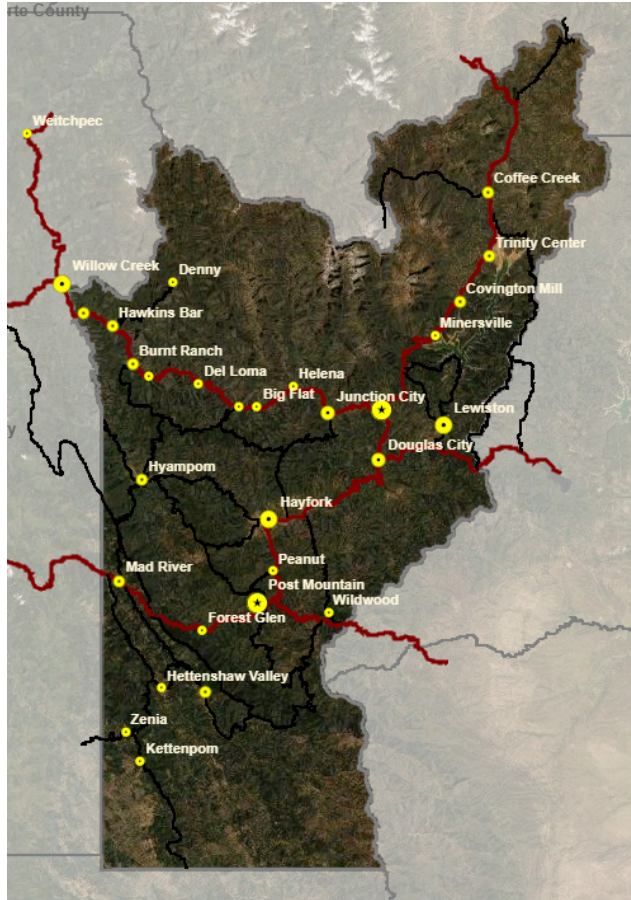




Trinity County Cannabis Equity Assessment

Abstract: The Trinity County Cannabis Equity Assessment provides a data-informed look at the history of impacts of poverty and the criminalization of cannabis on Trinity County communities. The assessment includes policy recommendations to guide the creation of a local cannabis equity program. The program can provide assistance to community members who have experienced harm from decades of criminalization of cannabis and poverty. The intent of the program is to reduce barriers for populations harmed by criminalization, and support their transition into the legal cannabis industry in Trinity County.



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Section 1. Executive Summary

The California Center for Rural Policy (CCRP) at Cal Poly Humboldt worked with the County of Trinity to create a Cannabis Equity Assessment (CEA) to:

- Provide a data-informed look at the history of impacts of poverty and the criminalization of cannabis on communities in Trinity County.
- Provide policy recommendations to guide the county as it develops its Local Equity Plan and program components which can help impacted community members transition to the legal cannabis market.
- Make recommendations for future research that will help assure equity and diversity in the emerging cannabis industry.

In order to accomplish this, CCRP partnered with the Humboldt Institute for Interdisciplinary Marijuana Research and Trinity County stakeholders to create the CEA. Trinity County is committed to equity as a key consideration as the State of California navigates the transition of the cannabis industry to legal status. Trinity County needs an equity program that makes sense for their residents and reflects the range of unique needs that can support each community's assets.

Trinity County intends to adopt the Trinity County Local Equity Program Manual to focus on inclusion and support of individuals and communities in the Trinity County cannabis industry who are linked to populations or regions of the county that were negatively or disproportionately impacted by cannabis criminalization, the war on drugs, and conditions of widespread rural poverty. Trinity County seeks to focus its local cannabis equity program on assisting stakeholders impacted by cannabis criminalization, smaller scale cannabis cultivators and small business entrepreneurs to overcome these barriers to entry, and to build support for long-term economic sustainability for the county. A Local Equity Program can provide significant assistance to communities impacted by cannabis criminalization and the war on drugs, especially those that are struggling to transition to the regulated market.

1.1 Key Takeaways from the Equity Analysis

- Due to a lawsuit that suspended the validity of local permits until site-specific CEQA compliance could be addressed and verified by the County, almost all Trinity County permittees were re-criminalized at the local level in September 2021.
- Trinity County is a legacy cultivation county targeted heavily by eradication programs and CAMP since the 1970s.

- Most of its permittees are small-scale cultivators (347, 94% of permittees cultivate under 10,000 sq. ft.) who are required by ordinance to maintain a home on site, reflecting the County's legacy of homestead cultivation.
- Trinity County is a sparsely populated rural county characterized by poverty and a lack of economic opportunities.
- In the last decade, Trinity County has experienced increased migration from ethnic Hmong-American families, most of whom came to the U.S. in the 1970s as political refugees resulting from their cooperation with US forces during the Vietnam War. Those communities traditionally grew hemp in their homelands. These communities face unique cultural and economic barriers to entry exacerbated by a significant language barrier.

1.2 Key Findings/Recommendations

For the complete explanation of findings and recommendations, please see Section 8.

Finding #1: Equity program eligibility factors should prioritize existing small-scale cultivation permittees' transition to annual State licensure and diversification of permitted activities.

Finding #2: Ensure applicants meeting equity program eligibility factors have adequate opportunity to take advantage of the program.

Finding #3: All peer jurisdictions who have implemented adult-use cannabis require data collection to understand the impact of the industry. CCRP recommends tracking data on general and equity applicants on an ongoing basis to measure the impact of the equity program.

Finding #4: The County should focus its equity program on helping cultivation licensees recover from loss of revenues, expenses, and risks of exposure to law enforcement from recent re-criminalization.

- Consider providing block grants of up to \$25,000 for cultivators who lost their season
- Consider reimbursing consultant costs related to conducting site-specific Appendix C review between September 2021 and December 2022.
- Consider an amnesty program for cultivators who chose to try to have a 2022 season but were abated and whose permits are otherwise in good standing.

Finding #5: The County should explore incentivizing and expanding the types of licenses it offers. Cultivation is the lowest value-added and most precarious part of the supply chain, and should be complemented by

- Consider providing technical assistance for environmentally sustainable certification and value-added activities such as processing, branding, manufacturing, marketing, and distribution
- Consider supporting cannabis event licenses beyond the existing County Fair temporary event license to create business opportunities for socioeconomically disadvantaged residents with limited access to capital. Event licenses have the lowest capital barrier to entry for all State cannabis licenses, since they do not have to be attached to permanent real estate, and can be used to promote tourism.

Finding #6: Create specific services/programs for equity applicants that address/mitigate barriers to entering the legal cannabis market. For the list of services/programs, please see section 8 of the report.

Finding #7: Cannabis revenues (such as cultivation/sales taxes) can be directed to community reinvestment programming to rebuild/restore environments and communities adversely impacted by the past criminalization of those involved in the cannabis industry.

Finding #8: All cannabis operators should provide equitable employment opportunities.

Finding #9: Update the Trinity County Equity Assessment next year and every three years afterwards to:

- Monitor and share progress of the Equity Program,
- Monitor and share trends in the emerging legal cannabis industry,
- Identify areas for course correction and/or unexpected consequences, and
- Demonstrate an ongoing commitment to data-informed decision making and strategic planning to ensure the County of Trinity's strong transition to a legal cannabis industry.

Section 2. Background

In 2018, the State of California enacted SB 1294 (Bradford) referred to as the California Cannabis Equity Act. The purpose was to ensure that persons most harmed by cannabis criminalization and poverty be offered assistance to enter the multibillion dollar cannabis industry as entrepreneurs.

According to SB 1294, “during the era of cannabis prohibition in California, the burdens of arrests, convictions, and long-term collateral consequences arising from a conviction fell disproportionately on Black and Latinx people, even though people of all races used and sold cannabis at nearly identical rates. The California Department of Justice data shows from 2006 to 2015, inclusive, Black Californians were two times more likely to be arrested for cannabis

misdeemeanors and five times more likely to be arrested for cannabis felonies than White Californians. During the same period, Latinx Californians were 35 percent more likely to be arrested for cannabis crimes than White Californians. The collateral consequences associated with cannabis law violations, coupled with generational poverty and a lack of access to resources, make it extraordinarily difficult for persons with convictions to enter the newly regulated industry.”

“Cannabis prohibition had a devastating impact on communities across California and across the United States. Persons convicted of a cannabis offense and their families suffer the long-term consequences of prohibition. These individuals have a more difficult time entering the newly created adult-use cannabis industry due, in part, to a lack of access to capital, business space, technical support, and regulatory compliance assistance.”

“It is the intent of the Legislature in enacting this act that the cannabis industry be representative of the state’s population, and that barriers to entering the industry are reduced through support to localities that have created local equity programs in their jurisdictions.”

“In order to accomplish this goal, SB 1294 created a fund for local jurisdictions which have created cannabis equity programs to apply for funding to assist local equity applicants and local equity licensees gain entry to and to successfully operate in the state’s regulated cannabis marketplace.”

According to GO-Biz “GO-Biz administers the Cannabis Equity Grants Program for Local Jurisdictions to aid local equity program efforts to support equity applicants and equity licensees. Offering technical support, regulatory compliance assistance, and assistance with securing the capital necessary to begin a business will further the stated intent of the AUMA by reducing barriers to entry into the regulated cannabis industry. Offering these types of support will also aid the state in its goal of eliminating or reducing the illicit cannabis market by bringing more people into the legal marketplace.”

Section 3. Overview

Trinity County, founded in 1850, has a current population of 16,112¹. Of those, 1,978, or 12.3% of the population, are recently arrived ethnic Hmong who came to Trinity to grow cannabis in the last decade. About 76% of the County is Federal land.² The County is very sparsely populated, with rugged terrain that adds considerable travel time from any one place in the County to another. Its economic fortunes were historically tied to extractive industries such as timber and

¹ U.S. Census Bureau (2020). 2020 DEC Redistricting Data. Retrieved from <https://data.census.gov/cedsci/table?t=Populations%20and%20People&g=0500000US06105&d=DEC%20Redistricting%20Data%20%28PL%2094-171%29>. Accessed April 18, 2022.

