



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

H-3

For the meeting of: December 2, 2014

Date: November 14, 2014
To: Board of Supervisors
From: Phillip Smith-Hanes, County Administrative Officer
Subject: Adoption of 2015 State and Federal Legislative Platforms

RECOMMENDATION(S):

That the Board of Supervisors:

- 1. Provide input and direction to staff as desired regarding the proposed State and federal legislative platforms for 2015;
2. Provide input and direction to staff as desired on federal policy issues to receive priority federal advocacy services;
3. Provide input and direction to staff as desired on state issues to receive priority state advocacy services;
4. Provide direction to staff on the continuation of incorporating other local governmental agencies' platforms into the County's legislative platform in future years;
5. Adopt the proposed State and federal legislative platforms, incorporating any changes desired by the Board, as the final platforms for 2015;
6. Direct the County Administrative Officer to submit the final version of the State legislative platform

Prepared by Amy S. Nilsen

CAO Approval

Cheryl Dillingham

REVIEW:

Auditor County Counsel Human Resources Other

TYPE OF ITEM:

Consent
[X] Departmental
Public Hearing
Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor
Seconded by Supervisor
And unanimously carried by those members present,
The Board hereby adopts the recommended action
contained in this report. SEE ACTION SUMMARY

PREVIOUS ACTION/REFERRAL:

Board Order No.

Meeting of:

Dated:
Kathy Hayes, Clerk of the Board

By:

to Governor Jerry Brown, Assembly Member Jim Wood, State Senator Mike McGuire, California State Association of Counties, Rural County Representatives of California and Peterson Consulting;

7. Direct the County Administrative Officer to submit the final version of the federal legislative platform to U.S. Representative Jared Huffman, U.S. Senators Dianne Feinstein and Barbara Boxer, National Association of Counties and Waterman & Associates; and
8. Authorize and direct the County Administrative Officer to submit letters to State and federal representatives, as needed to support the County's legislative platform during 2015.

SOURCE OF FUNDING: All County funds

DISCUSSION:

Each year, Humboldt County departments review and recommend State and federal legislation that would improve and enhance County financing, operation, and efficiency in service delivery. The County contracts with Peterson Consulting, Inc. and Shaw/Yoder/Antwih, Inc. to provide State legislative advocacy on behalf of the County and to advise departments on legislative proposals. On September 9, 2014, Paul Yoder and Karen Lange of Peterson spoke to your Board regarding the County's legislative advocacy efforts during the 2014 session of the California Legislature. Mr. Yoder and Ms. Lange also met with a number of department heads regarding particular State issues on September 8, 2014.

The County contracts with Waterman & Associates for federal legislative advocacy services and to advise departments on legislative proposals. On June 12, 2014, Joe Krahn and Tom Joseph met with your Board and various departments regarding federal advocacy.

On October 1, 2013, your Board directed the County Administrative Office (CAO) to invite local governmental agencies to partner with the County on their legislative priority items for inclusion into the County's legislative platform. The CAO again invited local agencies to respond and received platforms from only the City of Blue Lake. Included in the County's legislative platform at the request of the City of Blue Lake is: *Economic Development for Small Municipalities* (page 5), *State Assistance with Marijuana* (page 15), and *Supplemental Law Enforcement Services* (page 17). These platforms were either actually already in the platform and/or supported through other County processes.

The platforms being presented to your Board today are the result of two months of collaborative work between departments, the County Administrative Office, Peterson Consulting, and Waterman & Associates, in addition to one local agency. The platforms take into consideration your Board's Strategic Priority Framework. In particular, platforms address engagement on issues of statewide concern. These platforms are being submitted to your Board for review and modification as your Board finds appropriate.

**Recommended Actions:**

It is important for your Board to provide input and direction into the legislative platform as it is one of the County's larger potential policy making statements. In particular, during the 2014 State legislative session marijuana related legislation, Senate Bill (SB) 1262, almost passed through the legislature. SB 1262 would have provided a regulatory scheme that upholds local control, squarely addresses public safety concerns, and includes important health and safety requirements for medical marijuana. In addition, your Board has recently taken actions to adopt a marijuana ordinance for outdoor grows. Your Board also heard a presentation on November 4 concerning the cleanup of outdoor grows and the use of rodenticides at these

grows. Your Board may wish to revise the language found in both the State and Federal platforms found on pages 15 and 24 to remain consistent with actions taken at the State and local levels.

In order to most effectively approach advocacy services staff is seeking direction on identification of the primary legislative priorities based on relative importance to the Board and in consideration of the State and federal agendas. Identifying a primary list of State and federal priorities would allow the County, Peterson, and Waterman to work more effectively with State legislators and members of Congress, as well as applicable agencies and would ensure that the County's effectiveness is not diluted. Below your Board will find current year priorities along with recommendations for 2015 priorities:

### State Priorities

- Williamson Act Funding Restoration and Restitution
- Fulfill the Provisions of the Payment in Lieu of Taxes Act
- State Assistance with Marijuana
- Reinstate Double Fine Zone for Expressway between Arcata and Eureka – recommend replacing with *Continue Safety Practices for Expressway Between Arcata and Eureka until Improvements are Made* due to limited feasibility to reinstate the double fine zone.
- ~~Extend Kingpin Length through Richardson Grove~~ – recommend removing, due to this being remedied in the 2014 legislative session. Replacement of this priority is at your Board's discretion.

### Federal Priorities

- Remote Sales Tax
- Humboldt County Water Contract with Bureau of Reclamation
- Klamath Basin Economic Restoration Act
- Property Assessed Clean Energy
- Reauthorization of Secure Rural Schools
- Transportation Reauthorization
- Federal Aviation Administration Reauthorization – recommend adding, as this bill is set to expire at the end of September 2015.
- ~~Funding for Supplemental Nutrition Assistance Program (SNAP)~~ – recommend removing, as SNAP funding was dealt with as part of the recent Farm Bill reauthorization.
- Temporary Assistance for Needy Families Reauthorization
- Strengthening Child Welfare Services – recommend adding, due to changes in federal law.

There are two additional platforms that Waterman & Associates considers monitoring and report only and they are *Redwood Creek Flood Control Project* and *Medicaid Inmate Exclusion Repeal*.

As previously stated in this agenda item, your Board directed staff to provide outreach and to include other local governmental agencies' platforms into the County's legislative platform. This year that outreach yielded only one responding agency. Input from your Board on the continued efforts of staff to include agencies is warranted at this time due to minimal agency participation.

Previously, staff recommended that the County Administrative Officer, on behalf of the Board, be authorized to submit letters to State and federal representatives as needed to support the County's legislative platform, in an attempt to quicken the response time to legislative changes. This recommendation is before your Board again.

Once the Board's modifications, if any, are incorporated, the County Administrative Office will finalize the 2015 State and federal legislative platforms and transmit them to State legislative and federal congressional delegations, and the County's legislative advocates.

FINANCIAL IMPACT:

None associated directly with today's recommendations. Many of the proposed legislative actions have potential financial benefits for the County.

OTHER AGENCY INVOLVEMENT:

All County departments  
Peterson Consulting  
Rural County Representatives of California  
Waterman & Associates  
Governor  
State Legislators and Staffs  
Congressional Delegates and Staffs  
California State Association of Counties  
National Association of Counties

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board's discretion

ATTACHMENTS: Proposed 2015 State and Federal Legislative Platforms



# Humboldt County



## 2015 State & Federal Legislative Platform



# COUNTY OF HUMBOLDT BOARD OF SUPERVISORS



**REX  
BOHN**  
District 1  
Chair



**ESTELLE  
FENNELL**  
District 2  
Vice-Chair



**MARK  
LOVELACE**  
District 3



**VIRGINIA  
BASS**  
District 4



**RYAN  
SUNDBERG**  
District 5

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# STATE LEGISLATIVE GOALS

## STATE LEGISLATIVE GOALS

Humboldt County's primary, overarching goal for 2015 is the protection and preservation of the County's ability to fund local programs. Other goals include:

**SUPPORT STATE APPROPRIATIONS FOR PUBLIC INFRASTRUCTURE PROJECTS.**

**SUPPORT LEGISLATION THAT ADVOCATES FOR MAXIMUM LOCAL CONTROL AND FLEXIBILITY IN THE ALLOCATION OF RESOURCES AND THE ADMINISTRATION OF COUNTY PROGRAMS.**

**SUPPORT RELIEF FROM STATE MANDATES AND/OR ELIMINATION OF STATUTORY BARRIERS SUCH AS:**

- Broaden and extend the current authority to waive regulations and statutes to provide cooperative services in a more cost-efficient manner.
- Oppose attempts to shift costs from the State to counties for mandated and/or non-mandated programs.

**OPPOSE REDUCTIONS TO THE CURRENT LEVEL OF STATE FUNDING FOR COUNTY PROGRAMS.**

**SUPPORT AND ADVANCE LOCAL INTERESTS IN NATURAL RESOURCE DISCUSSIONS.**

# STATE LEGISLATIVE PROPOSALS

## STATE LEGISLATIVE PROPOSALS

### AGRICULTURE

#### **PROTECTING HUMBOLDT COUNTY'S COASTAL AGRICULTURAL LANDS FROM SEA-LEVEL RISE**

The sea level of most of the coast of California is expected to rise by approximately one meter over the next century. Sea-level rise projections for areas north of Cape Mendocino are greater due to geologic-caused subsidence increasing potential sea-level rise impacts. The prime agricultural lands around Humboldt Bay support a significant portion of the County's dairy and livestock industry and are at significant risk from sea level rise. These coastal areas are unique to Humboldt County and were created and have been historically protected by flood control structures. During the late 19<sup>th</sup> and early 20<sup>th</sup> centuries under the Swamp and Overflowed Lands Act thousands of acres of high tidal marsh were diked and made into productive agricultural land by excluding salt water. These lands owe their productivity to the mild marine climate, deep soils and high ground water boasting as many as 320 growing days per year.

In order to protect agricultural lands from the threat posed by sea-level rise, Humboldt County agricultural producers must begin planning to repair and increase the height of existing dykes and levees. Under the current rules (Section 30610 of the Coastal Act) agricultural producers are only exempted from Coastal Development Permit requirements for maintenance or repair activities that do not result in the enlargement or expansion of the objects (dykes, levees) under repair. Raising the heights of existing flood control structures will in many circumstances require enlarging the existing structure thereby triggering the requirement to obtain a Coastal Development Permit.

