

" PERSECUTED BY THIEVES "

Part two Continued from Front Page

The issue I have with calling stacked plastic pots "solid waste" and worthy of a \$9,250 fine is two fold. Can you imagine if everyone with a stacked planter pots in their yard got a \$9,250 fine? This is standard gardening practice, when not in use they sit stacked for future use. Secondly, there is no actual harm in having pots to grow things in, whatever that might be. This decision orders someone to move containers used to grow food/medicine, in a large pile of trash in a dump far away in order to "protect the environment." How is this helping the environment if these plastic pots could be instead reused? Recycle, reduce, REUSE.

This particular county code is meant to charge people for harmful chemicals being leached into streams (hence the steep price tag), not for plastic pots. We all hear about this "rodenticide (etc.) running into streams from illegal cultivation sites." This narrative is more often propaganda that enables violent attacks on our rights. Not for harmful chemicals as claimed, but for stacked plastic pots they call "solid waste." The county apparently wants all items on your property in watertight containers, which are often also made of plastic. What is the difference to the environment if water runs off a plastic tote full of plastic pots or a plastic pot, but the increased plastic use?

The county claims immense environmental damage is happening and so justifies these abatements and excessive fines, but it's really just standard off grid living that's being criminalized here. Photographed in this particular decision order as evidence, is a cleaned plastic recycling run in the bed of a newer truck, it's organized neatly, ready to be driven away and recycled. When you live off grid it is beyond common to gather your recycling and trash for weekly or monthly dump runs- depending on use.

The issue I have with the junk car accusation is four-fold. Have you ever heard of planned obsolescence? These cars are not built to last and none of these property owners were negligent in creating an auto manufacturing system of total waste and pollution. They paid with their tax dollars to save these industries over a decade ago, and now they are paying royally on the back end for their inefficiency. Speaking of inefficiency, have you seen the roads in Humboldt County? Many people have their cars turned into junk just from driving on them. Ask any local mechanic the cars are horrendous in Humboldt County directly resulting from road conditions. Did you know that the amount of resources it takes to produce brand new car, far exceeds the resources it consumes in its entire life? So instead of buying a brand new hybrid or SUV (like the cops and many government employees do), try repairing an old car if you want to help the environment.

We also all know how difficult it is to accomplish anything at the DMV, yet if you have an unregistered car on your property, even a registered one that the county deems junk, you get charged \$3,700? No wonder people light cars on fire in the hills so much, they are a total liability and difficult to deal with. The county is criminalizing people for having older cars on their property, perhaps that came with the land when purchased, or cars that they cannot afford to dispose of. Disposing of a legitimate junk car (in less than ten days) also requires being the registered owner (or a property owner, and it takes more than 10 days). Again just moving something allegedly harmful to a big pile of trash farther away doesn't accomplish anything for the environment. Many of the vehicles the county calls junk which are pictured on this abated property, have newer paint jobs and look rather nice to me. One of the vehicles appears to be someone's home. Which is another issue I have with these allegations.

We all know housing, especially affordable and/or quality housing, is hard to find in Humboldt. As a consequence of the lack of affordable housing coupled with immense work opportunities (not found in many parts of this country other than extractive industry towns), so folks have made due with renting out RV's and other non-permanent structures, sometimes seasonally.

These County arguments are very ironic because in many instances people are being further victimized by ongoing County neglect and negligence. Some abatement recipients



who endured their first hearing were even victims of trespass grows that the county refused to resolve after many attempts in calling the sheriffs to cut the plants.

Another interesting aspect of this hearing decision is that when you look at the greenhouses in question, you will see photos that look identical to any permitted farm and often right next door. In one case some structures including the notably tidy home, were on the property before owner purchased it. The greenhouses were disassembled but still received a fine of \$18,500. At least one of the greenhouses in question was high end, a permanent wooden structure, the sort of greenhouse that any farmer would be thrilled to utilize. There is no harm caused by these structures on property, but again a potential benefit to the environment in cultivating for you're your own needs. It's as if the County is trying to out-hippie the hippies, calling general off-grid living and cultivating a plant, a Category 4 Violation that has, "a significant and/or substantial impact on the health, safety, comfort and/or general welfare of the public. (Ord. 2576 sec 5, 6/26/17)," all under legalization of a plant that should have never been illegal.