² 2019-2024 Housing Element, Trinity County.

mining, both of which have virtually disappeared except for the poorly maintained roads that make travel through the county difficult and long. Its major employers today are State and County Government Offices and Schools.³⁴

The population is older than the state average, and is a destination for retirees from urban areas seeking affordable locations for retirement. That segment of the population, centered in District 2⁵ where they are closer to government services, is sometimes in conflict with efforts by the County to adopt the regulated cannabis industry as a source of economic development. The County has a significant population of older military veterans. Many moved to Trinity afterwards and brought back cannabis seeds from overseas or had become accustomed to using cannabis frequently to help with PTSD or deal with trauma.

Trinity is the lowest earning county in California by earnings.⁶ According to the US Census Bureau, 23.2% of its population lives in poverty, one of the highest rates in the State. According to a recent Robert Wood Johnson Foundation report, Trinity ranks last in the state in health outcomes.⁷ Trinity County also ranks first in the state in per capita suicide rate.

The lack of economic opportunity, poor infrastructure, concentration of poverty and poor performance on community health metrics in one of the most beautiful, sparsely populated, geographically rugged jurisdictions in California has meant that for decades, people have cultivated cannabis among the ruins of its timber and mining industries. This informal economy began with countercultural “back to the land” migrants in the 1970s, spread amongst the population in the 1990s when environmental lawsuits virtually shut down logging in national forests that used to provide the County with revenue, and attracted new waves of migration in the 2000s and 2010s due to a combination of “push” factors. These included the 2008 financial crisis, the 2012-2016 “Green Rush,” and accompanying regional enforcement surges displacing cultivators from neighboring counties. Trinity’s relatively cheap real estate landscape also experienced a surge in prices during the Green Rush through 2018, when State MAUCSRA licensure was implemented.

As a result, Trinity County has a very high share of California State Cultivation licenses relative to its tiny population, reflecting its history as one of the three original “Emerald Triangle” jurisdictions along with Humboldt and Mendocino Counties. Regulated and unregulated

³ California Employment Development Department (2022). *Major Employers in Trinity County*. Retrieved from <https://www.labormarketinfo.edd.ca.gov/majorer/countymajorer.asp?CountyCode=000105>, accessed August 18, 2022.

⁴ State Government Offices include Highway Patrol & Shasta Trinity National Forest, County Government Offices include Health and Human Services Dept, County Landfill, Behavioral Health, Dept of Transportation, County Jail, Sheriff’s Department, and Narcotics Task Force.

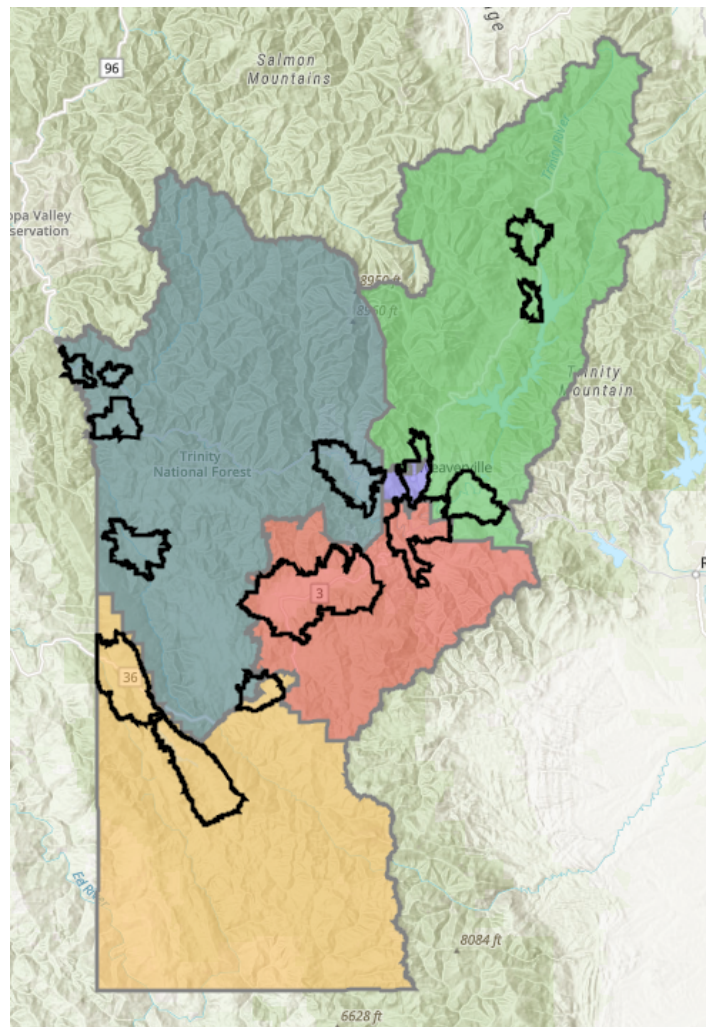
⁵ Stakeholder Interviews.

⁶ <https://stacker.com/california/lowest-earning-counties-california>

⁷ <https://www.countyhealthrankings.org/app/california/2022/rankings/outcomes/overall>

cultivation historically clustered in the Districts that neighbor those counties, on its western and southern borders (inclusive of Lake County which also borders Trinity to the south). Districts to the north and east of the county are smaller and more densely populated, sharing proximity to the County seat, the Sheriff's Office, and government services. They share political and cultural characteristics with Siskiyou and Shasta Counties, both of which do not permit regulated cannabis businesses: as a result, pushback against regulated cannabis cultivation has emerged in and around the Weaverville-Lewiston corridor. The pushback is not exclusive to this area: one interviewee noted that many critics of cannabis, legal and otherwise, come from Hayfork. While the County's lack of incorporated cities meant that no bans could be implemented within the County, a growing movement of non-cannabis stakeholders centered in Districts 1 and 2 has pushed the county to draw up plans for implementing opt-out zones.

Figure 1: Trinity County District Map (2021)⁸



⁸ Note District 1 in Green, District 2 in Purple, District 3 in Red, District 4 in Blue, and District 5 in Yellow

At the end of October 2021, almost every cultivation permit in the County was deemed invalid due to a successful lawsuit against the County's lack of appropriate CEQA documentation in its ordinance (see Section 6). While the Department of Cannabis Control issued a letter stating the ruling did not eliminate prospective annual state licensees from going forward, it eliminated their capacity to legally conduct business without fear of civil and criminal enforcement, until completing (and having the County sign off on after inspection) an Appendix C checklist for CEQA compliance at their respective sites.⁹ Every prospective permittee was then faced with a new round of unexpected expenses associated not only with unplanned infrastructure upgrades but consulting fees for new biological and cultural studies for their sites. Once completed, they then had to wait for an understaffed County to inspect and approve their site-specific CEQA assessment. As of early June 2022, the latest possible time to put plants in the ground for full term cultivation, 30 out of the County's estimated 399 permittees had completed their inspections. Most cultivators have faced the choice of trying to get their season off the ground illegally, at the local level, or write the season off entirely while still paying State annual fees that few can afford.

While the County has provided as much assurance as possible that they will not prosecute its re-criminalized license-seekers, its Code Enforcement unit still responds to neighbor complaints. More dire, though, is the risk of getting caught up in a Federal enforcement action. Trinity County has been and remains a major site for Federal eradication efforts, and while those usually focus on large-scale, environmentally destructive unregulated grows, it is not unheard of for smaller scale operators—including ones in process of becoming regulated—to get caught up in the net. One of our interviewees below highlights how this happens and what sort of devastating personal and financial impacts getting caught up in a Federal enforcement action can have.

While new and old barriers to entry threaten the transition of the County's cultivation stakeholders, like its peers in the Emerald Triangle, the majority of new and old cannabis stakeholders remain outside the regulated market (see Section 6), where they remain out of the reach of civil lawsuits as well as any incentives to reduce their environmental impacts. All information provided in this section will be explored in greater detail throughout the rest of the assessment.

Race/Ethnicity

Trinity County's largest census ethnic categories are white (72.2% compared with 41.1% in CA) and Asian Alone (13.8% compared with 15.4% in CA).¹⁰ Between the 2019 and 2020 census counts, Trinity County's Asian population saw an increase of almost ten times its size—going from roughly 200 in 2019 to roughly 2000 in 2020. The county's American Indian and Alaskan Native (2.7%) population proportion is higher than the State of California (1.6%). Trinity County

⁹ <https://drive.google.com/file/d/1GCVdek12X3epqGIob0zrmQSRPOxj-sx/view>

¹⁰ Ibid.

has a very low Hispanic population (5.8%) when compared to the state (39.4%), as well as a lower proportion of Black residents (0.4%) compared to the state (5.7%). Trinity County has a lower proportion of its population that identify as Some Other Race Alone (2.3%), compared to the state rate of 21.2%, and Two or More Races (8.4%), compared to the state rate of 14.6%. Approximately 3% of Trinity County's population is foreign born¹¹.

Income, Poverty, and Housing

Trinity County is a relatively poor county with a median household income of \$41,780¹² and a per capita income rate of \$26,228¹³. The aforementioned rates coincide with Trinity's high poverty rate which stands at 23.2%¹⁴. A comparison between the poverty rates of Trinity County and the State of California (12.6%) highlights significant disparity. Approximately half of the county's housing stock is in need of repair or replacement, as indicated by the most recent windshield survey conducted in 2009¹⁵. County building inspectors suggest conditions related to the housing stock have only worsened since the survey was conducted.

Educational Attainment

Approximately nineteen percent (19.2%) of residents over the age of 25 in Trinity County have their bachelor's degree, substantially lower than the state average (34.7%). Comparing rates of graduate degrees shows a lower differentiation, however residents in Trinity County over the age of 25 continue to have a lower rate (6.6%) than that of the state average (13.1%). Trinity County residents over 25, however, have a higher rate (93%) of high school or equivalent completion than the state (83.9%).¹⁶

Veteran Status

Trinity County is home to almost twice as many military veterans, proportionately, than that of the state: 9.8% compared to 5%.¹⁷ Of the county's veteran population, 47.2% of them are veterans of the Vietnam War, surpassing the state rate of 34.8%. Veteran populations are particularly afflicted with PTSD and, as a demographic, Vietnam veterans were significant consumers of cannabis and other drugs. In 1971, the Department of Defense estimated 51% of soldiers in Vietnam used cannabis, with many turning to heroin when the U.S. Army cracked

¹¹ U.S. Census Bureau (2016-2020). Trinity County QuickFacts. Retrieved from <https://www.census.gov/quickfacts/trinitycountycalifornia>. Accessed April 18, 2022.

¹² Ibid.

¹³ Ibid.