Humboldt County and the Humboldt Bay Harbor Recreation and Conservation District are co-lead agencies planning for sea-level rise through the Adaptation Planning Working Group. The group is currently working on the second phase of the Humboldt Bay Sea Level Rise Adaption Planning Project which involves inundation modeling and mapping, and adaptation planning. The fiscal impacts to Humboldt County's economy from the loss of agricultural lands to sea-level rise is potentially significant. The dairy and livestock (livestock and livestock products) industries, of which a large number are supported on the agricultural lands at risk from sea-level rise were valued in 2012 at \$94,130,000.

In response to the Governor's call to action on climate change, the California Coastal Commission released a draft Sea-level Rise Policy Guidance Document for the California Coast. However, Public Resources Code (Section 30241) mandates that "the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy." The Coastal Commission's Draft Sea-level Rise Policy Guidance Document fails to explicitly outline policies that will permit protection of Humboldt County's prime agricultural lands at risk from sea-level rise.

## **STATE LEGISLATIVE PROPOSALS**

The County supports ensuring that the State Coastal Commission grant primary permit authority to Humboldt County under the County's North Coast Area Plan for all agricultural lands in the coastal zone or for the Coastal Commission to develop and offer to agriculture landowners a permit program (consistent with Public Resources Code mandates) specific to bolstering dykes and levees necessary to protect prime agricultural land from sea-level rise.

### **WILLIAMSON ACT CONTRACT CANCELLATION "FEE"**

A landowner is able to terminate a Williamson Act contract upon payment of a cancellation fee. Under current law however, the Department of Conservation and a landowner may negotiate the cancellation value of the land held under a Williamson Act contract. The agreed cancellation value of the land then becomes the basis for the contract cancellation fee. Negotiations between these two parties can significantly reduce the cancellation fee. Government Code Section 51203(d) eliminates any input from county or city governing bodies for approval of the valuation. Significantly reducing the cancellation fee undermines the financial penalty for Williamson Act contract cancellations and allows a landholder to receive a property tax benefit without any repercussions for terminating a Williamson Act contract. This issue has become more critical due to the loss of subvention funding from the State and all program costs are now borne by local jurisdictions.

The County supports a revision to Government Code 51203(d) that ensures the County can provide input into the cancellation value of the land.

### **GENERAL GOVERNMENT**

#### **REDUCED VOTER APPROVAL THRESHOLD**

Currently, State law requires a two-thirds voter approved threshold for local initiatives for projects such as public library construction and transportation. This current two-thirds requirement is unfair in a political system based on the concept of majority rule. Changing the vote threshold to 55 percent would enable local governmental jurisdictions to more effectively address local issues.

The County supports a constitutional amendment that would reduce the vote threshold required to pass local initiatives from a two-thirds majority to 55 percent.

#### **CALIFORNIA PUBLIC RECORDS ACT REIMBURSEMENT**

Humboldt County, like many local jurisdictions, receives numerous requests for documents under the Public Records Act. The requests often ask for voluminous information that takes a great deal of staff time to compile. Requests may involve documents spanning several decades in time and/or numerous departments. In some instances, County staff have spent hundreds of hours compiling information on one request alone.

## **STATE LEGISLATIVE PROPOSALS**

The federal Freedom of Information Act and the State's public records request equivalent for Courts can require requesting parties to provide reimbursement of staff time, but California's Public Records Act only allows for the collection of photocopy fees and postage charges for documents selected from search results. Local governments cannot afford to add staff solely to comply with Public Records Act requests.

The County supports legislation that would allow local governments to charge requesting parties for reimbursement of staff time involved in fulfilling Public Records Act requests.

### **SEPARATING TRIAL COURT RETIREMENT SYSTEMS FROM COUNTY PERS**

Existing Public Employees' Retirement System (PERS) law requires that, in the case of a trial court within a county contracting with PERS for retirement benefits, the trial court and the county must participate under a joint contract with PERS. This results in pooled assets and liabilities, a single employer contribution rate, and a single benefit package.

Chapter 850, Statutes of 1997, enacted the Lockyer-Isenberg Trial Court Funding Act of 1997 to provide for the creation of a Task Force on Trial Court Employees and altered funding mechanisms for local trial courts. This led to transferring funding responsibility for courts from the counties to the State. Also, Senate Bill 2140 (2000) granted courts the status of independent employers. Trial Courts and counties now function independently across the state of California. For over a decade the County of Humboldt has separated county functions from courts. Previously, court staff were considered county employees.

The County supports legislation which would separate the Courts PERS contracts for trial courts located within California counties. In the current system courts provide for their own capital needs, develop and fund their own budgets, and maintain their own checking accounts. With capital and budget needs separated from the county, it is illogical for trial courts to be part of county PERS contracts.

### **MITIGATION OF IMPACTS FROM TRIBAL GAMING COMPACTS**

The State Gambling Control Commission and the State Control Officer dedicate funding for local communities from revenue generated by casinos on tribal land.

Pursuant to Senate Bill 621 (2003), a county receiving grant funding to limit impacts from Tribal Casinos must utilize funding for the following grant priorities: law enforcement; fire services; environmental impacts; waste disposal; behavioral health; public health; medical services; water supply; planning and adjacent land uses; recreation and youth programs; child care programs.

Total grant funding made available to municipalities, government organizations, businesses and non-profits within Humboldt County is only 5 percent of the total funds available in the Tribal Casino Accounts, with the State receiving the remainder of the funds, or 95 percent. Five percent of these funds is insufficient to offset the social and environmental impacts of

## **STATE LEGISLATIVE PROPOSALS**

casinos. Since local communities do not receive any tax revenue from the Tribal Casinos, it is imperative that this grant revenue increase.

The County of Humboldt supports legislation which would increase funding to mitigate impacts from Tribal Gaming Compacts. Additionally if the State renegotiates contracts with Native American tribes, the County supports legislation which would allow more County and local government involvement to address environmental, social, and planning concerns of the local community.

### **ECONOMIC DEVELOPMENT FOR SMALL MUNICIPALITIES**

#### **SUPPORTED BY: City of Blue Lake**

Senate Bill (SB) 628 passed in 2014 enhances the rarely used infrastructure financing district law by lowering the threshold for voter approval for issuing bonds, expands the list of infrastructure projects eligible for financing and allows multiple cities and local governments to “opt-in” or reserve their share of the tax increment.

SB 628 allows cities to create an infrastructure financing district that can issue bonds or obtain loans to finance capital public infrastructure projects with the resulting increase in property tax revenues generated by the affected area (tax increment).

The City of Blue Lake supports additional economic development tools for smaller sized communities such as or similar to SB 628 (2013-14).

### **HEALTH AND HUMAN SERVICES**

#### **SUPPORT FOR REGIONAL APPROACHES TO SERVICE DELIVERY AND FINANCING**

Small and rural counties often struggle with the economies of scale necessary to launch major initiatives or implement new mandates. Rapid changes in Medi-Cal financing and service delivery present unique challenges for small counties. Providing services through regional structures allows counties with limited resources to combine efforts for positive results.

The county supports legislation that facilitates regional approaches to health and human services delivery.

#### **HELPING FAMILIES MOVE OUT OF POVERTY**

The Department of Health and Human Services’ mission is to reduce poverty and connect people and communities to opportunities for health and wellness. Poverty negatively impacts families, leading to poor health and social outcomes. Strengthening anti-poverty programs like CalWORKS that are dedicated to supporting families on the path to economic success, will assist more people in becoming self-sufficient.

# STATE LEGISLATIVE PROPOSALS

The County supports legislation that strengthens the CalWORKs program and employment opportunities.

## **INCREASING ACCESS TO CALFRESH**

CalFresh is California's primary nutrition assistance program. It is of critical importance to the well-being and financial survival of low-income individuals and families, including students. Last year, the Department of Health and Human Services partnered with Humboldt State University to promote CalFresh participation among college students. However, due to historical eligibility barriers, college students continue to be an under-enrolled population. The partnership between DHHS and HSU has identified the need to improve policy related to food security for low-income students by expanding eligibility to the CalFresh program. In 2014, AB 1930 was signed by the Governor to research the expansion of student eligibility for CalFresh.

The County supports legislation that expands student eligibility to CalFresh and increases access to healthy and nutritious food.

## **NATURAL RESOURCES**

### **OAK WOODLANDS RESTORATION**

Oak woodlands have important economic and ecological value. In the north coast these woodlands are under threat of loss due to the encroachment of Douglas fir from the lack of periodic wildfire. Forest management practices have the ability to restore these stands. However, current California Forest Practice Rules limit needed management actions. While the rules allow for harvest of the invading conifers, 912.7, 932.7, 952.7 *Resource Conservation Standards for Minimum Stocking*, outlines required conifer stocking standards after timber operations have been completed. These rules mandate conifer planting, even if the goal of timber operations is to restore oak woodlands and thereby reduce conifers. In addition, restocking conifers in oak woodlands creates issues with converting one species (oak) to another species (conifer).

The County of Humboldt supports revisions to the CA Forest Practice Rules that would create an exemption to the restocking of conifers if the goal of the original timber operation was to restore oak stands. This could follow the current exemption for aspen stands where restocking is not required.

## **PLANNING AND BUILDING**

### **HOUSING ELEMENT COMMENT PERIOD**

California Government Code Section 65585 defines the process and timeline for review of a local government's draft Housing Element by the Department of Housing and Community

## **STATE LEGISLATIVE PROPOSALS**

Development (HCD). The process requires that HCD shall complete its review and provide its response to the planning agency within 90 days of receipt of the draft, during which time it shall consider comments from any public agency, group or person. This allows that HCD may consider comments or information that were not made available to the planning agency at the time of its review. The process also does not establish any deadline for receipt of comments by HCD.

The County supports changes to Housing Element law to provide that HCD shall only consider comments on substantive issues that were previously submitted into the record for review by the planning agency in their approval, and to establish a reasonable deadline for receipt of comments by HCD.

### **REDUCED STATE REGULATIONS FOR COMMUNITY DEVELOPMENT AND DESIGN**

The County of Humboldt has grappled with conflicts between local residential housing needs and State laws which preempt local land use authority. Specifically the process to develop the Regional Housing Needs Allocation (RHNA), as mandated by State Housing Law as part of the procedure in updating local housing elements of the General Plan, has resulted in a development pattern which does not match community need.

The RHNA quantifies the need for housing within a jurisdiction during specified planning periods. Additionally, State law dictates standards for meeting the assigned housing inventory requirements.