Local advocate and Criminal Defense Attorney, Eugene Denson who specializes in Cannabis-related cases argues in one abatement hearing closing statement,

"The best indication of the fines the people of California felt were appropriate for unlicensed cannabis cultivation are found in Proposition 64, a ballot initiative passed in November 2016 and codified in part in Health and Safety Code 11358 (c):

"Every person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than 6 living cannabis plants shall be punished by imprisonment in a county jail for not more than 6 months, or by a fine of not more than \$500, or by both such fine and imprisonment."

Possession of cannabis for sale, HS 11359, carries the same punishment. Proposition 64 passed by about 57% of the vote. The people of California do not consider unlicensed cultivation more than a minor misdemeanor...The harm from the greenhouses is negligible. Had the County exemption fees been paid they would have come to under \$1000. There is no allegation that they present any danger to anyone in any way. These are insubstantial buildings on one floor. The Building inspector would have simply checked the setbacks and exempted them had he seen them...

The cultivation of marijuana described here is in no way a cause of a either a significant or substantial impact on the health, safety, comfort, and/or general welfare of the public. The Board of Supervisors have broad powers to pass ordinances regarding land use, but they do not have the power to create their own facts.

The County has licensed perhaps 1,400 people to cultivate commercial cannabis and solicits more. Acres and acres of licensed cultivation of cannabis is occurring throughout the unincorporated parts of the county. Assuming that the county would not issue permits for cannabis which has these awful

effects, they must be saying that lacking a permit is the cause of the impacts. There is no physical difference between permitted and unpermitted cannabis.

The People of the State of California have made their opinion on the dangers of cannabis quite clear by legalizing it. They are aware that some people will cultivate without paperwork and have set criminal penalties for such cultivation. These penalties do not satisfy the bureaucrats so they have concocted these Administrative regulations and fines in an end-run around the will of the voters. Unpermitted cultivation is a police matter, not a land use matter, and passing laws with assertions of "alternate facts" is not good governance."

Grading is not ideal obviously, I personally have a shovel-only policy in my garden and know I am not alone. However the charge is NOT for the grading itself, that's totally legal and "not harmful" according to Humboldt County. It's "grading without a permit" that is the issue for the County. Just like with permitted cannabis cultivation, paying for a piece of paper to permit grading or cultivation does not change the environmental impact (besides encouraging mega-monoculture-growing with higher costs). It's a matter of county greed and criminalizing people who do not have money, patience for permits, or awareness of the law.

I do not see evidence in this decision of grading beyond a rain catchment pond that appears to have been made a long time ago surrounded by an ecosystem that relies on it. The pond possibly could have been dug before the owner purchased the property. The person who graded the pond was not discussed at these hearings at all. These threats of hundreds of thousands in fines, or tens of thousands a day, depend on culpability (also actual harm, ability to pay and similar fines) in order to justify their excessiveness. The people who actually did the grading, those who grew cannabis, or who used these compost toilets are not questioned, not the county for allowing harm, just the property owners.

In one abatement hearing decision order there are 19 costly demands alongside difficult deadlines such as, hire an engineer for several thousands within 8 weeks (engineers are VERY busy- good luck!), pay many more thousands for a heavy equipment operator to fill in a rain water catchment pond/un-grade (the cost of a new water source and permits if you live there), remove all "junk" vehicles and pay for their disposal within a month, get a permit for your house within 6 months, fill in compost toilet in 30 days (buy your helpers a shovel I guess?), remove plastic growing containers currently in a neat pile to the dump in a week, remove structures and soil within a month, and more.

None of these abatement decisions have evidence of soil sample analysis, but all are said to have harmed the land or have toxic soil that "must be removed." Living earth, microorganisms, nutrients that birth life, where is the harm in living soil? They treat it like anthrax. If it is such a hazard, how is it for sale on the shelves at every garden store? Where is the attack on soil manufactures if it is so harmful?

This particular property owner was charged \$88,000 in Administrative penalties. Another was charged \$150,000 who didn't even show up to defend himself. Additionally they have to pay for the hearing officer (amount undisclosed) and about 3k to the PBD. If he does not pay this in 90 days he gets a lien against his property. "A lien is a legal right or claim against a piece of property by a creditor. Liens are commonly placed against property such as homes and cars so creditors can collect what is owed to them."

Part Three is on the Next Page

"One has not only a legal but moral responsibility to obey just laws. Conversely one has a moral responsibility to disobey unjust laws"

~ Martin Luther King Jr.



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"The question is not whether we will be extremist, but what kind of extremist we will be- will we we be extremist for hate, or for love"

-MLK

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