¹⁴ U.S. Census Bureau (2020). 2020 ACS 5-Year Estimates Subject Tables. *Poverty status in the past 12 months*. Retrieved from: <https://data.census.gov/cedsci/table?t=Poverty&g=0500000US06105>. Accessed April 18, 2022.

¹⁵ Placeworks (2020). Trinity County 2019-2024 Housing Element Update. Pg. 24. Retrieved from <https://www.hcd.ca.gov/housing-elements/docs/trinity-cou-6th-draft021920.pdf>. Accessed April 18, 2022.

¹⁶ U.S. Census Bureau (2020). 2020 ACS 5-Year Estimates Subject Tables. *Educational Attainment*. Retrieved from https://data.census.gov/cedsci/table?t=Educational%20Attainment&g=0400000US06_0500000US06105&tid=ACSS5Y2020.S1501. Accessed April 18, 2022.

¹⁷ U.S. Census Bureau (2020). 2020 ACS 5-Year Estimates Subject Tables. *Veteran Status*. Retrieved from https://data.census.gov/cedsci/table?t=Veterans&g=0400000US06_0500000US06105&tid=ACSS5Y2020.S2101. Accessed April 18, 2022.

down on cannabis use in tandem with militarized eradication by the Vietnam government in 1968.¹⁸

Health

Trinity County is ranked among the least healthy counties in California for health outcomes. Premature death rates highlight an extremely high number of years of potential life lost before the age of 75 in the county; Trinity ranks at the top with 14,300 years of potential life lost per capita. Comparison shows Trinity high above California in premature deaths as the state rate is 5,700 potential years per capita.¹⁹

Homicide & Suicide

Northern California counties rank as having some of the highest rates of homicide and suicide in the state. California Department of Public Health estimates that Trinity County's rate of homicide, aggregated alongside six other counties in northern California, is significantly above that of the state average.²⁰ Trinity's rate of homicide stands at 9.6, almost doubling California's rate at 5.4; Trinity County ranked 5th highest in the state for rate of homicide. In comparing suicide rates, Trinity County is ranked 3rd highest in the state. Trinity's rate at 24.4 doubles that of California's average of 10.7.²¹

Section 4. Equity Analysis

4.1 Methodology

A combination of primary and secondary data sources were utilized for the report. Primary data was collected through interviews with key stakeholders in Trinity County. Stakeholders represented the following sectors:

- Current elected officials (5)
- Local government departments engaged in cannabis-related work (5)
- Former local government staff (1)
- Local cannabis cultivators in the licensing process (13)
- Cannabis trade associations (2)

¹⁸ <https://www.history.com/news/drug-use-in-vietnam>, accessed August 16, 2021.

¹⁹ University of Wisconsin Population Health Institute (2019). *County Health Rankings and Roadmaps, Premature Death*. Retrieved from <https://www.countyhealthrankings.org/app/california/2022/measure/outcomes/1/map>, accessed June 15, 2022.

²⁰ Data related to Trinity County's homicide and suicide rates are aggregated with the following counties: Del Norte, Lassen, Modoc, Plumas, Sierra, Siskiyou.

²¹ California Department of Public Health (2019). *Preventing Violence in California Data Brief 1: Overview of Homicide and Suicide Deaths in California*. Retrieved from <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/ViolencePreventionInitiative.aspx>, accessed June 15, 2022.

- Cannabis consultant agencies (4)
- Law enforcement (1)

Other types of publicly available data were reviewed and analyzed, including data provided by Trinity County and publicly available data related to population demographics, health indicators, and cannabis arrests. County-specific secondary data sources reviewed by CCRP included:

- 2019-2024 Housing Element, Trinity County.
- Press releases from the following sources: CannabisNow, The New York Times, The Sacramento Bee, Redheaded Blackbelt, Asian Americans for Cannabis Education, North Coast Journal, Tribune Content Agency, Madison 365, Department of Cannabis Control,
- Marijuana Eradication Logs from the Trinity County Sheriff's Office (2008-2021).
- Publicly available arrest data from the Uniform Crime Reporting Program.
- United States Census Bureau data.

Limitations in the methodology of this report include data gaps from Trinity County and unaligned Census Bureau data sets. Considering Trinity is a particularly remote and poor county, significant limitations to data collection and summation exist. The aforementioned limitation also impacted the availability of local law enforcement arrest data, thus the arrest analysis of this report relies on marijuana eradication logs from the past 13 years alongside publicly available arrest data.

Two data sets from the United States Census Bureau were used for the purposes of this report; the 2020 American Community Survey (ACS) and the 2020 Decennial Census. These two data sets have very limited comparability, as their functions are different. The purpose of the decennial census is to count populations for congressional apportionment whereas the ACS measures changing social and economic characteristics over time. Key differences exist between count methodologies, such as the overall time frame in which they are conducted. According to the Census Bureau, large differences in data between the ACS and the Decennial Census counts can exist for areas that include large beach, lake, or mountain vacation areas or large migrant worker communities. With that being said, 2020 population counts by race/ethnicity in Trinity County differed significantly between the two datasets. The Decennial Census counted approximately a 89% increase in the Asian population compared to the ACS count, presumably because of the recent rise in the Hmong-American population.

4.2 Cannabis Criminalization and Impacted Communities in Trinity County

4.2.1 Assessment Overview

The purpose of this overview is to provide a high-level summary of the findings drawn from the rest of Section 4.2, which includes detailed ethnographic narrative, and Sections 5 and 6, which provide comprehensive analysis of contextual secondary data about the broader County environment in which Trinity County’s prospective cannabis equity stakeholders are operating.

For the purposes of this section, please see below a list of the subsections in 4.2:

- 4.2.1) Assessment Overview
- 4.2.2) Deep History
- 4.2.3) 1996-2010: Prelude to the Green Rush
- 4.2.4) 2010-2016: from the Green Rush to the Regulation Era
- 4.2.5) Currently Impacted Populations: Stakeholder Profiles (2021-present)
- 4.2.6) Hmong-American communities as impacted populations in Trinity County

As one of three neighboring rural California counties comprising the “Emerald Triangle,” Trinity County is a historically significant place connected with cannabis cultivation and California’s militarized eradication practices that emerged in the 1980s. Like Humboldt and Mendocino Counties, it was a rural destination for countercultural migration out of the turbulent urban fronts for the social movements of the 1960s as well as soldiers returning from Vietnam with PTSD and, for more than half, experienced cannabis consumers.²² The “back to the land” movement brought populations of relatively highly educated, cannabis-consuming people to remote parts of Northern California where the postwar timber economy decline had left land cheap and formal economic opportunities scarce (Corva 2014).²³ This is an origin story that California’s legacy cultivation jurisdictions have in common, and Trinity shares with its peers a subsequent history of CAMP enforcement with related impacts.

This shared path is part of how Trinity County and many other rural Northern California jurisdictions have been designated by California’s Community Reinvestment Program (Cal-CRG) as one of 29 “counties within California with a per capita drug related arrest rate higher than the state’s per capita drug related arrest rate.”²⁴ Rural poverty combined with the price support effects of prohibition created and sustained prohibition markets as de facto rural employment safety valves. This is the same basic dynamic that has created pockets of “drug war zones” associated with Disproportionately Impacted Areas (DIAs) in California’s wealthy urban centers. No research has yet been conducted to compare impoverished urban DIA arrest rates with rural ones: so far, the Cal-CRG designation is the only research that has identified inter-jurisdiction disproportionality across the State.

²² <https://www.history.com/news/drug-use-in-vietnam>, accessed August 19, 2022.

²³ Corva, Dominic, “Requiem for a CAMP.” *International Journal of Drug Policy* 25(1): 75-80.

²⁴ <https://static.business.ca.gov/wp-content/uploads/2021/08/CalCRG-Program-Grant-Solicitation-FY-2021-22.pdf>.

Over the decades, many different people from many different walks of life took up cannabis cultivation in the County. The collapse of the timber industry in the 1990s catalyzed participation in the industry by longtime residents and families who had been displaced from their jobs. For them, cannabis livelihoods allowed them to stay in their communities rather than relocate for employment. Our interviews indicate that the 2008 financial crisis similarly catalyzed participation in local cannabis markets, this time from extralocal people and families that were displaced from their homes and jobs elsewhere. Around 2010, the statewide “Green Rush” manifested strongly in Trinity County, attracting less communitarian, more extractive elements from all around the world. The explosion of larger scale medical cannabis cultivation in Trinity County between approximately 2012 and 2016, much of it extractivist and highly visible relative to earlier eras, exacerbated environmental impacts while also stimulating the local economy. Trinity community members in the Weaverville-Lewiston corridor (Districts 1 and 2), as well as many eco-friendly, small-scale, legacy cultivators throughout the County, were highly critical of the boom’s effect on the environment as well as its increasingly pervasive visibility in the landscape.

The Green Rush economic boom was considerable, and contributed to the passage of a 2016 local ordinance in anticipation of State regulation via both legislative medical reform (originally MMRSa) and, only slightly later, statewide initiative (AUMA). Our interviews indicated that the ordinance was oriented towards making getting a county cultivation permit as easy as possible, albeit restricted to [small, 10K sq ft, homestead] license types to reflect a preference for transitioning Trinity’s homestead-style legacy, and capped at 530 cultivation licenses. In the rush to pass the ordinance, the County unanimously passed an Environmental Impact Report (EIR) that failed to anticipate rigorous CEQA requirements associated with MAUCSRA’s later designation of cannabis as an agricultural product rather than an agricultural commodity (see section 6).

The ordinance was successful at attracting permit-seekers, first in the provisional permit window and then once the state licensing window opened in 2018. With 530 applicants, the County’s share of permits seeking State licensure established a significant share of the State’s cultivation licenses.²⁵ The County has struggled to process those permits over the last five years, due to chronic understaffing and high staff turnover. These are common problems for a socioeconomically disadvantaged rural jurisdiction, and they have been compounded by another common problem associated with jurisdictions of all types: without additional State funding, they were asked to create something that has never been done before, a framework for implementing State-level legalization on a compressed timeline. Like other jurisdictions, the emergence of the COVID pandemic also slowed down the County’s ability to process permits.

²⁵ It should be noted that, like in Humboldt and Mendocino Counties, permit-seekers represented a tiny fraction of existing cannabis cultivators in the County, and many of these were new to the County rather than existing stakeholders.

