

LEGALIZATION:

HARMING THE ENVIRONMENT & ENDANGERING SMALL FARMERS



Since legalization Humboldt County's world famous legacy cannabis cultivators have been buried in complex and costly compliance regulations, and composted by civil penalties and property liens, leading some to call legalization "Prohibition 2.0."

In roughly a four year period, the Humboldt County Planning and Building Department delivered more notices and warning letters to abate cannabis cultivation than the number of farms the department effectively brought into the legal market. At least 90% of the 10,000-30,000 original farms were left un-permitted.

The promise of legalization has not delivered, culturally or environmentally. The majority of cannabis abatement notices have gone to farms less than 10,000 sq. ft. while most of the farms that were approved for annual cultivation permits are 10,000 sq. ft. and greater in size.

The stated plan of the County for the abatement program was to remove growers who caused environmental harm and to get farmers to come into compliance. In effect, it appears to have disregarded farmers who aspire to cultivate on a small scale, rather than commercially. A cost assessment done by one local permitted farmer concluded he had to grow "10,000 sq ft just to break even," while gardens of that size make some farmers gasp.

Additionally, the primary inhibitor to compliance according to a UC Berkeley Cannabis Research Center study was cost, complexities, and inconsistent, changing regulations. The effectiveness of the County's use of threats, excessive fines and liens as a mechanism to encourage compliance has yet to be actualized.

Depending on the violations, abatement notices generally threaten \$10,000-\$45,000 in daily fines and give 10 days (upon receipt) to resolve alleged nuisances and hire various experts. Oftentimes people still accrue additional costs and penalties, even when falsely accused.

It's not only cannabis cultivators with a bullseye on their homesteads via the eye-in-the-sky either. Elders, vegetable farmers, medical cannabis growers, home-builders and even local nuns growing food in greenhouses have been caught up in the ongoing satellite enforcement, all amidst a pandemic and economic collapse. Almost 500 abatement warning letters went out in the winter of 2019, mostly to micro farms and properties with tiny greenhouses, often growing food year-around, and a mere months before the lockdown.

One Southern Humboldt elder said that before she received an abatement warning letter she used to put up a 12' x 20' hoop greenhouse and was growing nine "small medium plants" along with vegetables in grow bags, but in 2020, she said, "I'm scared to even grow my six cannabis plants as well as veggies, because I'm on the river. The fines from possible building code violations on my almost 100 year old house has created insecurities that are outrageous. My partner is in their 80s with health concerns. I am in my 70s and their sole caretaker. We need the cannabis, but we would go under financially if they go after code violations with their gigantic fines."

Some property owners have concluded that having a greenhouse, even just for food cultivation, is too much of a liability.

The war on drugs has never been more profitable for the county. In less than four years, the "Humboldt Environmental Impact Reduction" (HEIR) program, also known as the satellite cannabis abatement program, has over \$5,429,086 and counting on the books in penalties and fees from mainly rural property owners. This is in addition to millions more (being negotiated still) in appeal hearing penalties and settlements. There are thirteen property liens for \$900,000 and one for \$150,000 that have been attached to properties already. At least three of these applied for a permit. Though the properties are unlikely to net that amount, if the County did collect the liens in full, it would total almost \$12 million more. This does not account for nineteen additional board-approved liens that are not assessed yet.

Property liens are a concern because even though the county has yet to force the sale of property to repay a debt, according to county code and other laws, this action is possible. Many folks who received abatements reportedly can't afford a permit, let alone a penalty. **If they happen to owe more than the property is worth, the county's efforts essentially only serve to eradicate the land owners.**

Of the 1,077 cannabis related notices in total, 71% went to **District Two - Southern Humboldt** - the epicenter for legacy cannabis cultivation, back-to-the land culture, those hit hardest by the drug war and many who were and are on the forefront of various environmental movements. Several were cited for living in an RV, having un-permitted homes, compost toilets, gray water systems, recycling piles and more.

Though most of the money collected was from rural regions where government services are scarce, i.e. adequate roads, healthcare services and schools, the penalties and fines go into the general fund for the entire county to consume.

As a result of cannabis enforcement and compliance processes, residents are experiencing a cultural shift of sorts, what some have even called "ethnic cleansing" or "a land grab." The sociological impacts of eradicating small legacy farmers while the County ushers in mega grows is increasingly apparent.

Once these were rural communities full of hundreds of small scale homesteads, typically run by families who are active in the community, who maybe worked and on the side grew their own food and medicines sustainably in the ground and under the sun. Now, you'll find mostly larger greenhouse "mixed light" grows (indoors essentially), extensive worker commutes, outsourced jobs, depleted wages, boarded up businesses, empty homesteads. Nonprofits, fire stations, schools and communities are struggling

Humboldt County Policy makers claimed legalization would protect the environment, but, whether intentionally or not, Prop 64 and the local Commercial Cannabis Marijuana Land Use Ordinance (CCMLUO) has debatably caused more adverse impacts than the traditional market.