Given the current RHNA process, and the historical local distribution of RHNA requirements to the County by the Humboldt County Association of Governments, the County is compelled to site affordable housing in unincorporated areas that are distant from essential services and community centers. This development pattern is against the wishes of the community and is inconsistent with Legislative policies such as Senate Bill 375 (2008).

Many residents in Humboldt County believe more flexibility is required to address housing needs within the local community. Although the County understands the need for consistent housing and community development policies across the State of California, stringent rules and regulations which do not allow for flexibility and ignore local considerations create a hostile environment for local governments to address the needs presented by citizens.

The County of Humboldt supports legislation which would reduce the State level input on community design and would create more flexibility for local officials and staff to develop a RHNA which best suits the community.

### **ALLOW RESOURCE LAND SUBDIVISIONS WHERE STRUCTURE DEVELOPMENT IS PROHIBITED**

Before a parcel in Humboldt County can be legally subdivided if located in a State Responsibility Area (SRA), State law requires the County find that the parcel is being



## **STATE LEGISLATIVE PROPOSALS**

provided with structural fire protection and suppression services. This requirement applies even to resource land subdivisions that, due to zoning or other land use restriction, are prohibited from developing residential buildings or structures. Property owners are prevented from selling their property and property tax revenues are decreased for the County of Humboldt by this requirement.

There are many large areas of Humboldt County that are forest lands and sparsely populated. Many of these areas are designated in the County's General Plan as Timber Production, Agricultural Grazing and Agricultural Exclusive. Most resource production designated parcels are 160 acres or larger in size and make up the majority of the County's two Open Space zone classifications: Timberland Production Zones (TPZ) and Agricultural Exclusive. The Humboldt County General Plan allows for the subdivision of resource parcels when done for the sole purpose of creating logical management units and where the rights for residential development are conveyed to ensure that the land continues to be managed for its open space values. These resource land subdivisions involve no structural or residential development, and are therefore not in need of structural fire protection services. The statute removes this effective land management tool currently available to landowners and resource managers in Humboldt County.

The County of Humboldt supports revisions to the current Planning and Land Use section of the California Government Code that would exempt from these regulations parcels in TPZ and Agricultural Use areas that are prohibited from building structures.

### **PUBLIC SAFETY**

#### **BOARD REPRESENTATION ON THE EXECUTIVE COMMITTEE OF THE COUNTY COMMUNITY CORRECTIONS PARTNERSHIP**

The County would like to seek Board representation on the Executive Committee of the County Community Corrections Partnership (CCCP). Section 33 of AB 117 removed Board representation and required a 4/5 vote of the Board of Supervisors to reject local plans developed by the CCCP.

Removal of the Board of Supervisors from this decision-making role violates the central principle of county government that it is Boards of Supervisors that are responsible for decisions about allocating funds that come to the county to implement local programs. The County supports legislation which would restore Board representation to the CCCP.

### **PUBLIC WORKS**

#### **FINANCIAL RELIEF FROM STATE REGULATORY REQUIREMENTS FOR MUNICIPAL STORM WATER DISCHARGE**

In February 2013, the State Water Resources Control Board significantly expanded the permitting requirements related to municipal storm water in cities and unincorporated areas.

## STATE LEGISLATIVE PROPOSALS

The areas subject to the Phase II Small Municipal Separate Storm Sewer System (MS4) general permit in Humboldt County were expanded to include the unincorporated Eureka area, the community of Shelter Cove, and the City of Trinidad in addition to McKinleyville and the cities of Eureka, Arcata, and Fortuna. The small, rural community of Shelter Cove and the small City of Trinidad are subject to the permit because they each discharge to state-designated Areas of Special Biological Significance.

Humboldt County continues to support efforts to improve and maintain storm water quality. However, the MS4 General Permit is an unfunded mandate that requires extensive new programs and practices and shifts enforcement responsibilities to local communities while the State continues to collect and retain substantial fees. The administrative, reporting, and monitoring burden of the new storm water permit is substantial. For example, Humboldt County is required to perform expensive sampling and laboratory testing of storm water discharges in the remote, rural area of Shelter Cove for at least two years to prove that the storm water does not exceed standards established for more urban areas more likely to have pollutant sources. This requirement threatens to divert needed funds from the County's other commitments to environmental stewardship and be counterproductive for achieving real water quality benefits. The City of Trinidad faces the same situation.

Financial relief is needed to assist economically disadvantaged communities to comply with the State storm water permitting requirements. Options include (1) authorize State funds from Proposition 84 and/or the 2014 water bond to be used for financial assistance with municipal storm water programs; (2) reduce State fees charged to cities and counties for the storm water permit; and (3) provide regulatory flexibility so the permit requirements are not radically disproportionate to the actual environmental risks.

The County supports legislation and/or State regulations to reduce State fees and authorize State funding in order to assist economically disadvantaged communities to comply with the State Water Board's 2013 MS4 general permit. The County also seeks legislative delegation support before regulatory bodies in ensuring that the State and Regional Water Boards provide needed flexibility for local agencies to comply with the new permit requirements.

### SURVEYOR MONUMENT PRESERVATION

Government Code sections 27584 & 27585 authorize the Board of Supervisors to establish a survey monument preservation fund for retracement or re-monumentation surveys of major historical land division lines upon which later surveys are based. County Ordinance No. 1835 was passed on June 21, 1988 which established the Fund locally. This ordinance established a user fee which in accordance with Government Code Section 27585, is collected by the County Recorder at the time of the recording of any grant deed except those which convey lots created by a recorded tract map, or lots conveyed to or from a government entity.

Several County Surveyors have found that the exemption of subdivision lots from the collection of this fee has been confusing, and therefore the fee is not always properly collected. Proposed legislation would remove this exemption, simplifying the process and enhancing the

## STATE LEGISLATIVE PROPOSALS

fund.

The County supports legislation that would remove the exemption from the survey monument fee in Government Code Section 27585.

### **CONTINUE SAFETY PRACTICES FOR EXPRESSWAY BETWEEN ARCATA AND EUREKA UNTIL IMPROVEMENTS ARE MADE**

In 1995, Senate Bill 414 was introduced by Senator Mike Thompson. This bill introduced 14 double fine zones across the state. The bill was set to expire on January 1, 2004, but under Assembly Bill 1238 (2003), State Highway 101 in Humboldt County was the only double fine zone to be extended to January 1, 2006.

In 2005, the County received a grant with support from the Office of Traffic Safety through the California Highway Patrol to promote public awareness about how to drive safely while traveling along the State Highway 101 corridor between Eureka and Arcata.

Senator Wesley Chesbro introduced Assembly Bill 1384 in 2005. This bill extended designation of the State Highway 101 between Eureka and Arcata as a double fine zone from January 1, 2006 through January 1, 2010.

In 2013, the California Coastal Commission conditionally approved a project submitted by the California Department of Transportation (CalTrans), which would improve the State Highway 101 corridor and eliminate the need for a double fine zone. This project, while beneficial to Humboldt County citizens, may be years away from completion. Therefore, due to current safety concerns, the County of Humboldt seeks to maintain increased safety enforcement through the segment of State Highway Route 101 between the Eureka Slough Bridge and the Gannon Slough Bridge, until improvements are made.

### **ENVIRONMENTAL STREAMLINING FOR FISH PASSAGE PROJECTS**

Local governments frequently undertake projects that will improve the passage of fish through streams and rivers by removing blockages and improving culverts. Often the permit process can delay and increase costs for these projects. Fish passage enhancement projects should be considered water quality improvements and not be delayed in the permit process. Legislative and regulatory efforts should focus on streamlining the delivery of projects that improve fish passage for salmonids and therefore enhance the environment.

The County supports streamlining the permit process for fish passage enhancement projects.

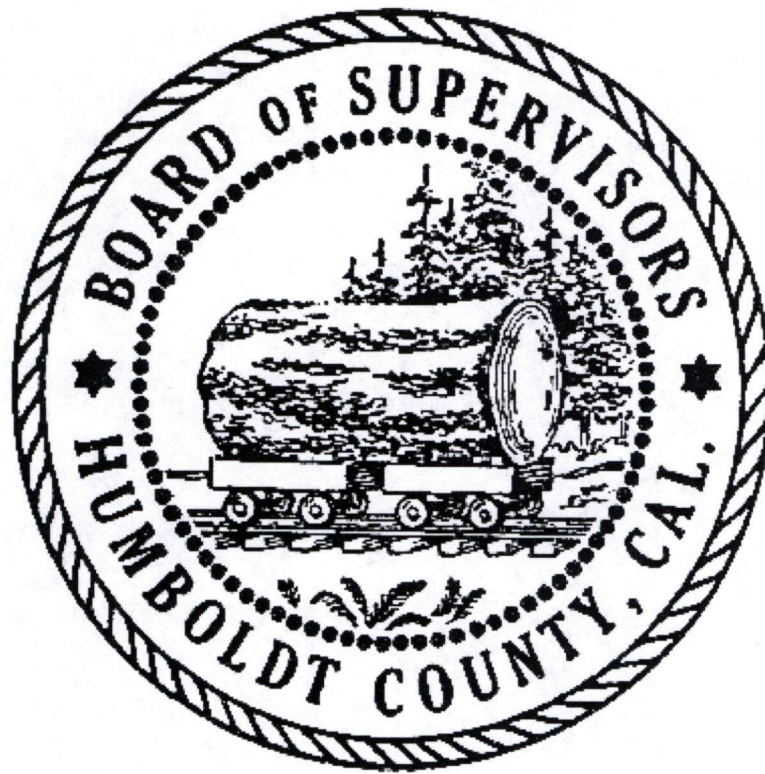
### **LOCAL REHABILITATION PROJECT ELIGIBILITY FOR STIP FUNDING**

Existing law generally provides for allocation of transportation funds pursuant to the State Transportation Improvement Program (STIP) process. The law also provides for 75% of funds available for transportation capital improvement projects to be made available for

## STATE LEGISLATIVE PROPOSALS

regional projects, and 25% for interregional projects. The law describes the types of projects that may be funded with the regional share of funds, and includes local road projects as a category of eligible projects. Legislation that specifically states that local road rehabilitation projects are eligible for STIP funds is necessary to protect the ability of local agencies to prioritize the regional project share to the needs of the local agency.

The County supports legislation that would state that local road rehabilitation projects are eligible for State Transportation Improvement Program (STIP) funds.