The State itself has recently recognized these structural problems and, last year, moved for the first time to assist jurisdictions that were struggling to move provisional licenses into annual ones. Trinity County was one of 17 California jurisdictions pre-selected to apply for the 2021 Local Jurisdiction Assistance Grant (LJAG) program.²⁶ This one-time \$100 million fund was awarded to jurisdictions “with a disproportionate share of state provisional licenses that had yet to advance to annual state licenses.” The funds target areas with the highest numbers of provisionally licensed businesses. Large numbers of small, legacy and equity businesses operate within these areas.” Trinity County’s base funding award of \$3,295,102 was the fifth-highest award in the state, after the City of Los Angeles, County of Humboldt, County of Mendocino and City of Oakland, in that order. The state provided additional funding to counties on the list that had standing Local Equity Programs: Humboldt and Mendocino received an additional \$10 million because of this. Humboldt County’s prior success getting its permits to annual state licensure means it is able to use the majority of its \$18.6 million award to provide water storage and solar infrastructure to its farmers, further mitigating environmental impacts from regulated market cultivation.

This is a very high relative level of state-determined assistance for a small, sparsely populated County. And it is directly related to the County’s history as a legacy cannabis cultivation area. It is the last of the three “Emerald Triangle” Counties to apply for California Equity Grant funding. A very significant share of their population remains dependent on the cannabis economy, regulated and unregulated. Humboldt and Mendocino Counties have received multiple rounds of funding. A Local Equity Program in Trinity County would not only provide funding to assist in the transition of a significant legacy cannabis cultivation population to the regulated market, it would make Trinity eligible for further State assistance predicated on having one like its Emerald Triangle peers.

Our interviews indicated that Trinity County faced exceptional difficulties finding and retaining staff to oversee and implement its permitting process relative to its peers. Peer jurisdictions offering higher salaries and greater access to basic services—schools, affordable housing and infrastructure, in particular—meant that qualified personnel often found greener pastures elsewhere. County staff were often “borrowed” from other positions and had to develop expertise on the fly. At the time we began our interview process (December 2021), Trinity County was once again hiring a cannabis program manager, who began their position in March 2022. According to an interviewee, numerous other lawsuits since 2016 have absorbed considerable staff time preparing documents, fulfilling public records requests, and going to trials or depositions.

The TAA lawsuit required the County to terminate all permit applications that did not have a site-specific CEQA review, which was, according to our interview with staff in the planning

²⁶ <https://cannabis.ca.gov/about-us/grant-funding/local-jurisdiction-assistance-grant-program/>

department, everyone but one Type 3 (medium outdoor license type) license holder. While Trinity County's cultivation communities got to work on their Appendix C CEQA checklist, generally by hiring consultants, the County itself went back to its database of applicants to assess and prioritize permit viability at that point. Part of the process involved digitizing its files for the first time. Many of its permit applications were incomplete or inadequately filled out, reflecting what was described to us as the chaotic nature of the 2016 urgency ordinance.

Fortunately, in the fall of 2021 the State's LJAG award (see Section 6) allowed the County to hire new staff as well as contract with two consulting firms to help process permit applications to verify CEQA compliance. By local law, no farms were allowed to have plants in the ground before inspection. This process began in early May 2022, in the middle of the seasonal window for starting full term and mixed light cultivation. According to stakeholder interviews, by June 2022, a total of 12 permits had been processed and by July 2022, 21 permits had been processed.

This means that most of Trinity County's permit seekers faced a very difficult choice: either risk cultivating illegally at the local level, or forgo the season. Given the collapse of the wholesale cultivation market the previous year and, in Trinity, extensive wildfire damage the two years before, most of these businesses were already on the brink of failure.²⁷ The drought has taken its toll on water availability, particularly well water, making CEQA compliance particularly difficult. A Trinity County stakeholder told us that "everyone needs water storage, we are in the third year of the worst drought we've ever had." Finally, the process of attempting to transition has made many cultivators downwardly mobile, socioeconomically speaking. Our interviews with cultivation stakeholders below indicate that many who started the process in 2016 and 2018 with relatively adequate capital have, by now, lost most if not all of it. This means criteria for being an equity stakeholder in Trinity County should include and prioritize something absolutely unique in the State: local, very recent re-criminalization.

4.2.2 Deep History

Historical legacy communities within Trinity County (1970-1996) initially bore the brunt of local law enforcement reactions to the countercultural "back to the land" movement documented extensively in Northern California, especially in the Emerald Triangle. These were concentrated in the Northwest corner of the County in Denny and downriver, in the Western parts of the County adjacent to Humboldt County around Highway 36 towards Zenia. The 1984 CAMP Report singled out Humboldt, Mendocino, and Trinity Counties as "the counties growing the largest amount of sinsemilla in California and the United States"²⁸ (14). Distinct from CAMP was the joint task force composed of Trinity County and the US Forest Service. They focused on

²⁷ Evidenced by the State's lifting of cannabis cultivation tax.

<https://www.gov.ca.gov/2022/06/30/governor-newsom-signs-budget-putting-money-back-in-californians-pockets-and-investing-in-states-future/>.

²⁸ <https://library.humboldt.edu/humco/holdings/CAMP/CAMP1984.pdf>

the Denny area in 1983-1984 so effectively that it was noted in the CAMP report: “[t]his intensified, highly visible program succeeded as evidenced by the fact that only 600 plants were spotted and eradicated in this area during CAMP ‘84 compared to 12,000 in 1983” (14).

According to our interviews, very few of the historical legacy operators remain and those that did mostly chose not to transition to legal cannabis due to the trauma of CAMP raids and direct law enforcement encounters that make them deeply distrustful of government oversight. However, some of their children and grandchildren whose immediate family members were directly impacted are part of the County’s regulated cannabis community. Their case for being equity stakeholders in the State is identical to those of back to the land communities in Mendocino and Humboldt Counties, who were disproportionately harassed, traumatized, and policed by CAMP and local law enforcement especially before but also after Proposition 215 was passed 1996.

We asked County Supervisor Jeremy Brown about the impact of cannabis criminalization on historical legacy communities, where they were, and whether they were potential equity stakeholders. He responded:

Denny with the old CAMP raids ... Some are permitted and some people won’t. Some people benefitted [from cannabis cultivation] and some have been impacted [by enforcement]. There will be some people who have parents who went to jail in the 80s, 90s, early 2000s. Probably a couple of legacy growers who went to jail but I don’t know them personally.

We posed the same question to a law enforcement representative, who was born and raised in Trinity County and has worked throughout his career in cannabis-related law enforcement. He also identified Denny’s historical significance and identified a key legacy cannabis cultivator from the area, B.E. Smith.

Denny used to be a hotspot. There aren’t that many grows in Denny any more, they are more family based now. We don’t have hardly any problems from people in Denny. The most infamous I would say was B.E. Smith. He was an old timer that wanted to mind his own business in the mountains. He was very nice.

Smith was a Vietnam veteran who settled in the Denny area in the early 1970s. He was part of a group of countercultural and survivalist cannabis cultivators who staked mining claims on public lands under an 1872 law. The US Forest Service considered them to be trespassers, and for a decade the legal conflict was accompanied by physical confrontations. These culminated in a series of raids by Forest Service enforcement and the National Guard in 1983, right before CAMP launched.

Well before Proposition 215 provided an affirmative defense for medical cannabis, Smith understood his relationship with the plant to be primarily therapeutic, as a way to treat the PTSD he developed as a Vietnam veteran that served between 1963 and 1969.

In a 2013 Discovery channel series called “Weed Country” (season 1, episode 2) Smith described his origins as a cannabis cultivator as a response to what he experienced in the war.

They taught us how to kill human beings. I did a damn good job. I was decorated. I was promoted very quickly. I had a big burden that was placed upon me, at only 20 years old. Fled to the mountains to escape the horrible memories ... then when I came home and grew a plant, they threw me into prison.

We will return to Smith’s direct law enforcement impact below, since it happened after 1996.

The Denny Canyon miners were located in the northeastern part of the county, more remote than other countercultural settlements that emerged in Trinity and certainly more militant. They included among their numbers one of our interviewees, a highly educated veteran of the 1960s anti war social movements who had been part of the Students for a Democratic Society and counted among his connections members of its militant offshoot, the Weather Underground. Some of the Denny miners relocated elsewhere in western Trinity County and became part of the legacy cannabis cultivation landscape. Our interviewee stayed in Denny and became a community organizer around environmental issues.

In other parts of the county like Zenia, Hyampom, Burnt Ranch, and Hayfork (the second most dense area of Trinity after Weaverville), cannabis cultivators were less militant and more likely to be composed of families “hanging out and going organic.” For legacy back to the landers, cannabis cultivation was part of a way of life that was woven into an ethos of environmental and community stewardship, rather than an extractive resource to be mined in search of wealth. Many settled in Hayfork, which was the County Seat before it was relocated to Weaverville. Sarah Aldinger’s 2015 Master’s Thesis from Humboldt State University²⁹ explains that

Many “back-to-the-landers” found their mountain home in Hayfork and began to homestead, growing their own food and medicine. The geographic isolation, natural beauty and low land prices offered incentives for this new wave of settlers. With this in-migration, the agricultural way of life was reinforced with an ethic of responsibility to the land and community (Aldinger 2015: 55).

²⁹ Aldinger, S (2015). Rural Resilience: Local Agriculture and Adaptations to Cycles of Change in Hayfork, California. Retrieved from <https://scholarworks.calstate.edu/concern/theses/sq87bx04f>, accessed August 22, 2022.

Cultivation livelihoods beyond those of the back to the land families spread across the County when the timber economy collapsed in the early 1990s due to environmental regulation. For much of the 1980s and 1990s, cannabis cultivation operated alongside the timber boom of the 1980s in Trinity County.

Although the prohibition-inflated value of farmgate cannabis shifted its economic value, legacy actors and their communities operated within a local economy that was otherwise dependent on private and public timber harvesting for employment and industry. In the early 1990s, a combination of timber industry globalization and consolidation in concert with Federal action to save old growth habitats decimated opportunities for employment in the local timber industry: Hayfork closed its last sawmill in 1996. According to Aldinger:

Upon its closure, the community of Hayfork suffered a major economic and cultural loss. Hayfork was a federally recognized, timber-dependent community with intimate and complex social and economic relationships with the surrounding federally-managed forest lands (USFS 2004). The mill closure signified a period of great social conflict and economic hardship for the community. The deindustrialization of timber left a disempowered community and a window of opportunity for either drastic rural decline or the growth and expansion of other industries (57).

