

EXHIBIT A

REMEDICATION AND MITIGATION PROGRAM GUIDELINES

Introduction

The Mitigation and Remediation Grant Program supports projects that install sediment reduction improvements on public or private roads serving cannabis cultivation sites. Projects will be funded through the recently approved “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. 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.

Eligibility Requirements

Applications proposing improvements to public and private roads for the specific purpose of protecting water quality in streams, creeks and rivers that meet all the criteria and requirements described in these Guidelines are eligible for this funding. At least eighty percent (80%) of funds awarded each year will be used for physical road improvements. Properties in the abatement process are not eligible for funding under this Program.

Application Submittal

To apply for funding, an applicant must submit a complete proposal as described below. Applicants are strongly encouraged to discuss their proposals with the Planning Department staff listed below prior to submitting their proposals. The initial consultation is designed to inform an applicant of the applicable Program requirements, applicable Humboldt County regulations, and for the applicant to inform the County of the applicant’s intentions, and to provide an opportunity to identify the issues associated with a proposed application before the applicant commits resources.

This consultation should occur well in advance of the proposal deadline so that Planning staff have time to consult with the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB) and the Department of Public Works (DPW), to ensure the proposal addresses the priorities of the program. The Humboldt County Board of Supervisors ultimately determines whether proposals meet program preferences, so applicants who discuss their proposals with Planning staff in advance of their submittal generally have a higher chance of being selected for funding. Applicants are also encouraged to begin developing their proposals well in advance of the submittal deadline as failure to submit a complete proposal by the deadline will result in disqualification.

Planning Department Staff Contact Information: Michael Richardson is the primary contact for this program. His email is mrichardson@co.humboldt.ca.us and his phone number is (707) 268-3723. If other staff is designated as the primary contact, these Guidelines will be updated with that information.

Complete applications shall include all the following items

- Signed Application Form (application form provided by the County)
- Project Description
- Plot Plan
- Plot Plan Checklist
- Elevations
- Scope of Work
- Schedule for Completion
- Erosion Control Plan and Monitoring Plan
- Budget
- Project Maps and Figures
- Letters of Support (optional)

Application Review

Applications for grants are due to the Planning Department by October 31 of each year. Major milestones in the review process involve the following steps:

- 1) Application Check. Applications will be evaluated for completeness using a checklist. Within five (5) working days of accepting an application, the Planning Division shall review the proposed development for conformance with the application submittal requirements. The application shall be deemed complete and accepted unless the Department finds that the application is not complete and sends the applicant notification of such finding by email within ten (10) working days after receipt of the application. If the application is determined to be incomplete, the Department shall specify those parts of the application which are incomplete and shall indicate what is required for them to be considered complete.
- 2) Application Referral. The Planning and Building Department shall refer copies of complete applications to the Department of Public Works, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board for comment. Along with the referral, the Department shall include notification that, if the Department does not receive a response within ten (10) working days, the Department will assume that no recommendations or comments are forthcoming. It should be noted that, even if responses are not received within the requested time limit, these agencies may still want to provide comments on applications.
- 3) Application Review. Upon acceptance of an application as complete, the assigned planner shall complete an environmental review of the project, as required by the California Environmental Quality Act (CEQA), and shall study the project for conformance with all applicable Program requirements.
- 4) Project Ranking. By December 31 of each year, the assigned planner shall prepare a written report evaluating and ranking the complete applications with findings and evidence in support thereof. The written report prepared by the Director, or designee, shall be mailed or delivered to the Hearing Officer and the applicant.

Project ranking 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:

- a) Highest priority will be given to projects with one or more stream crossings and corrective grading within and close to a stream channel.
- b) Improvements to roads in priority sub watersheds identified in Resolution 18-43 in Appendix 1 of these Guidelines.
- c) 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.
- d) Locations in highly erodible soils, steep slopes, proximity to watercourses, and the presence of impacted fisheries.

The County will review and evaluate all complete applications for responsiveness to the above criteria. In evaluating the Proposals, the County shall employ a one hundred (100) point competitive evaluation system with consideration given to each of the following categories:

- Project Design and Expected Outcomes – 80 Points: The project’s alignment with the Program requirements and criteria set forth in these Guidelines.
- Project Budget – 10 Points: The applicant’s ability to perform the work necessary to implement the project in a cost-efficient manner.
- Experience and Capacity – 10 Points: The applicant’s experience and capacity to perform the work necessary to implement the project.

5) Public Hearing. The Board of Supervisors will hold one or more public hearing(s) by the end of February of each year of the Program to decide which, if any, applications are approved for funding, the funding amount, and the conditions applied to each project to ensure consistency with all Program requirements. At the public hearing, the Board of Supervisors shall receive pertinent evidence concerning the complete applications, particularly evidence about the consistency of the applications with Program requirements. The applicant shall have the burden of establishing consistency of the application with Program requirements. Notice of the Board’s decision shall be provided within five (5) working days of the Hearing Officer’s action.

The Hearing may be continued from time to time but shall be concluded within a reasonable period of time.

Project Implementation

Upon execution of the grant agreement between the County and the project applicant, implementation of projects approved for funding may begin according to the project schedule

approved by the Board of Supervisors. Only work performed according to the terms and scope of work of the grant agreement will be eligible for reimbursement. At least eighty percent (80%) of funds must be used for physical road improvements. Other eligible costs may include reasonable costs for engineering design, legal fees, preparation of environmental documentation, environmental mitigation, pre- and post-project monitoring, project implementation, and indirect costs.

Monitoring implementation and completion of the projects will be performed by County staff knowledgeable in implementation of grading and erosion control projects or by a licensed civil engineer contracted by the County. Release of the final twenty percent of the funds for each project will be withheld pending verification of the completion of the project to the satisfaction of the Planning Director in consultation with the Department of Public Works based on the report from County staff or contract engineer and other factual evidence.

Availability of Unencumbered Funds From Previous Years

Unencumbered funds from previous grant years shall be used to fund eligible projects approved by the Board of Supervisors in subsequent years.

Appendices

Appendix 1: Map of Priority Sub Watersheds Identified in Resolution 18-43