# **STATE FUNDING PROPOSALS**

## **STATE FUNDING PROPOSALS**

### **AGRICULTURE**

#### **STATE FINANCIAL PARTICIPATION FOR AGRICULTURAL HANDLERS IN REGARDS TO THE HAZARDOUS MATERIALS FEE**

The passage of the 1986 Community Right-to-Know Act assures the public access to a business' hazardous material information, and formalized emergency preparedness requirements. In response, California established the Hazardous Materials Business Plan Program mandating all businesses storing hazardous materials to manage the risk from such materials to humans and the environment. Such businesses are referred to as "handlers." Agricultural businesses (ag handlers) are included in this mandate.

The County supports legislation that would provide State financial participation for ag handlers for the hazardous materials fee, due to the limited quantities of hazardous materials used by ag handlers.

#### **DEPREDAATION OF ALEUTIAN GEESE AFFECTING AGRICULTURE LANDS**

It is the responsibility of both the state and federal governments to regulate migratory wildlife populations under the Migratory Bird Treaty Act (MBTA). Since the recovery of the once listed Aleutian Goose, Humboldt and Del Norte county agriculture producers have been taking the brunt of sustaining growing goose numbers as the populations continue to grow and increase the duration of their stay in Northern California as an integral stopover site on their annual migration. Traditionally the California Department of Fish and Wildlife (CDFW) has worked with the Pacific Flyway Council and the U.S. Fish and Wildlife Service (USFWS) to increase hunting pressures to the maximum levels possible under the current treaties. However, as goose populations continue to rise, it is evident that mandates under the MBTA are insufficient and too restrictive to appropriately address ongoing depredation pressures on agriculture lands from the increased goose population. In addition to growing goose numbers, the CDFW has lost all grazing leases throughout the state that were in place to create healthy grasslands to serve as wildlife habitat. With the decrease of suitable goose habitat on public lands, it is necessary to give private landowners additional tools to address the growing threat to their livelihoods and reduce goose impacts on private lands. Currently, under MBTA, hunting of waterfowl in our region must cease after March 10, however, Aleutian geese are often present in Humboldt County well into April.

A study by a Humboldt State University masters student suggested that the rate of available herbaceous/vegetative regrowth for cattle consumption drops considerably when geese graze alongside cattle. From January to April, these lands produced roughly 572 fewer pounds of grass per acre than land grazed only by cattle (Tjarnstrom 2014). That is enough forage to support one 900-pound steer for about 26 days. The average price for grass hay ranges between \$175 and \$200 per ton (2,000 pounds), which means producers are losing roughly

## **STATE FUNDING PROPOSALS**

\$55 per acre during this four-month period. Beef and dairy producers are already paying all-time high prices for cattle, and this forage loss, over many acres, compounds the problem and causes serious economic impact for this vital sector of our economy and community.

The County supports State legislation that would directly compensate private landowners for goose depredation losses on agricultural lands.

### **FUNDING FOR HIGH-RISK EARLY PEST DETECTION AND EXCLUSION PROGRAMS**

Early pest detection and surveillance programs prevent the establishment and spread of plant pests that endanger agriculture, the environment and the economy of the State and Humboldt County. State funding cuts to the California Department of Food & Agriculture budget have significantly reduced funding available for High-risk Pest Exclusion Programs placing local and State agricultural and environmental resources at greater risk. Loss of funding for High-risk Pest Exclusion Programs has placed a greater burden on other monitoring programs to identify early introductions of harmful disease and insect pests. State funding for the High-risk Pest Exclusion Program in Humboldt County has been cut by approximately 85%. The current fiscal year's contract reimburses Humboldt County \$7,735 for High-risk pest Exclusion Activities.

The County supports State and federal legislative and administrative proposals to provide funding resources for State and County High-risk Pest Exclusion programs.

### **GENERAL GOVERNMENT**

#### **FULFILL THE PROVISIONS OF THE PAYMENT IN LIEU OF TAXES ACT RELATED TO FISH & GAME PROPERTY**

According to State Fish & Game Code Section 1504, the State is committed to making payments in lieu of property taxes to local agencies in areas where state wildlife management areas affect local property tax collections. In Humboldt County, local agencies have not been paid since 2001. Although most of this funding would flow to special districts, a portion of these funds is directed to the County's General Fund, Roads Fund, and Library.

The County supports legislative action that would fund the required payments.

#### **RESTORATION OF PROPERTY TAX ADMINISTRATION PROGRAM**

In 1992, the State enacted the Educational Revenue Augmentation Fund (ERAF), which shifted property tax revenues from local governments to the State. Although counties assess property values, act as a hearing board for property tax appeals, and collect property tax payments, the State receives more than 65% of every property tax dollar collected in Humboldt County. The State recognized that it was in its own best interests to ensure that

## **STATE FUNDING PROPOSALS**

properties were being assessed to the greatest extent possible. Therefore, in 1994, the State established the Property Tax Administration Program (PTAP). PTAP provided funds to each county to support the work of the Assessor's Office and the rest of the property tax administration system. Humboldt County received \$210,806 in PTAP funding in FY 2004-05, the last year the program was funded.

The County supports funding that re-establishes and restores funding for the State's share of property tax administration costs.

### **SEPARATING SUPERIOR COURT EXPENSES FROM COUNTIES**

Two pieces of legislation, the Lockyer-Isenberg Trial Court Funding Act of 1997 and the Trial Court Facilities Act of 2002, transferred from counties to the State fiscal responsibility for court operations and trial court facilities. The Superior Court Law Enforcement Act of 2002 further delineated responsibility for court security services by county sheriffs to the courts. Despite these extensive Acts and their transfer of responsibilities, Humboldt County continues to bear a significant burden for the costs of services provided to the local Superior Court.

#### **GRAND JURY**

Despite the transfer of fiscal responsibility in 1997 for court operations from the County to the State, the fiscal responsibility for the Grand Jury still resides with the County per Penal Code 931, while the authority to impanel the Grand Jury remained with the Superior Court per Penal Code 914. The County has no control over the Grand Jury's empanelment and no subsequent control over their expenditures.

The County supports legislation to move fiscal responsibility for the Grand Jury from the County to the State.

#### **COURTHOUSE**

The Superior Court of Humboldt County occupies 33% of the County owned courthouse. The unintended consequence of the court facilities transfer act is the Humboldt County General Fund now expends approximately \$211,300 annually in rent for displaced County services that should be performed in the County's building. In addition, on an annual basis the County continues to expend \$933,701 for the Trial Court Maintenance of Effort payment and \$177,273 for the Court Facilities Payment.

Humboldt County supports legislation for the Superior Court of Humboldt County to receive funding for a new court facility.

#### **COURTHOUSE SECURITY**

Due to the unique configuration of the Humboldt County Courthouse it is necessary to maintain two entrances for ingress and egress, and therefore two security screening stations. The cost to operate two security screening stations far exceeds the State's appropriation to the local Superior Court of Humboldt County.

## **STATE FUNDING PROPOSALS**

As security screening is a requirement of the State, the County of Humboldt supports legislation for the Superior Court of Humboldt County to receive additional funding for security screening.

### **STATE ASSISTANCE WITH MARIJUANA ALSO SUPPORTED BY: City of Blue Lake**

Local governments are tasked with regulating the medical marijuana industry as well as addressing recreational use of marijuana within their jurisdictional boundaries. Medical marijuana is a full-fledged industry. So too is recreational marijuana. Industries are routinely regulated by State, local or Federal agencies. Local governments are not in a position to effectively regulate these contradictory uses of marijuana for several reasons. One, there is inconsistent regulatory control over medical marijuana and its continued prevalence in our communities. Two, as a recreational industry, marijuana is not taxed, and does not provide financial resources to local governments but instead drastically drains already limited County resources. This industry impacts law enforcement and our environment. Marijuana contributes to the destruction of our environment due to the clearing of land, grading, road-building, water diversions from streams and application of herbicides, pesticides and fertilizers. The State has not provided a regulatory framework for medical marijuana. The State has not enforced appropriate land use activities as it has with other industries such as timber, ranching, or farming. The State has provided insufficient funding to local governments to address any and all of these concerns.

The County supports the following in regards to marijuana: having the authority to tax items that are used in the cultivation of marijuana; legislation that would provide direction to responsible State agencies to regulate the environmental impacts of land use activities associated with the cultivation of marijuana similar to all other land use industries; funding to clean up the environmental damage caused by the cultivation of marijuana; and a regulatory framework for medical marijuana that delineates the clear roles and responsibilities of the jurisdictions involved.

### **CONTINUE ALLOCATIONS TO COUNTIES FOR PRE-2004 MANDATES**

In July 2014, the State appropriated \$100 million to pay counties, cities and special districts for mandates that were imposed on local agencies prior to 2004. Of this amount, the County of Humboldt received just over \$170,000. The mandates imposed by the State require significant County resources in order for those services to be carried out responsibly and effectively. The State still owes the County more than \$1.37 million. The County supports legislation that would continue to appropriate funds that reimburse counties for pre-2004 mandates.



# **STATE FUNDING PROPOSALS**

## **HEALTH AND HUMAN SERVICES**

### **SUPPORT FOR INVESTMENT IN LOW-INCOME HOUSING**

Stable housing is a foremost concern for low-income individuals and families and without it, a primary barrier to self-sufficiency. Currently, the Department of Health and Human Services operates limited permanent supportive housing programs that have proven effective in helping people receive treatment and live productive lives. However, there is a shortage of single occupancy and small efficiency units for seniors and single individuals. In order to move forward initiatives such as the Housing First recommendation made by Focus Strategies in the Homeless Policy Paper presented to the City of Eureka, further investment in low-income, affordable housing will be critical. Resources to rehabilitate or renovate existing buildings and provide income supports, such as subsidized rent, are needed.

The County supports continued investment in low-income and subsidized housing.

### **SUPPORT FOR AN ORGANIZED DRUG MEDI-CAL SYSTEM**

The State is currently seeking a Section 1115 demonstration waiver from the federal government to create an organized delivery system for the Drug Medi-Cal program. The waiver will allow counties to opt-in to providing Drug Medi-Cal benefits, newly expanded under the Affordable Care Act. Ensuring that the system is funded and structured in a way that is sustainable and predictable would allow counties to deliver this important benefit.

The County supports a state waiver that ensures financing will allow and encourage small counties to participate in Drug Medi-Cal program.

## **PLANNING AND BUILDING**

### **GRANT FUNDING FOR INFILL DEVELOPMENT**

The County's General Plan Housing Element includes designation of "Housing Opportunity Zones" to promote infill housing development. The County adopted an ordinance to relax requirements in these zones. The County would also like to provide financial incentives for residential development in these areas.