Hayfork's economic collapse was mitigated by three forces: collaborative forest management, a local food movement, and the rise of the cannabis sector as an industrial boom after Proposition 215 passed in 1996 (Aldinger 57). The rise of the cannabis sector provided some resilience from its collapse, but those that chose this form of resilience became vulnerable to practices of cannabis criminalization associated with CAMP as well as increased participation in other drug economies, which also invited law enforcement.

The historical "legacy" cultivation communities in Trinity that we identified in our interviews are not reducible to back to the land hippies that brought both cultivation and law enforcement reaction there first. Our interviewees consistently acknowledged the precarious economic forces that pulled many older Trinity county families and individuals into cannabis cultivation. They, too, were vulnerable to CAMP and other law enforcement actions in the 1980s and 1990s.

The Board President of the County's cannabis trade association, Adrien Keys, was very specific about this, illuminating how the intersection of rural poverty and the drug war at large, not just cannabis criminalization, created a culture of fear, privacy and risk-taking that remains common today in California's rural cannabis legacy counties. The alternative was economic suicide and/or displacement from the communities in which they were raised.

Hayfork already had cultivation going on before I got here, on the low key. Much was coming out, not so much from back to the landers, not so much of a progressive community, but people who wanted to feed their families regardless so they set aside their values. Hayfork had an unspoken ethic about it, it was not talked about. The people I know who grew, told me that they would never talk about it, some shame because of morals. The pain that the community went through when the logging industry tanked, it broke families really bad. The bonds amongst those families are incredibly tight since they went through their crisis together. Kids got killed, went to prison, got on meth.

One of our interviewees, a Trinity County native who became a cannabis compliance consultant since the beginning of legal market implementation, provided insight into this impact from their time growing up. This individual explained that there was

... a high level of anxiety through CAMP season, that was the hardship of the really sweet hippy families that wanted to be off the map and grow a little weed. They were terrified during March to May, planting season. I went to high school with someone whose father went to prison for seven years.

Our interviews with Trinity County stakeholders about the deep historical rise of cannabis cultivation and impacts from cannabis criminalization and the war on drugs consistently identified legacy countercultural populations that were directly impacted, but also a growing population of internally economically displaced people who turned to cannabis as a resilience strategy. While a number of interviewees stressed that “bad actors” existed in the landscape, they acknowledged that they were or became integrated into Trinity communities because they blended into the landscape rather than becoming visible (Denny miners notwithstanding) and ecologically destructive. They were, however, vulnerable to CAMP eradication and law enforcement that was sometimes culturally motivated. Very few such stakeholders remain, but some of their children who were traumatized by CAMP and cannabis-related enforcement remain and may be eligible for assistance through equity grants.

4.2.3 1996-2010: Prelude to the Green Rush

After Prop 215 was passed in 1996, through 2004 when SB 420 established the medical card program, new waves of neo-“back to the land” individuals and families migrated especially to the Western part of Trinity County where the friction of terrain and distance from neighbors managed risk of exposure to local law enforcement. These individuals and families were broadly countercultural, continuing the legacy of their historical counterparts by creating homesteads and participating in and building community institutions with their “cash crop.” They were careful and private, with relatively small gardens that supplied patients and collectives, and grew their cannabis with the same ethic that they grew their vegetables, organically and with minimal

impact on the environment and their neighbors. These neo-back-to-the-land stakeholders had fewer direct encounters with law enforcement and eradication efforts, but those that did often found themselves swept up in broader efforts to reign in environmentally extractive actors who began to arrive on the scene.

The end of Federal timber harvesting eliminated a major contribution to the County's public coffers, straining police and code enforcement budgets. It also put many longtime County residents out of work, shutting down all but one of the mills in the jurisdiction. Many of those older families turned to cannabis cultivation livelihoods and ancillary industry work as a direct result of this severe reduction in livelihood opportunities. Additionally, other non-countercultural individuals and families were drawn to the area to cultivate cannabis, including Hmong-American migrants to the area who were often first employed as seasonal trimmers for the County's burgeoning medical cannabis scene.

At about the same time (1996-2004), individuals and organizations from outside of Trinity County were also drawn to the County's post-timber real estate values and vast National Forests. The period between 1996 and 2004 saw a massive increase in CAMP eradication of environmentally destructive mega-grows on Federal land, where Federal timber harvesting had taken place until conservation lawsuits shut them down in the early 1990s. According to our interviewees, the annual discovery and eradication of massive grows on public land in Trinity continued through the 2010s, diminishing only in the last few years.

In 1997, B.E. Smith announced to "bewildered" County Supervisors his plan to openly grow 1000 plants to be distributed to medical cannabis collectives as a Proposition 215 medical caregiver (Irvine 1997). As a noncommercial medical cannabis activist, Smith was again a pioneer, selling untrimmed pounds to his patient network for \$500, about 10% of the going rate for wholesale cannabis at the time (ibid). U.S. Marshals and Forest Service agents seized his plants and brought felony cultivation charges, resulting in one of the highest profile tests of California's new law.

One of his witnesses was Sister Somayah Kambui, a veteran Black Panther in Los Angeles who used his cannabis to treat pain from sickle cell anemia. The Hollywood actor Woody Harrelson was also a character witness, but Smith was convicted in May 1999 and sentenced to serve 27 months in a federal prison. He served 9 months, returned to Trinity County and resumed his lifelong practice of cultivating cannabis as a patient and caregiver.³⁰

The continuing legacy of B.E. Smith highlights the persistence of impacts to legacy cultivators and cultivation communities after Proposition 215. But in Trinity County between 1996 and

³⁰ CannabisNow (2020). *Legendary Emerald Triangle Freedom Fighter B.E. Smith Dies at 72*. Retrieved from <https://cannabisnow.com/legendary-emerald-triangle-freedom-fighter-b-e-smith-dies-at-72/>, accessed August 19, 2022.

approximately 2010, a broad array of new actors with many different relationships with the plant, many of them quite commercial, migrated to Trinity County. The people and practices associated with the worst aspects of the commercialized medical cannabis “Green Rush” contributed to a growing stigma around cannabis and a new culture clash.

Most of our interviewees identified negative environmental and social impacts associated with the Green Rush as part of what they thought about when they thought about the negative impacts of cannabis criminalization in Trinity County. “Cannabis criminalization,” the way they spoke about it, included the impacts on community bonds from people they considered, at best, to be motivated by greed rather than any positive relationship with the plant. At worst, they were spoken about as criminals, representing a different meaning for cannabis criminalization than the one that usually centers law enforcement. This is a subtle but, for most of our interviewees, important characterization, since the actions of those individuals heavily impacted the environmental watersheds and social ties of places where communitarian cultivation by “outlaws” [rather than criminals] was taking place.

While this dynamic unfolded throughout the County, the environmental and social impacts of the Green Rush were most commonly identified in the “Trinity Pines” subdivisions on Post Mountain, about a 30 minute drive south of Hayfork right off Highway 36.

TCAA President Adrien Keys cultivated cannabis in the Post Mountain community between 2002 and 2012, and described the rapid transformation of the area from a small, private, self-governing autonomous community into an ecologically devastated industrial cannabis campus, highly visible from the highway.

When you drove on the mountain off the highway, there was a sign that said welcome to Post Mountain, an autonomous self-governing community. Almost all the homes came to the community meetings. Vietnam refugees were there and some of them didn’t come. One of the things that made me feel close to the mountain, the woman who organized it was black and Cherokee, her son was in the Gulf War. By 2008, the character changed dramatically. We never cut a tree or graded, we grew in a natural spot. A simple quiet existence.

According to Keys, the 2008 financial crisis significantly impacted the trajectory of the Post Mountain cannabis community. Many of the new migrants to the area were new to the cannabis economy, rather than necessarily extractivists taking advantage of Trinity’s legacy conditions. But the cumulative environmental impact of their land use was significant and they drew increased attention from law enforcement to the area.

Then folks came in around the big housing bust. People were out of work. They came from a different background and place and didn't realize how totally terrifying growing weed was in the past. They cut all the trees and graded. They were very obvious. It was disappointing to watch a two acre parcel be cut into terraces like 2 basketball courts long, and then get busted. The busts didn't stop, people had more invested in the game. People started to get bigger and bigger, until one parcel adjoined the next and it was all clear cut. Enforcement couldn't happen since local law enforcement was outmatched. There was about 900 cultivation sites in that mountain. I watched that mountain get destroyed, it was painful. That was the biggest equity piece, what happened to the land and the area. The impact was there, and more people moved in who didn't want a simple quiet life in the woods. Industrialization was gnarly.

While Post Mountain was the most visible area where the financial crisis and the Green Rush correlated, the pattern was evidently an acceleration noted across the County the decade before.

The financial crisis also greatly impacted the County's ability to govern the expansion of cannabis cultivation, according to an interviewee.

As a county, we teetered on bankruptcy. The planning department went from 10 to 1. Road department was cut in half. County services were decimated. The state owed us [Trinity Alps Unified School District] \$10 million. We had to lay people off with up to 13 years of teaching in schools. A quarter of the stores I sold products to went out of business. There was 90 miles between gas stations since they went out of business. During the 70s financial crisis people went into gold mining. You did see people coming in to do what they had to do, growing cannabis in Trinity ... people were surviving.

Keys pointed out that what was happening on Post Mountain was not unique to the immediate area: it reflected a wider informal industrialization, with attendant environmental impacts, of the Emerald Triangle's cross-border region (western Humboldt and northeastern Mendocino) that combined parcel affordability with minimal law enforcement presence.

The closest geographical area was south 36, Zenia, Hettenshaw. Tracts of land were good but the area was notoriously lawless. Near Alderpoint [eastern Humboldt County]. Those areas were off the charts in all ways. The parcels were larger and more expensive for grazing and standing timber. I would meet more of the old school, generational people around there. It wasn't as concentrated as around here. Trinity Pines is mostly two-acre parcels, these were 20 acres.

Elsewhere in Trinity County, impacts of the Green Rush were less concentrated, somewhat regulated informally by existing communities that experienced less land turnover. According to

Karla Avila, while “Hayfork went hog wild, some communities were able to push it off for longer. I think it was because we were small enough to self-enforce ourselves, Hayfork was too big for that.”

