

'GREENSWEEP 2.0' Continues from front page



“...(M)any law enforcement agencies are taking advantage of **Unmanned Ariel Surveillance (UAS)** ... These efforts, however, raise many Fourth Amendment implications for the privacy of those surveilled. Many people would like the Supreme Court to find **UAS surveillance unconstitutional**, but current Fourth Amendment conventional aerial-surveillance jurisprudence appears likely to extend to **UAS surveillance operations... those worried about losing privacy to warrantless law enforcement UAS surveillance should continue to seek legislation proscribing such conduct.** Such legislation may not affect the constitutionality of warrantless law enforcement **UAS surveillance**, but it can certainly protect Americans' privacy.”

-Berkley Technology Law Journal

Out-of-date aerial images often have nothing more than a greenhouse as alleged **proof of cultivation**. The assumption is that every one in the Humboldt hills with a greenhouse is cultivating cannabis. (Note: hoop houses, i.e. curved PVC in ground, and not anchored to anything, beds, concrete, foundation etc., and no more than 120 sq. ft. do not require a permit- per the county).

I called the county to inquire about the requirements of maintaining a legal greenhouse for my fruit and vegetables garden. A county worker in the Planning and Building Dept., Heather states, “The easiest way to grow food in a greenhouse is to keep it under 120 sq. ft.” As I’m thinking 10x12, yeah that might cover half of my strawberries for the season, she continues, “If its bigger than 120 sq. ft., what you need is to get it permitted, which is dependent on the zoning.”

I continued to explain, 'My greenhouse is 20 x 30 sq. ft., as I am cultivating food for my family in an R1-Single family residential zone.' She replied that I need to go through (a very costly, \$1,000s, based on sq. ft.) full permit process, hire an engineer to certify it, produce 15 copies of site plan and 2 copies of construction plans, and get PG&E approval to get a permit.

This greenhouse permit process costs thousands of dollars, to simply grow organic food, which is incidentally what I was intending to save by cultivating my own food for the year, and so defeats the purpose of living more sustainably- thanks Hum. Co.! But then again nothing about legalization has increased sustainability thus far, nor dare I say, ever intended to.

How about Ag. Zoned properties I inquired? She states, “If the property is zoned for Ag. use and the greenhouse is solely for [non-cannabis] Ag. use they can probably get an Ag. exemption, but if its in the flood zone we may need a flood certificate.” This is far from what abatement letter recipients are experiencing with empty greenhouses county-wide.

I asked, “What specific laws/ordinances reflect these statements?” I was directed to the non user friendly

County website to sift through thousands of pages, which one must have a law degree to try to effectively interpret, to determine my responsibilities of having a small greenhouse.

Because folks are being charged for greenhouses, which have no cultivation of cannabis currently, I asked the statute of limitations on code violations? Heather states, “None,” There isn’t a statute of limitations, meaning the county can charge someone for having a greenhouse (as they are today) without a permit at any time, and at any time moving forward. (“All crimes except murder etc. have a statute of limitation. A statute of limitations states a period past which no prosecution can be undertaken. Some start at the act itself, others start at the discovery of the act. -ED). “Any structure built since 1962 requires a permit.” I asked again to be referenced to the Law that states this, and I was directed to their pages of codes, with no page number offered.

When asked; “Did these laws change recently?”, she stated, “No, these are the same regulations that have been in effect for many many years (since 1962). **There is increased enforcement related to cannabis, because of the new state laws that went into effect in January. In order to be legally cultivating they have to have both county and state licenses. The county is increasing their effort into going after people not meeting these regulations.**”

As she hung up I couldn’t help but left contemplating- The majority of farmers who applied for a permit are stuck in the process because of County inefficiency, which is the only reason they are unable to get a permit and comply with both state and county license requirements, this is a set up! And also when did growing food become a crime and in Humboldt County of all places? Many migrated here from poisoned lands far away to learn about permaculture, and self-sustaining lifestyles!

Even more painfully laughable is the fact that greenhouse cultivators, outhouse-users and the like being branded as criminals- The response you hear from the county when you call to correct their mistake- that indeed you have a greenhouse but you also have proof of the fact that you are not growing.

Abatement letter recipients quickly realize the impossibility of merely reaching an employee of the county on the phone. Additionally, if you demand the county come in person to see for themselves that their own accusations are false, that you are not growing, they often refuse to send a human witness.

It’s virtually a necessity to have a lawyer on call to deal with this abatement issue, but what about the folks who cannot afford attorney fees? They just loose their property because they had a greenhouse, logging property legacies like grading, a junk car, dirt, or an outhouse? Wow have we come a long way Humboldt County!

Another obvious question, I cant help but ask is, how exactly can one abate a nuisance that isn’t there anyway? I asked Eugene Denson, a local environmental, criminal, civil rights and cannabis attorney who has many abatement letter clients,

“Obviously you can’t. An Abatement is a requirement that you do something - fix the problem. The fact that it is not there means it has been abated.”

I asked ED what advice he has for cultivators who have received an abatement order? “Call a lawyer

immediately. Get all the pot off the land, take out the water lines etc. they have 10 days to respond i.e. to request the Attachment A permits, and file the attachment C request for a hearing. I recommend after getting the pot off the land, cleaning up all trash etc. starting with any that is in or near a stream, then a gully, then the flat sections. If they are taking water from any source but rainfall, get a 1602 permit from Fish and Wildlife. Get rid of junk cars.” (Good luck with the DMV)

I asked if ED knew much time the county spends investigating these properties before they are given a letter, including the workers, the owners, the duration of ownership, or actual environmental damage?

ED states, “It is done by the code enforcement unit (all bureaucrats, no cops). I would guess they spent 3-4 hours getting the pictures (from Google earth or TerraServer) and putting the name on the notices.” When asked about his experience with the county regarding abatement resolutions,” ED’s response was; **“The Code Enforcement Unit needs a lawyer.”**

I asked ED for advice for folks who believe the police reports, or advice for the media reporting on such situations? **“The most serious issues with law enforcement press releases are that they are conflationary and conclusory. They see violations which are not there, and they lump together things from different parcels and different people which makes the causal reader think that its all one investigation and whoever got arrested it the criminal.”**

It is so easy to see that these scene busts are painted in a destructive hue, to usher in ‘legitimization’ of a few, on the backs of the criminalized many. There is a direct correlation between the impossibility of working towards compliance with our corrupt county government, the crack down of small off-grid farmers, the propaganda machine painting them as criminals and the massive theft of personal property.

The most terrifying element of these abatements are that total lack of accountability over government agencies, much less than it ever has been, which as we know well doesn’t say much. Kym Kemp recently reported on her attempts to obtain basic information from Code Enforcement and Planning and Building Dept. whom is refusing to respond to the press, she states in her blog, “Since the first week of June we have been attempting to learn from the Department basic information about search warrants served in rural areas west of Redway.” Kemp continues in a published letter to the Department, **“A reasonable expectation is that the government will provide within a reasonable amount of time, a simple level of information when armed officers go onto private property in a democratic society...your agency is not being accountable to the public.”**

No farmer (or anyone for that matter) should condone these continuous county attacks and lies destroying people’s lives. As M.L.K warned, **“A threat to injustice anywhere is a threat to injustice everywhere.”** We need to rise up together, wake up from our legalization slumber, and read between the headlines Humboldt. Where we stand today, couldn’t be further from where this community came from, don’t forget your roots.

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

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