The County strongly supports legislation that would provide grant funding from the California Department of Housing and Community Development for infill development incentives in Housing Opportunity Zones.

### **GRANT FUNDING FOR LOW-INCOME HOUSING PROJECTS**

The County depends on grant funding to create housing affordable to low income and senior citizens. Competition for affordable housing grant funding is increasing as city and county

## **STATE FUNDING PROPOSALS**

budgets are cut back and the demand for low income housing grows. An alarming trend is the increase in importance of providing match funding to secure competitive grants. While this policy extends State and federal grant dollars it confers advantage to wealthy jurisdictions and discriminates against economically disadvantaged communities.

The County supports grant guidelines and legislation that waive match requirements for economically disadvantaged jurisdictions. The County also supports financing mechanisms that can assist local jurisdictions in establishing permanent sources of funding for low income housing development, such as the Local Housing Trust Fund Program operated by Housing and Community Development.

### **FUNDING FOR ENERGY CONSERVATION AND RENEWABLE ENERGY GENERATION PROJECTS**

Assessments of renewable energy generation capacity in Humboldt County indicate the County could be a significant exporter of electricity generated from renewable sources. The development of these resources, including solar, wind, biomass and wave energy, will assist the County in reaching AB 32 carbon emission reduction targets and stimulate the County's economy.

The County supports legislation that would accelerate the development of renewable energy resources including price supports, grant funding and utility policy that facilitates export of renewable energy generated from the County. The County also supports incentives and policies to promote residential and commercial energy conservation, including Property Assessed Clean Energy (PACE) financing.

### **PUBLIC SAFETY**

#### **SUPPLEMENTAL LAW ENFORCEMENT SERVICES SUPPORTED BY: City of Blue Lake**

Government Code 30061 *et seq.* governs Supplemental Local Law Enforcement Funding which is 0.15% vehicle license fee allocated to counties and cities for the provision of law enforcement services. Each agency is to be allocated a minimum of \$100,000.

The City of Blue Lake supports an increase to the minimum allocation, as smaller cities rely heavily on this funding.

#### **STABLE FUNDING FOR JUVENILE JUSTICE**

Juvenile Justice funding is imperative to address high risk youth in local communities. Juvenile Justice funding deals with the supervision and treatment needs of a local community's high risk youth. Funding provides treatment and confinement solutions for a community's youth who are at highest risk to re-offend and hardest to place due to their co-occurring mental health disorders, thereby putting community safety in jeopardy.

## **STATE FUNDING PROPOSALS**

The County supports legislation for continued and increased provision of resources for juvenile justice programs in order to provide for stable and secure sources of funding.

### **NATURAL RESOURCES**

#### **LONG-TERM FUNDING FOR NATURAL RESOURCE AFFAIRS**

Humboldt County is located on California's Pacific North Coast and is home to significant water resources that include the Eel, Klamath, Mad and Trinity Rivers; home to fish populations of salmon, groundfish and crab; and home to dense forests which include coastal Redwoods. These considerable natural resources were once abundant and contributed notably to the local economy.

Decisions and regulatory management of these natural resources often occur at the State and federal levels. These decisions have had cumulative impacts on water resources, fisheries and timber, and therefore on the community as well. State and federal decisions need to adequately account for local priorities, knowledge and needs in order to minimize adverse economic and social impacts, while appropriately managing and restoring these significant natural resources.

The County strongly supports legislation that provides stable funding for long-term engagement, administration and capacity development for natural resource affairs in the County of Humboldt.

#### **WILLIAMSON ACT FUNDING RESTITUTION, RESTORATION THROUGH CAP AND TRADE**

The Williamson Act (California Land Conservation Act) is a State/county partnership to preserve and prevent the loss of farmland. By saving farmland from development, the Act supports many of the State's goals, one of which is reducing greenhouse gas (GHG) emissions through its Cap-and-Trade program. When land is enrolled in a Williamson Act agreement, the landowner is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its Proposition 13 or unrestricted market value. The program is estimated to save agricultural landowners from 20 to 99% in property tax liability each year. In return, the landowner commits to restricting the use of his/her land to agricultural and open space for at least nine years. The written agreements are automatically renewed each year. In Humboldt County there are approximately 199,000 acres eligible for subvention funding under Williamson Act contracts. Humboldt County continues to process new applications for entry into the Williamson Act Program.

There is a conceptual discussion at the State level of restoring Williamson Act subventions with Cap-and-Trade funding, and the County strongly supports this concept. According to the California Air Resources Board first update to the Climate Change Scoping Plan, Appendix B (May 2014), recent research has shown that GHG emissions are approximately

## **STATE FUNDING PROPOSALS**

70 times greater from urban regions than agricultural lands, and “recent reports highlight the importance of farmland preservation as a key strategy for stabilizing and reducing California’s future greenhouse emissions across multiple economic sectors.” The Williamson Act more and more coincides with the State’s goals of reducing greenhouse gas emissions, and the County supports the idea paying for farmland preservation with Cap-and-Trade funding.

In addition, the County supports full restoration of subvention funds, including funding for subvention at their highest historical level. In addition, the County strongly requests restitution for the subvention payments that were not received in Fiscal Years 2008-09 in the amount of \$22,396; 2009-10 in the amount of \$219,155; and 2010-11 in the amount of \$161,804. The County did not receive subvention funds for fiscal years 2011-12, 2012-13, and 2013-14, a loss of approximately \$450,000.

### **PUBLIC WORKS**

#### **FUNDING FOR BUCKHORN GRADE IMPROVEMENT PROJECT**

The Buckhorn Grade Improvement Project is of critical importance to the economic stability and development of Humboldt County and adjoining counties. Humboldt is one of only two counties in California that is entirely inaccessible to the size of truck that carries most goods in the state. The Buckhorn Grade on State Route 299 between Eureka (U.S. Highway 101) and Redding (Interstate 5) is a 7.2-mile stretch of highway consisting of narrow roads, hairpin curves and steep inclines, making it inaccessible to the majority of long-haul trucks. Although \$8 million in federal funds have been appropriated for the revised project description (for a less-costly on-alignment alternative) and environmental impact report, up to \$150 million is estimated to be needed for construction of the complete project.

This project is supported by California Department of Transportation, Humboldt, Trinity and Shasta Counties. The County supports legislation that provides funding for further development of the Buckhorn Grade Improvement Project on State Route 299.

#### **INCREASED FUNDING FOR CALIFORNIA AID TO AIRPORTS PROGRAM (CAAP)**

The purpose of the CAAP is to assist in establishing and improving a statewide system of safe and environmentally compatible airports whose primary benefit is for the General Aviation (GA). The CAAP includes an Annual Credits program pursuant to Public Utilities Code (PUC) section 21682; the Airport Improvement Program Matching Grants pursuant to PUC section 21683.1; and Acquisition and Development Grants pursuant to PUC section 21683. The State has recently proposed to cease this CAAP funding program for airports and replace it with discretionary grant funding.

Among the funds received by Humboldt County is an annual amount of \$10,000 for each of five of the County’s airports (ACV falls under different sections of State funding). These

## STATE FUNDING PROPOSALS

funds are especially important to the more remote and less populated counties of California, such as Humboldt. However, all the CAAP programs are important for the maintenance and support of our airports. The amount allocated to GA has remained flat and the purchasing power has seriously eroded over time through inflation.

The County supports increasing the baseline amount of funding (\$10,000/year) for GA to account for inflation over the time the program has existed.

### **FUNDING FOR PREVENTATIVE ROAD MAINTENANCE**

**ALSO SUPPORTED BY: City of Blue Lake**

Local cities and the County do not have the necessary level of funding needed for preventative road maintenance. It is significantly more cost effective and energy efficient to preventatively maintain roadways versus entirely reconstructing a deteriorated roadway.

The County supports a set-aside in the Cap and Trade funding for preventative maintenance of road systems for all local governments.



# FEDERAL LEGISLATIVE GOALS

## FEDERAL LEGISLATIVE GOALS

Humboldt County's primary, overarching federal legislative goals for 2015 include:

### **SUPPORT INCREASING THE FEDERAL FINANCIAL PARTNERSHIP IN COUNTY PROGRAMS.**

- Support funding for public infrastructure programs such as transportation and water infrastructure.

### **SUPPORT RELIEF FROM FEDERAL MANDATES AND STATUTORY BARRIERS.**

- Support broadening of allowable uses of Secure Rural Schools Act (Title III) funding to include fire protection services.

### **SUPPORT FEDERAL FINANCIAL PARTICIPATION IN LOCAL COMMUNITY TECHNOLOGY ADVANCEMENTS.**

- Support funding for broadband service to rural north coast of California.

### **OPPOSE REDUCTIONS TO THE CURRENT LEVEL OF FEDERAL FUNDING FOR COUNTY PROGRAMS.**

### **SUPPORT AND ADVANCE LOCAL INTERESTS IN NATURAL RESOURCE DISCUSSIONS.**

# FEDERAL LEGISLATIVE PROPOSALS

## FEDERAL LEGISLATIVE PROPOSALS

### AGRICULTURE

#### **DEPREDAATION OF ALEUTIAN GEESE AFFECTING AGRICULTURE LANDS**

It is the responsibility of both the state and federal governments to regulate migratory wildlife populations under the Migratory Bird Treaty Act (MBTA). Since the recovery of the once listed Aleutian Goose, Humboldt and Del Norte county agriculture producers have been taking the brunt of sustaining growing goose numbers as the populations continue to grow and increase the duration of their stay in Northern California as an integral stopover site on their annual migration. Traditionally the California Department of Fish and Wildlife (CDFW) has worked with the Pacific Flyway Council and the U.S. Fish and Wildlife Service (USFWS) to increase hunting pressures to the maximum levels possible under the current treaties. However, as goose populations continue to rise, it is evident that mandates under the MBTA are insufficient and too restrictive to appropriately address ongoing depredation pressures on agriculture lands from the increased goose population. In addition to growing goose numbers, the CDFW has lost all grazing leases throughout the state that were in place to create healthy grasslands to serve as wildlife habitat. With the decrease of suitable goose habitat on public lands, it is necessary to give private landowners additional tools to address the growing threat to their livelihoods and reduce goose impacts on private lands. Currently, under MBTA, hunting of waterfowl in our region must cease after March 10, however, Aleutian geese are often present in Humboldt County well into April.