Avila “grew up rural” and became a professional classical musician in San Francisco, where she went to college. Her involvement with arts and music led her to cannabis as a consumer. “Through music and art, cannabis was always part of the creative process, a part of the culture.” Her grandmother had taught her how to make herbal medicine while growing up, and she put those skills to use making salves and tinctures for medical cannabis patients. “Musicians develop a lot of physical ailments. The work has hazards when you are a professional. Chronic pain and things that cannabis can help remediate.” She discovered Trinity County through a musician friend with roots and a homestead there, who co-founded the Trinity Alps Chamber Music Festival in the mid 2000s.

According to an interviewee, political conditions under which the first ordinance took place were described as chaotic, with three main constituents: legacy cultivators for whom medical cannabis was a valuable therapeutic resource, local and new “criminal types,” and an emergent anti-cultivation bloc that united conservative anti-cannabis interests with stakeholder were not necessarily against cannabis but “not in my neighborhood” sentiments. Elected officials sought to thread the needle by discouraging commercial cannabis cultivation but allowing small-scale personal grows.

Between 2004 and approximately 2010, the growth of cannabis cultivation by many different demographics of people within and outside of the county intensified significantly. They were located throughout the County but especially several hours from Weaverville to the west and south. This appears to have been the result of both the commercialization of medical cannabis in California after SB 420; and the effects of the financial crisis and recession between 2007-2010. People who lost their jobs, homes, and livelihoods in more expensive areas of the state found economic relief by participating in the cannabis informal economy, especially in places where they could afford to live. Chain migration to the area by ethnic Hmong-Americans from Southern California, the Central Valley, Wisconsin and Minnesota increased. After 2010, when California failed to pass Prop 19’s legalization initiative, the intensity of migration to Trinity County by speculative and extractive stakeholders, increased until about 2018, when formal implementation of MAUCSRA’s licensing system began.

During this period, referred to by many of our interviewees as the “Green Rush,” communitarian, low income, and family-oriented stakeholders not only remained but increased in number and geographical diversity alongside waves of speculative and extractive stakeholders. The cumulative environmental impacts of extractive cannabis cultivation became especially visible in the landscape, to the dismay of the broader Trinity population including many of its old and new

cannabis cultivators. A real estate bubble developed, but Trinity remained more affordable than peer legacy cultivation counties like Humboldt and Mendocino. Many cultivators did well during this period, economically, but the ones who made the most money were the ones who treated cultivation like an industry, growing at scale and without much regard for environmental impacts.

Outsiders and insiders alike included among their population economically disadvantaged and displaced people: insiders from the timber bust and recession, outsiders from the recession. All were attracted by a landscape characterized by cheap real estate, sparse settlement, and the difficulty of enforcement more than two hours by car—usually to the west and south—from Weaverville, where the Sheriff’s office was located. The Weaverville-Lewiston area itself was more economically diversified, with its concentration of government and health services that attracted real estate development from retirees and people from outside the County building vacation homes. As a result, the visible encroachment of new cannabis cultivation into these districts created a growing political fault line between eastern and western Trinity County. In the leadup to the County’s State-facing regulatory ordinance, however, the sudden scale and velocity of money flowing through an economically devastated County oriented its Supervisors, in the mid 2010s, towards rushing through an ordinance that could eventually capture some of it in tax revenues, and perhaps finally replace timber as a pillar of economic development. In 2021, a cultivation tax was passed for the first time and some of the revenues were used to update the County’s general plan, according to one Supervisor.

This shift in the larger market context is critical for understanding how the politics of Trinity’s cannabis landscape has shifted in just a few short years. The Green Rush was an ambivalent phenomenon for Trinity’s communities: it wrought a short-term economic boom that resulted in a rushed urgency ordinance to formalize the economy before the State’s regulations, especially those relating to CEQA, were clear enough to synchronize. As a result, five years later, the ordinance was vulnerable to a lawsuit that forced the County to start over. The County’s cultivation stakeholders did not write the ordinance but were comprehensively punished when they were re-criminalized at the local level due to the results of the lawsuit. The next section explores this Green Rush history in more detail, followed by interviews with current cultivation stakeholders that detail impacts from re-criminalization.

4.2.4 2010-2016: from the Green Rush to the Regulation Era

By 2013, as the recession in the rest of the state receded and the first stirrings of State legislative action to regulate medical cannabis emerged, the County faced an opportunity and a challenge. The opportunity was to incorporate cannabis cultivation as a growth industry into its historically dismal economic development prospects, and the challenge was to manage the increasing tension between its eastern communities that were less keen to incorporate what they perceived as an

entire industry filled with bad actors looking to get rich quick. The push to create an ordinance started well before the details of California regulation, got worked out as MAUCSRA (2016-2018). What happened was described by many of our interviewees as a rushed process informed by “pro” and “anti” cannabis stakeholders who battled it out in public meetings. An ad hoc committee of two Supervisors wrote the 2016 urgency ordinance with minimal staffing help (the County is chronically understaffed). The intention was to stand up a program that accommodated transition of small scale legacy cultivators with low bureaucratic barriers to entry. The outcome was, unfortunately, when the State regulations with legally robust CEQA compliance built in were subsequently constructed in 2017, rendered those efforts moot. The County’s urgency efforts ultimately led to more problems down the road, but for now we return to this section’s emphasis on issues related to the Green Rush in Trinity County leading up to the 2016 urgency ordinance. For many of our interviewees, what happened in the Trinity Pines subdivision on Post Mountain presented the most visible impacts of the Green Rush.

An interviewee told us that “2013, 2014” was when it got out of hand in the Pines. “Except for the Hmong people in Trinity Pines, you didn’t see families moving in.” People also choose to locate out of law enforcement response range. “District 1, there was less of a history of legacy growing because of industrial timber. People who live in that district would get a response to law enforcement if complaining about illegal sites. As opposed to someone who ... lives in the poverty-stricken gulch of Hayfork Creek, who complains there?” Trinity Pines and water availability “connected to lack of infrastructure. Trinity County roads subdivision, the county allowed development without the infrastructure to support it, because the lots were created without sufficient infrastructure and road systems. If you had people occupying every lot, the road system would be insufficient ... it was sort of a scam ... Lots were put there but the infrastructure was bogus ... Trinity Pines. Most of these sites have groundwater wells. They were surprisingly high producing.”

Without doing a programmatic Environmental Impact Review (EIR), the initial ordinance relied on issuing categorical exemptions to CEQA. According to one stakeholder, “You cannot claim exemptions if there aren’t historical records on site. Conversations dragged on about that in the first emergency ordinance. They needed to get something out there.” The Board passed the emergency ordinance.

According to that same interviewee, “a decision was made to take the initial study and use that [instead of an EIR or Mitigated Negative Declaration]. I talked to regulatory agencies and told them that I had to do that ... we got scathing comments back.” The Supervisors pulled the document. People were instructed to do individual CEQA studies for permits without initial site reviews. In particular, the use of categorical exemptions created structural issues in the cannabis program relating to water. “Water is different in Trinity County. Once it’s gone, it’s gone. There

was not a sufficient analysis of what the impacts of the density of cannabis cultivation would be.”

A coalition of stakeholders formed an organization called TAA, which in 2021 successfully litigated the viability of the County’s cannabis ordinance based on inadequate CEQA provisions contained therein. The lawsuit voided every cultivation permit that did not have a site-specific CEQA review, which was all of the County’s approximately 530 permits save for a handful, on September 31, 2021.

While the Department of Cannabis Control issued a statement protecting those cultivators from enforcement from its agency, every cultivator in the County was immediately exposed to risk of local, non-DCC State, and Federal enforcement for continuing to do business selling their 2021 crop and preparing for the 2022 season. They were “re-criminalized” at the local level. For most of them, precarious economic conditions meant that they were stuck between the rock of criminalization and the hard place of complete bankruptcy. In Section 4.2.5, we present feedback from cultivation stakeholders impacted by local re-criminalization, as well as their broader stories that help inform this assessment’s border consideration of the impacts of cannabis criminalization on cannabis stakeholder communities in Trinity County.

4.2.5 Currently Impacted Populations: Stakeholder Profiles (2021-present)

Trinity County is absolutely unique in the State of California as a jurisdiction that re-criminalized its entire permitted cannabis cultivation population at the local level after five years of attempting to permit them. This particular impact exposed them to risk of local and Federal enforcement should they attempt to have a cultivation season.

The below interviews provide insights into what members of the communities say about what they could use, in terms of assistance transitioning to the legal market, to inform our overall assessment recommendations and findings. Analyses of the interview data is presented at the end of the section.

Cultivator A grew up in Trinity County, by Coffee Creek, where their uncle, grandpa, mother, and her mother’s boyfriend all grew, keeping cultivation under 99 plants. Their family relocated to Fortuna in Humboldt County, where they ran a small business for 27 years. Their sons became expert growers in Humboldt, and they were inspired to transition them into the regulated cannabis market. “I went into it to protect my kids and give them a safe place to grow and not go to jail ... I love farming and being with their kids, I would go and help. I thought, why not make it a family business.”

Cultivator A’s family bought a property in Ruth in 2017 in preparation to apply for a County permit in 2018. At that time, Prop 215 State rules were still in effect, and they tried to have a

season based on the 215 medical card system. Due to a complaint from a neighbor that was anti-cannabis, the local sheriff inspected the property and instructed them to cut the plants down, which they did. “The next year, we didn’t grow, since they told us if we did, we could probably not be able to get a license. The next year, we applied for a license.” While applying, their family managed to get a season off, but their son was pulled over by the Forest Service driving product to a legal distributor in Humboldt. “We went to court and fought that, paid for that. The next year we didn’t do anything. The year after, we got our stuff set up.” That year’s season was lost to the August Complex fire, which “burned everything. We lost our home and everything.” They estimated the financial damages of the fire at \$600,000. In 2021, they lived in a trailer and rebuilt. At the time of the interview, they were trying to find resources to pay for CEQA. “Now I’m waiting and I can’t put a plant down and it’s May.” In five years, they failed to pull off a single successful cultivation season.

While their family began the transition with some money and property from several decades as a legitimate business operator, those resources are gone. “To get started we had to sell everything we had, then when the fire broke out, we had to sell all our property to even get to where we are at now.” The transition to legalization has cost their family dearly, and they now find themselves in much worse financial shape than they began.

