From Gold Rush to Green Rush: Cannabis Cultivation on Yurok Tribal Lands

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“The New World is in fact a very old world.”

California Indians

“Pre Contact”: over 1 million
1769: ~500,000 Native people living in California
1900: Less than 20,000
3 Waves of California Genocide

Spanish Missionization (1769-1820)
Mexican-American War (1821-1845)
Gold Rush/Formation of California (1846-1873)
Environmental Impacts of Gold Mining

- Food depletion
- Impacts to water quantity/quality
- Mercury contamination
- Destruction of other natural resources, e.g. timber
Welcome to California
Gold Rush → → → Green Rush

1. Land Dispossession
2. Indian Removal
3. Cultural Sovereignty
4. Ecological Colonialism
5. Impacts to Water
6. Impacts to Wildlife
7. Prioritization of Profit
8. Generational Impacts
The Rush mentality is what founded Humboldt County… people act like that was so long ago and we have just definitely moved on and we’re just this very green friendly place, we’re liberals, we’re leftist. This is how people think of Humboldt County but what founded us is this Gold Rush and we have been rushing ever since, and so after the Gold Rush ‘well, gold didn’t make us enough money, let’s rush any kind of minerals that we can get’ and then after that you have ‘well that didn’t make us enough, let’s rush timber’ and then after – you know what I mean? … And I think we’ve been rushing since 1849.

Cutcha Risling Baldy, Ph.D.
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Yurok Tribal Cannabis Law

- August 2006: Zero Tolerance Policy
  
  ** [August 2013: Cole Memorandum]

- September 2013: Controlled Substances Ordinance
STATEMENT OF REASONS FOR EMERGENCY ADOPTION

In accordance with the Yurok Tribe Public Hearing Ordinance section 5009, Council provides the following statement of reasons for adopting this ordinance as an emergency legislative act:

(a) The Yurok Tribe, Tribal members, and the Reservation community is under siege from unlawful cultivation of marijuana and drug manufacture;

(b) Such drug production operations present significant risk of harm to Tribal members from the risk, threat of, or actual physical violence, water quality and natural resource degradation, environmental devastation, and harm to wildlife and the Reservation ecosystem;

(c) Marijuana cultivation and harvesting is at a peak during the fall season, presenting additional risk of physical violence against and intimidation of Tribal members and the Reservation community;

(d) This creates an immediate threat to the public health, safety and welfare of Tribal members and to the Tribe and its natural resources;

(e) There is insufficient time to complete the public hearing process detailed in the Yurok Tribe Public Hearing Ordinance in order to adequately meet this immediate threat;

(f) Failure to enact this ordinance on an emergency basis would result in significant injury to the Tribe and Tribal members; and

(g) Council intends that this ordinance, while in force on an emergency basis, shall concurrently comply with the Yurok Tribe Public Hearing Ordinance to be presented to Council for adoption as an ordinary legislative act.
OPERATION YUROK A SUCCESS
Yurok-led effort nets more than 15,000 illegal pot plants
See story on page 4
Operation Yurok

- Tribal: Yurok Tribe Public Safety Department, Yurok Tribe Environmental Program
- County: Humboldt County Sheriff’s Office, Humboldt County District Attorney’s Office, Marin County Sheriff’s Office
- State: California National Guard Counterdrug Taskforce, California Department of Fish and Wildlife, California State Water Resources Control Board, Calfire, Pelican Bay State Prison Swat Team
- Federal: Bureau of Indian Affairs, Bureau of Land Management
Operation Yurok

- 2014: Eradicated 14,936 plants; Served 43 total search warrants; No arrests
- 2015: Eradicated over 70,000 plants; 8 arrests
- 2016: Eradicated 12,591 plants; Served 6 tribal warrants and 29 state warrants; 2 tribal arrests and 5 state arrests
- 2017: Eradicated approximately 4,000 plants
Press release from the Yurok Tribe:

After four years of aggressively eradicating environmentally destructive cannabis cultivation sites, Operation Yurok has delivered a major victory in the removal of all large scale marijuana grows on the Yurok Reservation.

"I attribute this accomplishment to the Operation Yurok team's perseverance and tenacity toward enforcing the Tribe's Zero Tolerance Policy, regarding all drugs, including medical marijuana," said Thomas P. O'Rourke Sr., Chairman of the Yurok Tribe. "This year, the Tribe is going to push pause on the operation, but we will continue to closely monitor tribal lands for the foreseeable future to prevent any further damage to the environment. We are also working closely with Humboldt County officials to investigate potentially illegal gardens just outside of the reservation's borders."

Late last week, in preparation for this year's operation, a Yurok Police Department investigator, working with staff members from the Tribe's environmental protection and cultural resource programs, spent two full days in a helicopter flying over the lower 44 miles of the Klamath River, but did not encounter a single, large cannabis grow.

