



May 31st, 2022

**Re: OC Comments on Proposed, Readopted and Revised DCC Equity Fee Waiver  
Emergency Regulations**

Dear Deputy Director Hillsman and DCC Staff,

On behalf of Origins Council, representing nearly 900 licensed small and independent cannabis businesses in six rural, historic cannabis farming regions throughout California, we appreciate the opportunity to comment on proposed changes to state equity fee waiver regulations.

In our previous comments, submitted May 2nd, 2022 we emphasized that, over the past 6 months, equity licensing fee waivers have been a lifeline for our small rural equity farmers who are undergoing unprecedented economic hardship since investing in licensing their homestead cannabis farms in order to participate in the regulated market.

All six of Origins Council's representative member regions - Trinity County, Humboldt County, Mendocino County, Sonoma County, Nevada County, and the Big Sur region - have a local equity program in place, or one under development. These communities have experienced

significant, well documented region-wide impacts from the militarized War on Drugs, as established by completed and in-process local equity needs assessments. A substantial portion of these rural communities are HTC (Hard to Count) designated areas, rating from 47 to 127 on the CA - HTC Index of the California census.<sup>1</sup>

A significant number of our members have applied for equity licensing fee waivers, while they wait for local equity needs assessments to be conducted, local equity programs to be launched or grants to be issued from their recently established local equity programs. However, qualifying criteria for equity fee waivers is now proposed to change, moving the goalposts for applicants who initially qualified, but now may no longer qualify. These changes also affect jurisdictional governments that are working under considerable pressure to support local equity applicants and licensees in our communities experiencing active economic crises.

We appreciate the DCC considering our recommendation to expand qualification to include individuals with immediate family members who have experienced arrests as well as convictions. As outlined in our previous comments, we still believe that this category of impact criteria should be expanded to include raids and detentions, in addition to arrests and convictions.

In our previous comments we also urged the DCC to hold off on narrowing qualifying geographic criteria for applicants during this emergency rulemaking, and recommended the DCC address the narrowing of qualifying geographic criteria under the anticipated regular rulemaking for this policy in order to support adequate time for stakeholder analysis, discussion and comment submission, both among operators and local governments, regarding the impacts of narrowing geographic criteria.

After reviewing the proposed geographic criteria further, and the 2013-2017 designated ACS census tracts in particular, it appears to us that this proposed geographic narrowing specifically disadvantages rural legacy producing families that were harmed by the War on Drugs as victims of militarized raids and detention, but that did not experience arrests or convictions, and thus cannot meet the evidentiary requirements proposed in this regulatory package. These narrowed geographic requirements do not capture the unique impacts that the War on Drugs has had on rural communities throughout California.

. We have included a relevant excerpt from our May 3rd comments below:

In rural communities, patterns of cannabis enforcement did not result in convictions in many cases. The character of the War on Drugs in rural communities has been documented in many places, including a series of Cannabis Equity Assessments<sup>2</sup> conducted by the California Center for Rural Policy (CCRP). In the Humboldt Cannabis Equity Assessment, CCRP documents a range of CAMP and COMMET law enforcement

---

<sup>1</sup><https://cacensus.maps.arcgis.com/apps/webappviewer/index.html?id=48be59de0ba94a3dacff1c9116df8b37>

<sup>2</sup> <https://ccrp.humboldt.edu/research/cannabis-social-equity>

practices that were premised on inflicting terror and disrupting community networks, but fell short of conviction in many cases.

*“Communities were disrupted from regular paramilitary raids that disproportionately targeted Humboldt and Mendocino counties. Rural policing methods sometimes deviated from standards of professional police conduct toward citizens with constitutional protections...”*

*Fifty sworn declarations from County residents alleged*

*... warrantless searches and seizures, arbitrary detentions and destruction of property, and sustained low-altitude helicopter activity resulting in repeated invasions of privacy, emotional distress, property damage, disrupted schooling and work, and general danger to the public. Plaintiffs contend, in short, that CAMP is “out of control” and has turned its areas of operations into ‘war zones.’*

*In finding for the plaintiffs, the court found that official CAMP policy provided by the attorney general’s office and supported by Ruzzamenti’s testimony explicitly “endorses warrantless entries, searches, and seizures on private property,” lending “considerable credence to the allegations of warrantless searches and seizures and the oppressive character of the resulting encounters with innocent residents.”<sup>3</sup>*

In 1990, the federal government deployed over 200 U.S. Army soldiers and National Guard to Humboldt County in Operation Green Sweep, the first use of active-duty military personnel for a domestic drug enforcement operation. Specifically, the federal government deployed the Army’s Seventh Infantry Division, which had just returned from an invasion of Panama in the previous year. Although Green Sweep had tremendous impacts on the Humboldt cannabis producers and the community as a whole, the operation did not result in any arrests:

*“In the first use of active-duty troops to fight marijuana growing in the United States, a contingent of about 200 Army soldiers, National Guardsmen and Federal agents have spent the past two weeks raiding clandestine marijuana gardens in the rugged terrain of the King Range National Conservation Area.*

*The residents of southern Humboldt Country have responded with protests, complaining that the military convoys through their towns, the Blackhawk helicopters over their homes and the camouflaged and armed guardsmen prowling the woods have made the war on drugs too much like real war.*

---

<sup>3</sup> <https://humboldt.gov.org/DocumentCenter/View/78948/Humboldt-County-Cannabis-Equity-Assessment>

*In the operation, which ended today, the guardsmen and agents from the Bureau of Land Management and the Drug Enforcement Administration destroyed 1,200 plants producing potent sinsemilla marijuana and seized five tons of equipment used to maintain the remote 'guerrilla gardens.' No arrests of suspected marijuana growers were reported."<sup>4</sup>*

Other CAMP and COMMET practices including the use of helicopters, holding individuals at gunpoint, and raids and property destruction may have fallen short of conviction or arrest, but nevertheless functioned as part of an intentional strategy to disrupt community networks and inflict terror on cannabis producing communities.

We urgently request that the DCC consider two additional amendments to address these issues pursuant to the narrowing of geographical criteria:

First, we recommend that, regardless of residency, qualification under local equity program criteria be adequate to establish qualification under state equity fee guidelines. This would partially defer equity qualification to local governments which are in the best position to enact local guidelines, while also enabling the DCC to set statewide criteria for jurisdictions that do not yet have a local equity program.

Secondly the qualifying impact to equity applicants, operators and immediate family members should include raids and detentions, in addition to arrests and convictions.

We have reattached our previously submitted comments for reference.

Thank you for your consideration.

Sincerely,



Genine Coleman  
Executive Director  
Origins Council



Natalynne DeLapp  
Executive Director  
Humboldt County Growers Alliance



Oliver Bates  
President  
Big Sur Farmers Association



Diana Gamzon  
Executive Director  
Nevada County Cannabis Alliance



Michael Katz  
Executive Director  
Mendocino Cannabis Alliance



Adrien Keys  
President  
Trinity County Agricultural Alliance



Joanna Cedar  
Board Member & Policy Chair  
Sonoma County Growers Alliance