Cultivator B and their family were directly impacted by cannabis criminalization when their property was raided by a joint task force in 2014. Cultivator B came to Trinity in 2010 from their home in Central Oregon to do work as a general contractor for a sibling who lived in Willow Creek, Humboldt, near the Trinity border. They met their future wife, who had been cultivating cannabis in the area for about 10 years, while on the job. They bought a 15 acre property in Western Trinity, had children, and supplemented the family income by doing construction and building for other local cultivators. Cultivator B followed the 215 regulations based on growing for people with medical cards and the local informal guideline of cultivating no more than 99 plants. “Compared to elsewhere, it was extremely small-scale, keeping pace with what others were doing, not going too crazy above and beyond what I considered normal for the area” despite their “business sense that you should be doing the excessive cultivation ... but we didn’t.”

When they were busted, “neighbors who were non-cultivators asked why me and not the 10 others that were around me.” The bust was occasioned when “a friend of someone working on the farm” was pulled over with a pound or less that they had procured from the worker. “He gave name, address ... it started an investigation here through a state enforcement agency out of Redding. A joint task force for 99 plants in Trinity is small potatoes.”

The raid occurred at the end of October while family, friends and a trim crew were trimming the year’s harvest. “They came in like cops on TV, guns drawn, fully combat style fatigues. Assault

rifles. Common sense would tell that it was overkill considering the neighborhood.” More than 20 people had guns pointed at them and were taken to jail. They kept Cultivator B and his wife separated, and called Child Protective Services to take their 9-month old baby, but the County CPS agents allowed his sibling to take the baby since they “weren’t worried about child endangerment.” According to Cultivator B, CPS agents seemed to be helpful in getting his wife released, since she was nursing. When they were released the next day, they came home to a ransacked home and their truck and excavating equipment impounded by the task force.

After the trial concluded in 2016, Cultivator B is hoping to avoid federal charges and served 90 days in Trinity County, 90 days in house arrest, and 480 hours of community service. They built a community center in Willow Creek, where his sibling lived, as his community service. “Willow Creek was ecstatic about that.” Their wife was pregnant while they were in jail and their bank accounts were seized, some \$100,000-\$150,000 worth. Their attorney bills amounted to about \$50,000. The opportunity cost of not cultivating during this time meant that by the time their family embarked on the effort to transition, they were broke. They went back into construction to literally rebuild their life: “It was the difference between going into legalization with capital or not.”

They began the County permit process for 10,000 square feet in 2016, “right after I got out of jail.” By 2020, they had a state annual license. Their background in building and construction meant that they were able to do most of the compliance work without a consultant, but “The financial part was a big hurdle since none of that is free, we are still behind in building a business due to repercussions about that.”

The TAA lawsuit has further complicated their lack of access to capital. “With no season I might as well pack it up at this point. I’m not going to have employees, since I need to pay them as well. Trinity County has not transitioned from growers to business owners in a lot of the public’s mind. The stigma is perpetuated ... We are your school board, water board and coaches, we are a vast amount of people.”

Cultivator C became a medical cannabis patient after they injured their back working for Los Angeles Water and Power in 1992, and sought an alternative to opioids and painkillers to treat their condition. He and his wife, a physical therapist, moved to Louisiana where they grew his medicine from “bag seeds” found in product from Mexico. He and his wife traveled in a van for a few years, and were pulled over in Arkansas in 1997 for having a noisy muffler. They found a small pipe with cannabis resin in it and went to jail. He lost his driver’s license and, when the court case was over, “came back to Humboldt where we had traveled before, felt more comfortable.”

After a few years, around 1999, they found land that was “farmable and accessible, cheap enough to buy ... I cultivated every year since. It is required to keep my back from spasming out.” The property is in Trinity County, with the “nearest sizable town being Willow Creek ... had the helicopters flying by the whole time. Even just a couple years ago, I saw a drone the size of a person that flew 40 feet over our heads.” Cultivator C is clearly still traumatized by helicopter flyovers, even though these have lessened since legalization. “It was weird and keeps you up at night, I wish they would stop. I keep goats and chickens and pigs, they are terrorized by these events. I have lost animals to these helicopters being way lower than they need to be, purposely terrorizing us. Not so much in the last couple of years.”

His son was born in 2008, near the beginning of what he described as a community transformation. “I started to come out of the hermitage then. More grew out in the open, grow shops, a hippie counter breakfast place ... We went from a ghost town to a community. In the fall, hundreds of trimmers would come from all over the world, Argentina and whatnot, exponential growth.” Along with the opening of the community in the period between 2008-2016 came extractive cultivators, one whose operations he described as a “several acre disaster area ... Sohum [Southern Humboldt] thinks of us as the green rush area, it did pull in some of that.” Cultivator C was “one of the first to sign up for legalization, we had a license from the get-go. With the exception of the current disaster—no license, no plants.” He did all the infrastructure work on his property himself. Cultivator C has the adequate water rights to grow rice, but only grows cannabis at a small-scale, however, they still end up jumping through gratuitous regulatory hoops. He built a fully permitted greenhouse that raised his property value, in the county’s eye, enough to warrant having to pay triple the annual property taxes.

In the last several years, the boom has gone bust in his community. “We had a charter school going, between COVID and the economic death that we are experiencing, that fell apart. We are down to one grow store now, the cracks are appearing.. The health food store is struggling, the trimmers came this year and couldn’t find work. We can’t pay them enough.”

He spelled out the financial impact of the new CEQA requirement, finding it ironic given that his farm practices regenerative agriculture. “No tractors, not till. We have rainwater catchment. We are not destroying anything, not creating runoff or using toxic anything. We should have gotten the categorical exemption ... that was what they [TAA] sued about, that the county made it too easy to get that categorical exemption. We would have qualified.” He has lost his genetics by not being allowed to maintain plants and “can’t afford to hire someone to fill out that paperwork, they want \$20,000 to fill out those plans.”

Cultivator D was a medical cannabis patient with stomach issues which went undiagnosed for some time who started cultivating in Southern California under the rights of Prop 215 and SB 420 in 2008. In 2009, their family sought to get out of city life and moved to McKinleyville,

Humboldt County. After a couple of years, the family found a 28-acre property in Trinity County on the west end of Junction City, about an hour from Willow Creek. He moved out initially to create a ranch and a “small boutique cannabis spot.” He applied and “got legal there. We were one of the first annual state license holders here.” He became an award-winning cultivator during the 2014-2016 period, but was arrested in 2016 after a High Times Medical Cannabis Cup. “They tried to RICO us and put myself and three others in on a quarter of a million dollar bail at Santa Rita. All charges were dropped for a variety of reasons, like violation of due process and because it was during the implementation of legal [Proposition 64] cannabis.”

Cultivator D lost the little capital he had saved as a result of the arrest and took a job in Puerto Rico building a medical cannabis facility (Natural Ventures) for a business that failed to pay him for his work. “I came to find that not so great business individuals owned the business, it became a go home and not get paid situation.” He returned to California and used money from his parents to bring his Junction City property into compliance. “[I] came home from Puerto Rico and became completely immersed with Trinity County, Board of Supervisors meetings, and even giving tours for the California regulators at the time.” He got approval from all of the necessary state agencies except for the Water Board, which denied him use of a well on the property, which he spent the 2018 season in discussion with legal counsel and water board. During that time of non-operation, he built a \$400,000 warehouse that doubled as a rain catchment system to resolve the water issue to operate a cottage indoor license. In December 2020, a “freak house fire” burned the main residence down. His parents, who lived there, moved to what was supposed to be his “bachelor pad loft” located in the main warehouse. Fire insurance refused to cover his parents' losses because “the parcel” was associated with their “federally” illegal business.

The property was additionally affected by the Helena fire in 2017, losing 27 of the 28 acres and original barn/granny unit. The property also managed through the 2021 Monument Fire. He was impacted by the new CEQA requirements, which cost him \$20,000 in consulting fees, and due to county negligence and mismanagement to the cannabis program, even though he holds an annual state license valid through July 2023, he has been forced to be non-operational since January 2022. He felt strongly that assistance in any way, shape, and form, especially with water storage, would help him considerably.

Cultivator E is a Marine Corps veteran who transitioned from being a paramedic to becoming a cartographer with a degree in geography from Florida State University, with a minor in environmental science. He used cannabis to cope with PTSD from his military service in the 1990s. “Around 2000, my girlfriend and I were buying weed for \$400 an ounce [in Florida], more than the price of gold.” He went to Amsterdam and procured seeds to start growing his own. After college, he came to California in large part to cultivate cannabis legally and to be able to use it medicinally. He bought a piece of property in rural Shasta County, got married, had children, and worked their homestead for many years. They grew 6 plants each for him and his

wife, occasionally vending their cannabis to dispensaries in the Bay Area. He also worked as a development coordinator “for a resort in Eastern Shasta County.” After California passed MAUCRSA, he and his wife decided they wanted to enter the legal cannabis market, “to be able to continue what they loved doing, cultivating cannabis” When Shasta County opted to ban outdoor cultivation in the new legal market, he and his wife sought a property in Trinity so his children could stay in school where they had been attending, near Redding. After a lengthy search in a very hot post-2016 real estate market, They ended up finding an affordable property West of Weaverville.

The 2016 urgency ordinance contained a residency requirement that disrupted that plan, but it was later removed, and he embarked upon the process of applying for a 10,000 square foot license while continuing to reside in Shasta for his children and his job. “In 2018, I spent more and more time here, and came to the realization that we needed to live here in order to run the business. I quit my job in Shasta, we packed up the family [his wife and six children] and moved everyone here. We are a literal mom and pop operation.” Their property is in a rural residential area, which “is a target for TAA and other haters” in the recently emerged rezoning and opt-out politics. “I know my neighbors and they are fine with our farm.” He has held off from building structures for drying, processing, and greenhouse production, because of the uncertainty around future County cannabis policy changes. He submitted a 5-year plan for CEQA compliance, and was affected by the outcome of the TAA lawsuit by having to shut down his business until “the paperwork could be processed showing that he was in compliance” with the new EIR requirement. At the time of our interview, he had submitted his documents and was awaiting County inspection. For him, “people doing the right thing won’t have a season. And people doing the wrong thing will just grow anyways.”