In 2013, the Tribe initiated the first Operation Yurok in response to a fast-growing number of people who had moved to the Tribe's lands during the so-called Green Rush. Around the same time, three counties in close proximity to the reservation also saw a steep increase in illegal marijuana production, a likely by-product of the rural region's minimal law enforcement and prime growing conditions. More cannabis is grown in Humboldt, Trinity and Mendocino Counties than anywhere else in the United States.

The operation, now in its 5th year, aims to protect the reservation community from the many impacts associated with this black market industry. Those illegally cultivating cannabis on tribal lands have severely damaged several sacred sites, as well as habitat critical to fish and wildlife. Growers have illegally dammed up and diverted the flows of creeks that provide household water supplies to reservation families and support Klamath River salmon, an invaluable traditional resource. Additionally, tribal citizens are apprehensive about venturing into the forest because of the potential to be confronted by an armed grower.

"Reservation residents will no longer have to worry about running into unsavory people when they spend time in the forest," said Chairman O'Rourke.

In the past four years, Operation Yurok has raided grows run by individuals from the east coast of the United States, Southeast Asia and Latin America, including members of Mexican and other drug cartels. Law enforcement officers have also found guns and ammunition at almost every site.

At its peak in 2015, Operation Yurok eradicated more than 1 ton of marketable marijuana and more than 70,000 plants from 43 sites. Non-Indians were responsible for all but two of those served search warrants.
Environmental Impact Report

- Defining the baseline
- Potentially problematic assumptions:
  1. All cultivators will come into compliance
  2. Cultivators will not violate environmental regulations
  3. Law enforcement will effectively prevent environmental damages
- Question of interim permits
- Clarifying the cap
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PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
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Date: April 28, 2017
To: Applicants and Agents for Commercial Medical Cannabis Permits
Subject: Application Processing Update and Concerns

The Planning and Building Department has observed several trends processing Commercial Cannabis applications that have the potential to undermine your efforts to obtain appropriate permits and legally cultivate cannabis. Primary concerns relate to the lack of applications being made complete for processing and the number of sites with pending applications that are in violation of the Commercial Medical Marijuana Land Use Ordinance (CMMALUO). We offer this information to allow you to successfully pursue application(s) to approval and be eligible for state licensing.

Of the 2,316 applications submitted and currently not approved, only 125 are complete for processing. In the coming months we will be contacting those applicants whose applications have been incomplete for more than six months, informing them their application is in danger of being deemed withdrawn. County Zoning Ordinance regulations provide that deficient applications are deemed withdrawn after six months from the original application date. Given there is no current way to re-apply if your Cannabis application is deemed withdrawn, we are allowing this 180 day period to begin from the date the incomplete letter was sent to you. Applicants whose permit applications remain incomplete for 180 days beyond the date of the incomplete letter will be notified they have 30 days to complete their application or it will be deemed withdrawn. It is important to understand that without an application on file with the department there is no valid affidavit and there is no opportunity to re-apply until after the ordinance is modified.

We want to ensure all county applicants who want to apply for state licenses on January 1, 2018, have the local permits necessary to make that application. We expect the majority of the 125 complete applications, if not all, to be processed to decision by fall of 2017. For applicants with incomplete applications who want to take advantage of state licensing, time is running short to submit the required materials to complete your permit application and reach a decision prior to the State's anticipated license application start date of January 2018.

We are seeing and receiving complaints about applicants for new cultivation permits who have initiated improvements and/or started growing without permits, as well as existing cultivators applicants who have expanded their area of cultivation without approval. These are violations of the CMMALUO. All cannabis activity must be conducted in compliance with the ordinance. Starting cultivation activity, including related land modifications (i.e. grading), construction, and improvements, without a permit, for either a new cultivation or expansion of an existing site, is a violation of the CMMALUO. In order to be in compliance all illegal activity must cease. All newly constructed cannabis related illegal structures must be removed and the site restored, unless determined to be unfeasible, in which case an enforcement agreement will be required. This may result in significant fines and penalties and your permit application will not be processed until these issues are resolved.

The Department appreciates the investment and work required to submit a complete application and we are diligently processing these applications to decision.

[Signature]
John H. Ford
Director of Planning and Building

2019 North American Cannabis Summit 28
[Cannabis cultivators demonstrate] disrespect for and no acknowledgement of the tribal government and our authority and our jurisdiction to manage our own lands, and disrespect for tribal culture… It’s blatant disregard for our way of life in my opinion. Because we’re so intimately connected to our land and our river that we need, we need to help the environment to be healthy Yurok people and that’s not even a thought or recognized at all by these growers. They’re just trying to make money, it’s all just about making money.

Louisa McCovey, Director
Yurok Tribe Environmental Program
We’re still dealing with the effects of the Gold Rush on our environment. It’s been 150 years and they haven’t been able to mitigate what happened during the Gold Rush to our environment. When they blew up mountains, they have never been able to figure out how to regrow a mountain… these effects are long term and I don’t think that people approach the rush mentality with ‘What does that mean 150 years from now? So that’s what I think Rushing tells us – the word is right there. “Just rush into it, don’t worry about it, just go!

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Wok’hleww’!/Thank you!

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