A study by a Humboldt State University masters student suggested that the rate of available herbaceous/vegetative regrowth for cattle consumption drops considerably when geese graze alongside cattle. From January to April, these lands produced roughly 572 fewer pounds of grass per acre than land grazed only by cattle (Tjarnstrom 2014). That is enough forage to support one 900-pound steer for about 26 days. The average price for grass hay ranges between \$175 and \$200 per ton (2,000 pounds), which means producers are losing roughly \$55 per acre during this four-month period. Beef and dairy producers are already paying all-time high prices for cattle, and this forage loss, over many acres, compounds the problem and causes serious economic impact for this vital sector of our economy and community.

The County is in support of efforts at the Federal level that would allow private landowners to be issued migratory bird depredation permits after hunting season is closed. To accomplish this, CDFW and USFWS should engage the Pacific Flyway Council to review population objectives and works towards issuing these permits.

# FEDERAL LEGISLATIVE PROPOSALS

## GENERAL GOVERNMENT

### **AMERICANS WITH DISABILITIES ACT REFORMS THAT WILL NOT UNDULY BURDEN BUSINESSES**

The Americans with Disabilities Act (ADA) was passed in 1990 and later amended in 2009. Under Title III of the ADA, no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of *public accommodation* by any person who owns, leases (or leases to), or operates a place of *public accommodation*. "Public accommodations" include most places of lodging, recreation, transportation, education, and dining, along with stores, care providers, and places of public displays, among other things.

Under Title III, all "new construction" after the effective date of the ADA must be fully compliant with the Act's Guidelines. Title III also has application to existing facilities. One of the definitions of "discrimination" under Title III is a "failure to remove" architectural barriers in existing facilities. This means that even owners of facilities that have not been modified or altered in any way after the law was passed still have legal obligations. The ADA's standard is whether "removing barriers" is *readily achievable*, defined as "...easily accomplished without much difficulty or expense."

Locally owned Humboldt County businesses, as well as businesses throughout the state of California, have been subject to civil lawsuits accusing them of discriminating against disabled persons in violation of the ADA. Unfortunately, these lawsuits have also forced the closure of several Humboldt County businesses. These businesses provided jobs and were staples to the community. The County does not believe the intent of the ADA was to increase lawsuits to local business and impose expensive upgrades to businesses that would then force their closure.

In California, Governor Brown signed into law legislation (Senate Bill 1186, 2013) designed to protect California business from predatory lawsuits filed under the ADA. Although there are several positive features of the new law, there are a number of harmful unintended consequences that will likely lead to an increase in ADA lawsuits. For example, the law's provisions that ban so-called "demand letters" from litigious plaintiffs who threaten to sue over a potential ADA violation unless a business pays to settle the lawsuit have led plaintiffs to stop sending pre-litigation letters altogether. As a result, businesses are being served with ADA lawsuits without any warning, which eliminates the opportunity for a business owner and an aggrieved party to come to an out-of-court settlement.

In addition, certain provisions of SB 1186 – including those allowing for an early evaluation and stay of court proceedings – have no effect in Federal Court. Accordingly, many predatory plaintiffs are now filing their lawsuits in U.S. District Courts instead of California courts.



## **FEDERAL LEGISLATIVE PROPOSALS**

Because attorneys can continue to file frivolous lawsuits in Federal court, the County supports common-sense reforms to the ADA that would allow local businesses to remain open while working toward compliance with the requirements of the Act.

### **LOCAL AUTHORITY TO LEVY INTERNET SALES TAX**

The Supreme Court ruled in 1992 that retailers are not required to collect sales taxes in states where they lack a physical presence. While the purchaser is still generally responsible for paying the use tax, the rate of compliance is low. States and local governments have been struggling with reduced revenues and increased demand for services, and the collection of Internet sales taxes is a revenue source that has been untapped. Recent legislation – the *Marketplace Fairness Act* - would allow states to require remote sellers to collect and remit sales and use taxes.

Humboldt County supports the *Marketplace Fairness Act* which would allow local jurisdictions to recover revenues from purchases made by remote means.

### **FEDERAL REPORTING REQUIREMENTS FOR STATE AND LOCAL PENSIONS**

The County opposes legislative proposals that challenge the validity of current state and local government accounting rules and practices and would mandate inappropriate federal reporting requirements on state and local governments regarding their pension costs. Such a proposal would set a precedent for federal intervention into areas that are the financial responsibility of, and have thus been historically regulated by, states and/or localities. Furthermore, it would represent a lack of understanding regarding the strong accounting rules and strict legal constraints already in place that require open and transparent governmental financial reporting and processes. The County opposes legislation that conflicts with existing governmental accounting standards, and increases state and local government costs.

### **LIMIT CORPORATE AND UNION CONTRIBUTIONS IN ELECTIONS**

The United States Supreme Court ruled that corporations and unions have the same political speech rights as individuals under the First Amendment. The Court found no compelling government interest for prohibiting corporations and unions from using their funds to make election-related expenditures. Thus, it struck down a federal law banning this practice and also overruled two of its prior decisions.

The County supports a Constitutional Amendment to reverse the ruling in *Citizens United v. Federal Election Commission*.

### **CHANGES TO LEGAL STATUS OF MARIJUANA AND NEED FOR UNIFIED REGULATIONS**

As a result of recent changes in the federal government's treatment of marijuana, there needs to be a discussion on the application of a consistently applied regulatory system. The

## **FEDERAL LEGISLATIVE PROPOSALS**

current landscape of medical marijuana dispensaries is problematic given the significant variations in the regulation of those businesses from one jurisdiction to another. If Congress or the Administration decides to change the legal status of marijuana, such changes must be accompanied by a uniform, precise, and clear regulatory framework that explicitly states the roles and responsibilities of all jurisdictions.

The County takes the position that any change to the legal status of marijuana at the federal level must be accompanied by a thorough regulatory framework that delineates the clear roles and responsibilities of the jurisdictions involved.

### **HEALTH AND HUMAN SERVICES**

#### **REPEAL INSTITUTION OF MENTAL DISEASE EXCLUSION**

Federal law prohibits Medicaid reimbursement for services obtained in Institutions of Mental Disease by Medicaid-eligible adults, 22-64 years of age. The State of California recently approved inpatient detoxification as a Drug Medi-Cal service. However, this federal exclusion makes federal financial participation unavailable for residential and withdrawal services provided by chemical dependency treatment providers that operate more than sixteen beds, severely limiting if not eliminating funding for these needed services.

The County supports repeal of the Institution of Mental Disease exclusion.

### **PLANNING AND BUILDING**

#### **RETURN SENIOR HOUSING MODEL TO HOME PROGRAM FUNDING**

The County of Humboldt relies on the Housing and Urban Development HOME Program funds to develop multi-family housing. As the senior population increases, secondary units are imperative. In the beginning years of the HOME Program there was an innovative second-unit program, known as the senior housing model, which was designed to allow low-income families to place a second unit on their property to care for an elderly person. This is no longer an eligible activity.

The County of Humboldt supports legislation that would return the senior housing model concept as an eligible activity.

### **PUBLIC WORKS**

#### **KLAMATH BASIN ECONOMIC RESTORATION ACT**

Humboldt County is a signatory party to the Klamath Hydroelectric Settlement Agreement (KHSAs) and the Klamath Basin Restoration Agreement (KBRA), a set of agreements signed in February 2010 to provide a framework for resolving the most contentious disputes

## FEDERAL LEGISLATIVE PROPOSALS

involving dams and water diversions in the Klamath River basin. Humboldt County was one of nearly 30 parties that actively participated in the nearly four-year negotiation process that led to the development of the agreements. The County also believes the Comprehensive Upper Basin Agreement to be wholly consistent with the KBRA, as it serves to provide greater specificity and detail regarding off-project water issues and upper basin power.

The Klamath River basin has struggled with competing demands for water for over a century. For over ten years, water conflicts in the Klamath River basin have caused suffering among various communities and have been the focus of regulatory proceedings and litigation without resolution. Humboldt County's economy is directly linked to the Klamath River through fishing, recreation, and tourism, and its communities continue to experience hardships due to the unhealthy river conditions and impaired fishery stocks.

Efforts to achieve a more comprehensive solution to the Klamath River basin water management issues gained momentum in 2006 as government agencies, tribes, irrigators, a private utility company, and conservation groups began to have constructive discussions outside the courts. The product of the multi-year negotiation process is the agreement package which is intended to provide for a transition to sustainability for Klamath River fisheries, economic stability for affected agricultural interests, and substantial improvement to the overall ecosystem health of the Klamath River basin. These agreements provide an unprecedented opportunity to achieve major positive changes to water management within the Klamath basin and significant improvements to Klamath River salmon runs, working with a model of collaboration among stakeholders with different interests.

The County supports legislation that would authorize restoration of the Klamath Basin and the settlement of the hydroelectric licensing of the Klamath Hydroelectric Project and would also provide funding for the implementation of the KBRA and KHSAs. The County is also committed to supporting the Klamath settlement agreements, maintaining the underlying partnerships, and assisting with implementation over the next 50 years.

### **TRINITY RIVER DIVISION – HUMBOLDT COUNTY'S WATER CONTRACT WITH U.S. BUREAU OF RECLAMATION**

Humboldt County has a vested interest in the Trinity River Division, the Central Valley Project, and the State Water Project due to the 1955 Trinity River Division Act (Public Law 84-386) and a contract executed on June 19, 1959 between Humboldt County and the U.S. Bureau of Reclamation. Subsequent to the contract execution, California's State Water Board issued eight (8) long-term permits to the Central Valley Project permit holders. Specifically, Section 5 of the 1959 Contract states:

Whereas, the said Act of August 12, 1955, provides in Section 2 thereof in part as follows"...2) that not less than 50,000 acre-feet shall be released downstream annually from the Trinity Reservoir and made available to Humboldt County and downstream users."

## **FEDERAL LEGISLATIVE PROPOSALS**

Beginning in March of 2003, the Humboldt County Board of Supervisors formally requested to the U.S. Department of the Interior that the water right of “not less than 50,000 acre feet” be made available for release. To date, and despite numerous requests, the County has not been provided a definitive response; however, the County has been repeatedly assured that this request remains under discussion at the highest levels of the Department and the County will be consulted prior to any final decision regarding the administration of this water right.