Environmental organizations and activists are concerned water resources are being threatened by the ordinance's preference of well drilling during a drought, causing harm to sensitive habitat, wildlife and fish. Local volunteer emergency responders and even the California Department of Fish & Wildlife have voiced concern for large projects in remote locations and the un-addressed cumulative impacts on habitat, roads, and increase in fire and other emergency risks. Some are concerned about the "retirement, remediation and relocation" program which seems to have had the opposite effect in allowing a handful of large farms to "stack permits." Others are worried that the county is encouraging larger industrial scale projects that could legitimately threaten the health, safety and welfare of the community and ecosystems, while inadvertently and needlessly driving small traditional market and medical cultivators indoors, thus encouraging fossil fuel use and exacerbating climate change.

Humboldt County's cultural and literal landscape is being altered rapidly as the past four years of cannabis enforcement and compliance policies have, according to some lawyers, contributed to environmental harm, in part due to misinterpretations and violations of California Environmental Quality Act (CEQA) and other laws.

A lawsuit filed April 8 against the Rolling Meadow Ranch approval of an 8.5 acre mixed light cannabis project, claims Humboldt County's practices are, "Not isolated occurrences but instead part of a larger pattern and practice of bending environmental and land use rules to allow large-scale commercial cannabis projects to proceed in undeveloped areas, amid rare prairie and wildlife ecosystems, with limited assured water supplies, and inadequate access roads."

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Went to a Dispensary in San Francisco Recently

to do some research, quite a novel experience. I've also been out of medicine for too long because I was only allowed 6 plants last year.

When I met the bud tender (is that what they are called now?) I said, "I'll take a couple ounces of your best sativa and indica strains," and the fellow just laughed. I didn't understand why until I saw their steep price tag - in grams. Huh? I had to bust out my calculator, grams you say?

The owner and the vibe were lovely, but \$100 later I had a couple tiny glass jars (thank you for glass!) and so-so smoke that didn't last long.

When I got home I ran the numbers and realized that if medicinal cannabis consumers purchased cannabis at dispensaries they could easily spend upwards of 60k annually just on flower alone, no concentrate considerations. That means the majority of patients are deprived of much needed medicine for lack of money. I don't know a lot of patients who have that kind of extra money either, do you? And why should they have to?

Once upon a time pre legalization people used to grow say 20-30 plants in their backyards sustainably, they didn't have to go anywhere, no packaging, no fossil fuels, no middle men, no store fronts or security guards. they just threw it on the line and in their pipe. But now that same medicine costs more than the majority of Americans make annually? Somethings seriously wrong with this picture.

Legal Small Farmers don't make enough to sustain their farms oftentimes. Meanwhile the consumer has to be rich to enjoy the fruits of the ~5% of farms who could afford the permit process and navigate its complexities?

Here's a critical matter to consider as well- The quality of the "best strains" in the middle of San Francisco were atrocious! The were Definitely not from the Humboldt farmers I have had the pleasure to cross paths with. Where is this stuff coming from?

My message to permitted farms, particularly the larger ones and/or those who have excess time and money: please step up to assist those left out of the permit process in your community and speak up against projects that do not align with the community's values. without our elders and legacy small farmers at the table, no one in our community will survive legalization and that impacts everyone and thing, especially the environment.

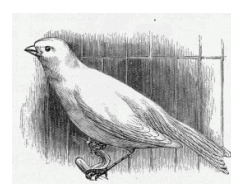
Additionally I ask that you reflect on Future market considerations- You have to have quality, quantity and/or a niche to make it in the legal game right?

Well, Locally, farmers are not allowed, or they cannot fathom or afford the quantity on the scale of the rest of the state. 8.5 acre Rolling meadow ranch is a small farm in comparison to what we see across California let's be real.

Niches (including tourism) are still up for the taking and should definitely be explored (!!!), but the county sure isn't opening any doors as far as I can tell.

So It's incredibly important to sustain the local product QUALITY before we lose the county's legal market value. I want to see more locals, more micro farms, more Permaculture, more elders singing to plants, more direct sale farmers markets, compost teas and biodynamics. I want to taste the love in the legal product, not just the profit motives. Please don't let the dollar signs dissuade you from doing what you know is right for your neighbors and the environment. The spirit of this sacred plant is depending on us all to get this right.

- SHAKTI



Humboldt Abatement Notices by County District:

DISTRICT 1 (10%)	106
DISTRICT 2 (71%)	761
DISTRICT 3 (2%)	23
DISTRICT 4 (0%)	0
DISTRICT 5 (17%)	187
TOTAL	1,077