the Commercial Cannabis Land Use Ordinance (CCLUO) Mitigation and Remediation Fund is exempt from environmental review pursuant to CEQA, under CEQA Guidelines §15308, actions by regulatory agencies for protection of the environment because the purpose of the program is to protect water quality in streams creeks and rivers.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Board of Supervisors approves funding the applications for Round 1 funding as shown in the below table:

<i>Grant Application</i>	<i>Project Description and staff notes</i>	<i>Requested Funding</i>	<i>Recommended Funding</i>
<b>Applications Recommended for Funding</b>			
Cobb Road Improvements	Reinforces & replaces eleven (11) culvert replacements, fifteen (15) rolling dips, surface drainage upgrades & inside ditch cross-drains. <i>Recommend full funding. Parcel #208-341-004 has an open code enforcement case, full funding would allow the Road Association to implement improvements to the shared roadway. Funding won't remedy the violation, nor would the road improvements result in a benefit directly/indirectly to private property.</i>	\$108,395	\$108,395
Samuels Ranch Road	Spread road base in areas of Samuels Ranch Loop Road where road is bare & needs to be re-rocked. <i>Recommend full funding.</i>	\$30,000	\$30,000
<b>Applications Not Recommended for Funding</b>			
Moriah Miranda	Remediation activities to address grading, reforestation, road improvements, replace and upgrade failing culverts. <i>Recommend no funding because the work is already completed.</i>	\$692,640	\$0

<b>Grant Application</b>	<b>Project Description and staff notes</b>	<b>Requested Funding</b>	<b>Recommended Funding</b>
Armstrong Road Improvement	Reinforces & replaces thirteen (13) culverts, as required by Code Enforcement action. <i>Recommend no funding because they are out of compliance with work completion dates and all other reporting requirements of Final LSAA 1600-2019-0096-R1. Also grant requested amount is \$186K more than LSAA notification</i>	\$230,000	\$0
Serendipity Road Improvements	Reinforces & replaces five (5) culverts. <i>Recommend no funding until the project costs are aligned with CDFW ((LSAA 1600-2018-0721-R1). Project cost difference is approximately \$46K more than LSA notification.</i>	\$99,426	\$0
Nooning Creek	Reinforces & replaces two (2) culverts. <i>Recommend no funding until the project costs are aligned with CDFW (LSAA No. 1600-2019-0156)</i>	\$51,816	\$0
Walker Ridge	Reinforces & replaces eight (8) culverts on Class III streams. <i>Recommend no funding because they are out of compliance with reporting requirements of LSAA 1600-2019-0576-R1. Also grant application project cost is inconsistent with LSAA project cost. Project cost difference is approximately \$27K more than LSA notification.</i>	\$67,486	\$0
Bamboo Farms Remediation	Three (3) culverts were replaced, inlets/outlets were reinforced with rip-rap, and new gravel placed on the road over the culverts, work completed as required by Code Enforcement action. <i>Recommend no funding because the work is already completed.</i>	\$21,362	\$0
Diamond Sky Farm	Implements conditions of approval of WRPP. <i>Recommend no funding until the project costs are aligned with CDFW (LSAA No. 1600-2020-0053-R1)</i>	\$15,000	\$0
Van Dyke	Four (4) culverts to be replaced inlets/outlets, implements WRPP and PW condition pave public road entrance, work completed. <i>Recommend no funding because the work is already completed.</i>	\$12,594	\$0
<b>Totals:</b>		<b>\$1,328,719</b>	<b>\$138,395</b>

**NOW THEREFORE, BE IT FURTHER RESOLVED** that the Board of Supervisors hereby:

1. Authorizes and directs Planning staff to execute contracts to disburse Round 1 funds for the approved applications as described above.
2. Authorizes and directs Planning staff to work with the applicants that did not receive funding in Round 1 to help them maximize their competitiveness by identifying additional information to be included in applications for Round 2 of the program to meet all the Program Guidelines and the additional criteria used by the state agencies described in the staff report.
3. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on June 14, 2022 by the following vote:

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

AYES: Supervisors: Bohn, Bushnell, Bass, Madrone, Wilson  
NAYS: Supervisors:  
ABSENT: Supervisors:  
ABSTAIN: Supervisors:

  
\_\_\_\_\_  
VIRGINIA BASS, CHAIRPERSON,  
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:  
Kathy Hayes, Clerk of the Board of Supervisors  
of the County of Humboldt, State of California

By:   
\_\_\_\_\_  
Nicole Turner, Deputy Clerk

Date: June 14, 2022