Furthermore, Humboldt County has an interest in the Bay Delta Conservation Plan (BDCP). To date, the plan’s modeling assumptions include existing State water rights and laws, federal contractual obligations for the Central Valley Project and the Trinity River Restoration Program Record of Decision; however, Humboldt County’s contractual flows have not been included in the modeling assumptions. On September 11, 2012, the Humboldt County Board of Supervisors adopted Resolution 12-74 that opposes the proposed construction of two peripheral tunnels to divert water from the Sacramento River unless State and Federal agencies affirm specific conditions identified in the Resolution.

The County supports the U.S. Bureau of Reclamation fully recognizing Humboldt County’s vested right to not less than 50,000 acre-feet annually of water from the Trinity Reservoir. The County opposes any further water diversions from the Trinity River Division or releases from its reservoirs to supplant the loss of flows to the Sacramento Delta as a result of BDCP water diversion and conveyance infrastructure. The County supports accounting for encumbered flows associated with Humboldt County’s vested right in the proposed BDCP modeling and operations.

### **ENVIRONMENTAL STREAMLING FOR FISH PASSAGE PROJECTS**

Local governments frequently undertake projects that will improve the passage of fish through streams and rivers by removing blockages and improving culverts. Frequently, the permit process can delay and increase costs for these projects. Fish passage enhancement projects should be considered water quality improvements and not be delayed in the permit process. Efforts in the legislative and regulatory arenas aimed at streamlining the delivery of projects that will enhance the environment such as projects that improve fish passage for salmonids should be undertaken.

The County supports streamlining the permit process for fish passage enhancement projects.

# **FEDERAL APPROPRIATION REQUESTS**

## **FEDERAL APPROPRIATION REQUESTS**

### **AGRICULTURE**

#### **STABLE FUNDING FOR FOREST LEGACY PROGRAM**

The Forest Legacy Program (FLP) was established in 1990 under the federal Farm Bill to protect forest lands. Although city and county governments are able to direct development away from sensitive lands through zoning, this federal program helps to establish easements which restrict development and require sustainable forestry practices on private lands. FLP-funded acquisitions serve public purposes specified by participating states and the landowner.

To qualify for participation in the FLP, private landowners must submit a multiple resource management plan. The federal government may fund up to 75 percent of the project cost, while private landowners, state and local governments are required to pay at least 25 percent of the project cost. Additionally, land owners have the added benefit of reduced taxes on the land. As of 2010, the Forest Legacy Program had protected nearly 21,000 acres of privately held forested land in California. A large portion of that land is in the Chalk Mountain Area in Humboldt County. Humboldt County is home to nearly 1,500,000 acres of public and private forest, and home to over 40 percent of all remaining old-growth Coast Redwood forests in California.

In Fiscal Year 2010, federal funding for the FLP grew by 60 percent to \$79.5 million. Conversely, the Fiscal Year 2011 Continuing Resolution cut funding by 31 percent to \$53 million.

The County of Humboldt supports adequate funding for the Forest Legacy Program and programs which promote conservation efforts for the old-growth Coast Redwood forests. The County encourages the State of California and the federal government to engage in acquisition of partial interest in privately owned forest lands, while maintaining private ownership, to conserve natural lands for timber, wildlife habitat, open spaces and recreation.

### **GENERAL GOVERNMENT**

#### **REAUTHORIZE THE PAYMENT IN LIEU OF TAXES PROGRAM**

The Payments in Lieu of Taxes (PILT) program seeks to compensate local jurisdictions for non-taxable Federal lands and payments may be used for any governmental purpose. In 2014 the PILT program provided \$437 million to approximately 1,900 counties and other local governments to compensate for revenues foregone because of federal tax-exempt public lands within their jurisdictions.

The PILT program – extended through fiscal year 2014 as part of the *Agricultural Act of 2014* (PL 113-79) – provides payments to counties to help offset losses in tax revenues due

## **FEDERAL APPROPRIATION REQUESTS**

to the presence of tax-exempt federal land. These funds provide essential services such as law enforcement for our community. The inability to collect local taxes on the extensive acreage of federal lands in Humboldt County poses a significant burden. A fully-funded PILT program helps to offset the loss of these important revenues and fulfill the government's obligation to local communities with large amounts of federal land. Humboldt County in fiscal year 2013-14 received \$600,428 and in fiscal year 2014-15 anticipates receiving \$723,607.

The County strongly supports legislation that would provide a long-term funding solution for the PILT program. In absence of a long-term solution, the County supports a one-year extension of mandatory PILT funding.

### **ECONOMIC DEVELOPMENT**

#### **FUNDING FOR BROADBAND SERVICE TO RURAL AREAS**

Humboldt County is served by a north-south fiber optic line from Ukiah to Eureka and will be served by an east-west line running from the Central Valley along the Highway 36 corridor. This infrastructure provides improved telecommunications service to developed areas of the County, but additional investment is necessary to make "last mile" and "middle mile" connections between developed areas and small outlying communities.

The County strongly supports legislation to provide funding or business incentives to assist companies in bringing broadband service to unserved and underserved areas.

#### **SUPPORT PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS**

In 2008, the State of California passed legislation (Assembly Bill 811) to give localities the authority to create Property Assessed Clean Energy (PACE) programs, providing businesses and homeowners the ability to finance energy-efficiency and clean-energy upgrades to their property. These upgrades provide consumers the opportunity to obtain lower energy costs while reducing greenhouse gas emissions.

The County of Humboldt, in partnership with the counties of Del Norte, Lake, Mendocino, Modoc, Sonoma and Trinity, was the recipient of a \$4.38 million American Recovery and Reinvestment Act PACE grant funded through the California Energy Commission. The program was expected to leverage an additional \$22 million in financing and create more than 150 full-time jobs.

On July 6, 2010, the Federal Housing Finance Agency (FHFA) issued a statement amounting to a prohibition of PACE financing for homes that might be financed with FHFA-approved mortgages. The FHFA statement resulted in the loss of the \$4.38 million grant and a cessation of PACE programs nationwide.

## **FEDERAL APPROPRIATION REQUESTS**

In 2014, the State of California implemented a PACE Loss Reserve Fund. The State-backed fund ensures that PACE assessments are paid off in the event of a mortgage default, which is intended to reduce the financial risk to Fannie Mae, Freddie Mac, or any other mortgage lender. However, FHFA continues to have concerns with California's first-lien PACE program, claiming that it fails to offer full loss protection. The Agency has also questioned the Reserve Fund's ability to be sustainable over time. As such, FHFA is not prepared to change its position and will continue to prohibit housing lenders from purchasing or refinancing mortgages with a PACE lien.

The County supports the right to implement PACE programs and establish property assessment liens for energy conservation and renewable energy investments. PACE programs create jobs, stimulate business growth, reduce greenhouse gas emissions and add lasting value to residential and commercial properties without increasing risks of mortgage defaults. Therefore, the County supports legislation that would prevent Fannie Mae, Freddie Mac, and other Federal residential and commercial mortgage lending regulators from adopting policies that contravene established state and local PACE laws.

### **DEVELOP LEGISLATION, BOND GRANT GUIDELINES THAT INCLUDE BROWNFIELD REMEDIATION**

Rural areas of Humboldt County include large unused vacant industrial sites, particularly former mill sites. Clean-up of these apparent toxic Brownfield sites is the single largest hindrance to redevelopment of these areas. These sites can cost tens of thousands into the millions of dollars depending upon the amount of toxins found. The County has received funding from the U.S. Environmental Protection Agency in the past to assess the characterization and cleanup of Brownfield sites. The County's goal is to receive additional funding to expand the program and provide greater incentives to property owners to cleanup and redevelop Brownfield properties.

The County strongly supports legislation and developing bond grant guidelines that include Brownfield Remediation funding.

### **HEALTH AND HUMAN SERVICES**

#### **SUPPORT FOR INVESTMENT IN LOW-INCOME HOUSING**

Stable housing is a foremost concern for low-income individuals and families and without it, a primary barrier to self-sufficiency. Currently, the Department of Health and Human Services operates limited permanent supportive housing programs that have proven effective in helping people receive treatment and live productive lives. However, there is a shortage of single occupancy and small efficiency units for seniors and single individuals. In order to move forward initiatives such as the Housing First recommendation made by Focus Strategies in the Homeless Policy Paper presented to the City of Eureka, further investment in low-income, affordable housing will be critical. Resources to rehabilitate or renovate existing buildings and provide income supports, such as subsidized rent, are needed.

## **FEDERAL APPROPRIATION REQUESTS**

The County supports continued investment in low-income and subsidized housing.

### **CONTINUED INVESTMENT IN COUNTY PUBLIC HEALTH AND PREVENTION**

The Patient Protection and Affordable Care Act (Act) appropriated \$750 million in federal fiscal year (FY) 2011, escalating to \$2 billion in FY 2015 and each fiscal year thereafter to maintain and build core public health infrastructure and expand prevention and wellness activities. Proposals to divert these funds as offset for other federal spending continue to surface. Meanwhile, federal categorical public health funding has been in decline and prevention funding through the Public Health and Prevention Fund has often been competitively based. This unprecedented investment in prevention and public health must be protected to be used as intended under the Act.

The County supports full funding of the Prevention and Public Health Fund and requests that the funds are allocated to local public health departments.

### **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES REAUTHORIZATION**

The American Recovery and Reinvestment Act of 2009 included investments in county programs that provided employment for nearly 600 Humboldt County youth and low-income residents. The County Department of Health and Human Services partnered with the non-profit and private sectors to utilize more than \$5.6 million in federal funds made available through the Act to encourage economic recovery, much of which was used for temporary employment subsidies through the Temporary Assistance to Needy Families, or CalWORKS, program that benefitted local businesses during the recession.

Reauthorization of the Temporary Assistance to Needy Families (CalWORKS/TANF) program is pending in Congress. The County supports federal investment in safety net programs, including increasing funds for subsidized employment opportunities.

### **STRENGTHENING CHILD WELFARE SERVICES**

In 2014, Congress approved the *Preventing Sex Trafficking and Strengthening Families Act* (HR 4980). The new law makes several federal reforms to better serve foster youth and includes provisions that focus on the emerging issue of sex trafficking of minors. The Act exemplifies the bipartisan approach that Congress typically takes on child welfare issues.

The County supports increased federal funding for services and supports needed by parents seeking to reunify with children who are in foster care. The County also supports increased financial support for programs that assist foster youth in the transition to self-sufficiency, including post-emancipation assistance such as secondary education, job training, and access to health care. In addition, the County supports retaining the entitlement nature of the Title IV-E Foster Care and Adoption Assistance programs and elimination of outdated rules. Finally, the County supports federal funding to address the service needs of youth who are victims of commercial sexual exploitation.



# **FEDERAL APPROPRIATION REQUESTS**

## **NATURAL RESOURCES**

### **LONG-TERM FUNDING FOR NATURAL RESOURCE AFFAIRS**

Humboldt County is located on California's Pacific North Coast and is home to significant water resources that include the Eel, Klamath, Mad and Trinity Rivers; home to fish populations of salmon, groundfish and crab; and home to dense forests that include coastal Redwoods. These considerable natural resources were once in abundance to the community and contributed significantly to the local economy.

Decisions and regulatory management of these natural resources often occur at the state and federal levels. These decisions have had cumulative impacts on water resources, fisheries and timber, and on the community as well. State and federal decisions need to adequately account for local priorities, knowledge and needs in order to minimize adverse economic and social impacts, while appropriately managing and restoring these considerable natural resources.

The County strongly supports legislation that provides stable funding for long-term engagement, administration and capacity development for natural resource affairs in the County of Humboldt.

## **PLANNING AND BUILDING**

### **RESTORE CDBG PROGRAM FUNDING TO FISCAL YEAR 2011 LEVELS**

The Community Development Block Grant (CDBG) program facilitates affordable housing, service provision to low-income and vulnerable citizens, job creation and efforts to support economic growth. At least 70 percent of the funds must be used on programs benefiting low- and moderate-income individuals. The County of Humboldt has benefited from the CDBG program and has received \$11.5 million in CDBG funding over the past seven fiscal years.

CDBG funds have been targeted for cuts in recent budget cycles, making it increasingly challenging to maintain adequate funding for the block grant.

The County of Humboldt supports legislation that would return funding to fiscal year 2011 levels (\$3.34 billion) or increase funding for the CDBG program. The County also opposes efforts to reduce funding and operational flexibility for the program.

### **RESTORE HOME PROGRAM FUNDING TO FISCAL YEAR 2009 LEVELS**

The County of Humboldt relies on the Housing and Urban Development HOME Program funds to develop multi-family housing. Since 2009, funds at the federal level have

## **FEDERAL APPROPRIATION REQUESTS**

decreased by 50 percent. This has meant that only six to eight projects are funded annually for the entire State of California.

The County of Humboldt supports legislation that would return funding to the fiscal year 2009 levels (\$1.825 billion), or increase funding for the HOME program. The County also opposes efforts to reduce funding and operational flexibility for the program.

### **PUBLIC SAFETY**

#### **FUNDING FOR COMMUNITY ORIENTED POLICING PROGRAMS (COPS)**

##### **SUPPORTED BY: City of Blue Lake**

The COPS program provides competitive grant funding to local governments and Native American communities for the hiring of police officers. The City of Blue Lake has been the recipient of COPS funding in the past.

The County supports legislation that would reauthorize the program. The County also supports efforts to increase annual funding for COPS hiring grants and opposes efforts to eliminate or reduce funding for the program.

### **PUBLIC WORKS**

#### **FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION**

The current Federal Aviation Administration (FAA) funding bill, set to expire in September of 2015, increased the local match requirements from airport owners for Airport Improvement Project (AIP) funding from five percent to 10 percent, while failing to increase the allowable Passenger Facility Charge that is used by the Aviation Division of the Humboldt County Department of Public Works. The increase in local match costs combined with a failure to allow airports to increase their PFC's will reduce the number of projects that can be performed under the AIP program for Humboldt County airports simply due to the longer time it will take to collect the funds for the local match. The AIP program has allowed the Aviation Division of the Humboldt County Department of Public Works to significantly improve airports while also providing for a large number of jobs in the community. Increasing the match requirement and not allowing local agencies to increase the funding source that provides for the local match negatively impacts the County's ability to improve our airport system and provide jobs for the local community.

The County supports legislation that reauthorizes FAA funding as well as amends FAA funding to reduce the match requirements from 10 percent to five percent.

## **FEDERAL APPROPRIATION REQUESTS**

### **APPROPRIATION FOR REDWOOD CREEK LEVEE REHABILITATION AND ESTUARY RESTORATION**

Humboldt County maintains the Redwood Creek federal flood control project, which was constructed by the U.S. Army Corps of Engineers from 1966 to 1968 to protect the community of Orick from floodwaters. The levee system is impaired by the deposition of large volumes of sediment each winter, which reduces the capacity of the levee relative to design conditions. Sediment impairment occurred the first winter after construction, and recent technical studies demonstrate fundamental design flaws as the root cause of the problem. The County has been forced to perform annual gravel extraction to re-gain some flood capacity, however the scale of the problem overwhelms the County's ability to remediate the system. The cost to reclaim the full design capacity of this flood control system through sediment removal is \$4.4 million; however, permits and approvals for such an action are not obtainable due to the environmental impacts, and similar work would be needed periodically due to the annual influx of sediment.

Construction of the flood control project caused major physical changes to the lower reach of Redwood Creek and its estuary. The estuary volume has been reduced by approximately one-half of its pre-levee size due to sediment deposition, causing both fish habitat and water quality to become impaired. The net result has been a reduction in the ecological function of the estuary in terms of productivity for fish and other aquatic species. Restoration of the Redwood Creek estuary would provide substantial benefit for the recovery of three salmonid species listed as threatened under the federal Endangered Species Act, and would complement other large-scale restoration efforts conducted by the National Park Service within Redwood National Park, which occupies the lower one-third of the watershed.

A large-scale, multi-objective water resources project is needed to achieve a sustainable solution for flood protection, ecosystem restoration, and endangered species recovery in lower Redwood Creek. The County is seeking a Congressional appropriation for the U.S. Army Corps of Engineers to initiate a new-start Reconnaissance Study to analyze opportunities to provide adequate flood protection to the community of Orick and restore the Redwood Creek estuary. It should be noted that the Corps is on record indicating that the Redwood Creek levee system is not performing as intended and that a Reconnaissance Study is needed to address urgent flood protection and ecosystem restoration concerns.

### **RETAIN STATE, COUNTY ROADS IN INDIAN RESERVATION ROADS (IRR) INVENTORY**

California's tribes have long been underserved in the federally funded IRR program. As a result, the roads, bridges and transit systems that make up the California State Transportation System and provide access to the 109 federally recognized Tribes and rancherias in California are in such poor condition that the health, safety, security and economic well-being of Tribal members and California's traveling public are in jeopardy. Efforts are continually underway to erase those improvements and decrease the amount of money flowing to California.

## FEDERAL APPROPRIATION REQUESTS

The changes proposed to the IRR funding would remove state and county roads from the IRR inventory. These changes would reduce current funding available to California tribes by nearly one-third. To date, Humboldt County has received over \$1.3 million from local Tribes for improvements on county roads, with \$2.5 million in additional projects moving forward. This funding could be compromised by proposed changes in IRR funding allocations.

The County opposes changes to the Indian Reservation Roads Program that would remove state and county roads from the IRR inventory.

### REAUTHORIZATION OF SECURE RURAL SCHOOLS

In 1908, Congress passed legislation that created a funding mechanism to offset the effects of removing National Forest System lands from economic development. The Act specified that 25 percent of all revenues generated from the multiple-use management of the National Forests be shared with counties to support public roads and schools.

The initial revenue sharing mechanism worked well from 1908 to about 1986. After 1986, however, the multiple-use management of the National Forests sharply dropped, followed by a commensurate drop in revenues. Largely as a result of county and school officials banding together, Congress approved in 2000 the *Secure Rural Schools and Self-Determination Act*. The law stabilized the share of forest receipts for counties by allowing jurisdictions to collect 25 percent of the current year's receipts or the average of the highest three years since 1986, whichever was greater.

The SRS program expired at the end of fiscal year 2011; however, Congress provided a one-year extension of the program (through fiscal year 2012) as part of the nation's surface transportation law (MAP-21), and for an additional year (through fiscal year 2013) as part the *Helium Stewardship Act*. In fiscal year 2014, Humboldt County received approximately \$935,963. These revenues supported schools and the maintenance of infrastructure, and the health of watersheds and ecosystems.

Unless Congress extends or reauthorizes the SRS, county payments will return to a revenue-based system. Consequently, Humboldt County could be left with significantly less funding than in recent years.

Humboldt County supports a multi-year renewal of SRS. However, in the absence of a long-term agreement, the County supports a short-term extension of funding. As part of a long-term reauthorization bill, the County supports re-establishing active management of the nation's forests, promoting responsible timber production on Forest Service commercial timber land, and revising Title III of the Act to allow fire protection funds to be spent as flexibly as possible, as funds are currently limited to fire protection activities on federal lands, severely restricting fire departments from containing fires adjacent to federal land.

# **FEDERAL APPROPRIATION REQUESTS**

## **LONG-TERM FEDERAL TRANSPORTATION BILL**

Congress has enacted an extension of its two-year surface transportation funding bill (MAP-21), through May of 2015. The short-term extension compared with the length of prior funding bills (five to six years) will lead once again to a system where long-term planning of transportation projects is compromised.

The County supports efforts to reauthorize MAP-21. This support includes providing a new, long-term funding bill for roads that provides for proper maintenance for local road systems, including funds for reducing fatalities on rural roads, maintaining a dedicated federal funding stream for local bridges, streamlining the regulatory and project delivery processes, and expanding funding for Safe Routes to Schools to promote safe access to schools.

## **HOMELAND SECURITY – FULL FUNDING OF SECURITY MANDATES FOR COMMERCIAL AIRPORTS**

After the terrorist attacks on September 11, 2001, the Department of Homeland Security was created to provide for safe aviation travel in the United States. As an outcome, airports were required to increase security at commercial airports. The Humboldt County Department of Public Works – Aviation Division contracts with the Humboldt County Sheriff's Department to provide the additional security required. The Department of Homeland Security reimburses the County on an hourly rate for the required service, but does not pay the full hourly rate of the mandated security and has been reducing the hourly rate of reimbursement annually.

The County supports funding to cover the costs of providing mandated security at the California Redwood Coast – Humboldt County Airport.

## **FUNDING FOR RURAL WATER SUPPLY AND WASTEWATER PROJECTS**

Humboldt County's small rural communities are in need of financial assistance to maintain or upgrade water supply and wastewater systems. Many systems are approaching the end of their useful life and require levels of capital investment that exceed rate-payers' ability to pay. In the worst cases, failing systems pose serious health risks, degrade water quality, prevent economic development and trigger regulatory violations and financial penalties.

The County strongly supports legislation that maintains or increases federal funding for small community water and wastewater projects.