Cultivator E is an active participant in the TCAA, and reeled off a laundry list of barriers to transition for small cannabis cultivators. Among them included technical assistance for bookkeeping training, especially for doing payroll; the lack of County marketing efforts for Trinity cannabis; volatility in the ordinance requirements, and the requirement to renew the two variances he has with his neighbors every year, without which his compliant cultivation footprint would be about 1000 square feet. If either of his neighbors changed their mind or sold their property, his business could be ruined. He claimed that “the planning commission chairman wants to get rid of cannabis variances altogether,” and was worried that with a change in Supervisor composition, the County “will vote to take away the whole program.”

Cultivator G is a County cannabis consultant in addition to being a small scale cultivator with a cottage indoor license in the Lewiston area. She has a Master’s degree in Public Administration and came to Trinity in 2009, forming a medical cannabis collective under Proposition 215. Her consulting business, at the time of the interview, had more than 150 clients based in the County. “We represent a large portion of people previously permitted by the county, and some new

applications Trinity hasn't processed since 2020. Two of her clients in the Lewiston area with annual State licenses had already been reported by "disgruntled neighbors" and forced to abate their inventory. Another client in the area whose application has been interrupted in a newer "carve-out" area is a "Hmong woman" in AG-zoned land. "Disproportionately, in the cannabis program you will find ethnic minorities more than Caucasians in the County." She raised the issue of property taxes being collected by the County from Hmong-Americans in Trinity Pines, with no government services provided in return. "The county takes a disproportionate amount of property taxes out of the Trinity Pines, without reinvesting any of it [there]."

Finally, we also spoke with a Hmong-American cultivator, Cultivator H, who lives in Hayfork and has family in the Trinity Pines area. His brother invited him up to join the family in becoming a licensed cannabis cultivator. "I was never involved in the industry before, I heard about it and wanted to do it. My brother had a license and told me about it." He applied for a license in 2019 and has had difficulty with the consultant he hired to help him through. "We aren't really happy with [the consultant], they don't update on county requirements, we have to find out from our cousin. When we have a party, we talk and learn about those requirements. We call them to confirm, and we become a little bit behind." He found out about the new CEQA requirement too late to even begin the process this year, and has to take a job in the meantime to pay for it. His family lives in the house where his full sun 10,000 square foot farm is located, and although his children have not moved up here yet his nieces and nephews attend Trinity schools.

Our interviews with Trinity County cultivation stakeholders revealed many common threads. They have struggled with the permitting process for various reasons, but all of them share a common impact from having been re-criminalized at the County level due to the outcome of the TAA lawsuit. Some of them were better prepared than others to advance to county inspection as of early summer 2022, but even those were faced with the cost of completing Appendix C, the CEQA checklist as well as scheduling an inspection with the County in time to have a season. Without a season, they face either the end of the line in their up-to-six year odyssey to transition to the legal market or the challenge of lining up a new job to pay the bills and take care of their families until next year. It is important to stress that none of these cultivators were responsible for not completing this task before this year, because it was not required by the County ordinance.

Further, many have been impacted by shifting requirements between the urgency ordinance of 2016 and its subsequent reconfigurations. They are also facing environmental issues related to drought and fire, and increasing resistance from within the county to the presence of legal cannabis. The latter is especially difficult for cultivators who stuck their necks out early to try to become legal, even while unregulated cultivation persists all over the County and is untouched by the politics of blowback against legal cannabis. In addition to the impacts of re-criminalization, many have experienced direct impacts from cannabis criminalization either in

Trinity or elsewhere, and some are traumatized by the risk of exposure to helicopter-based law enforcement actions through the decades. Some of them did well during the Green Rush, but have lost everything since. Some of them were always small-scale, family-based cultivators with great respect for the environment and the communities in which they lived. All of our interviewees were stakeholders with small scale cultivation licenses impacted heavily by the market glut that is the result of California's decision in 2017 to lift the one-acre cap and resulted in mega-grows, usually financed by Multi-State Operators in non-legacy cultivation jurisdictions in the state.

We conclude this section by describing another phenomenon unique to Trinity County, the growth of a significant Hmong-American ethnic enclave concentrated in Trinity Pines (an area previously heavily impacted by the Green Rush) and Hayfork. Most of that is a recent phenomenon documented by the 2020 Census, but our interviews and review of secondary sources reveal Hmong-American presence going back several decades.

4.2.6 Hmong-American communities as impacted populations in Trinity County

Since about 2016, journalists from all over the country have taken note of the formation of a significant new population of Hmong-Americans in Trinity County, most of whom seem to have arrived at the tail end of the Green Rush. They have faced a barrier to entry into the legal market that none of the other stakeholders with whom we spoke faced: the difficulty of integrating into the regulated stakeholder landscape, complicated by a strong language barrier for many. A 2018 article provided us with a succinct summary of their issues navigating their transition to legalization:

Ask any cannabis farmer in Humboldt County who's navigating the labyrinth of paperwork, legalese and filing requirements of going legit—it ain't easy. Now imagine feeling your way through that maze of fees, regulations and codes without the guiding thread of a lawyer or advocacy group. In your second language. That's what many Hmong growers are facing amid California's shift from prohibition to legalization (Cahill 2018).³¹

We interviewed a Hmong-American advocate who founded a nonprofit formed to help Hmong-American farmers navigate regulations when licensing became available in 2016. The advocate grew up as a second generation Hmong-American in Southern California, where she became a part of the Southern California Prop 215 medical cannabis scene. Their parents owned a business in Compton until they lost it in 2007 on account of the financial crisis. They had grown hemp in Laos and decided to return to their roots, joining what was then a small

³¹ Cahill J. F. (2018). North Coast Journal. *Reaching Hmong Growers*. Retrieved from <https://www.northcoastjournal.com/humboldt/reaching-hmong-growers/Content?oid=10449016>, accessed August 22, 2022.

Hmong-American community in Trinity Pines that offered them a chance to return home, culturally speaking, as geopolitically displaced hill farmers. “We are farmers, and we farm in hills,” they said.

A 2017 New York Times article elaborated on this phenomenon. The Hmong-American diaspora in the United States dates from the Vietnam War, where they collaborated with the U.S. government, some by shifting from hemp to growing opium poppies for the CIA to help finance parts of the war that were kept secret from the public. The area where they were from became known as the “Golden Triangle,” and they fled their homes after the war as collaborators with the losing side. “Mr. Vang’s father, Neng Vang, worked for the C.I.A. as a radio operator in Laos during what is known as the Secret War ...” “We were scattered around the United States, north, south, east, west.” “Now, at age 61, he is jarred and delighted by random, tearful reunions. He meets old army buddies, childhood friends and long-lost cousins, all of whom have come to Hayfork to grow marijuana.” (Fuller 2017).³²

It is not lost on some Hmong here that they now live in a part of California called the Emerald Triangle ... for the Hmong, many of whom struggled to assimilate in California in the early years, it is also a chance to return to their farming roots and rural lifestyle ... For some of the older Hmong, who worked as janitors and factory workers when they arrived in America, the bucolic surroundings help soothe the lingering trauma of war and allow them to be among kin and long-lost friends ... You Ping Vang said, “This is the life they left. They love it” (ibid).

The Hmong-American advocate helped their parents set up a Prop 215 collective when they moved to Trinity County, with deliveries to patients in Southern California. When they were cited in 2016 despite being 215-compliant, the county told them to go down to 6 (allowed adult-use personal plants) and wait for an ordinance. Given that 215-compliant cultivation was allowed under state law, they and other local cultivators cited by the county organized to protest their treatment and ask for an ordinance sooner rather than later, so they could proceed with their livelihoods. After that, their parents and about 10 of the “most loud” cultivators were abated by Code Enforcement. “It almost broke us,” they said.

4.3 CAMP

California’s Campaign Against Marijuana Planting succeeded in disrupting cultivation communities in Trinity County. Statistics relating to plant eradication between 1987 and 1992

³² Fuller T (2017). The New York Times. *California’s “Green Rush” Takes Hmong Back to Their Opium-Growing Roots*. Retrieved from <https://www.nytimes.com/2017/06/03/us/hmong-marijuana-california.html>, accessed August 22, 2022.

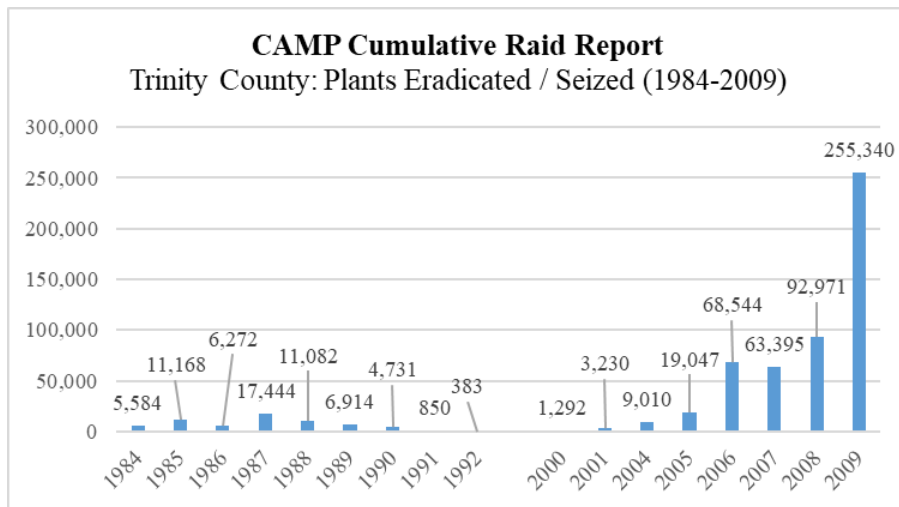
highlight a downward trend, where communities were beginning to keep a low profile in order to lower their risk of enforcement.

Figure 2 below highlights relatively low eradication numbers during 1984, the CAMP report for that year indicates previous eradication efforts in 1983 as the leading cause. A separate joint task force, consisting of the Trinity County Sheriff's Department and the United States Forest Service, eradicated 12,000 plants in the Denny area during 1983. Only 600 plants were spotted and eradicated in the Denny area during 1984.

Eradication numbers in Trinity County took a significant dive between 1990 and 1991, with an 82% decrease in plants eradicated. Starting in 1993 through 1996, CAMP reports had little mention about Trinity County, with no logs on plant eradication in the county. Figure 2 below reflects the absence of Trinity County in the reporting. The California Department of Justice lost CAMP report records between 1997 and 2003, however, press releases from the CA Attorney General reflect eradication numbers for years 2000 through 2002. Eradication counts for Trinity County are missing for 2002 and 2003.

Exceptional eradication rates exist for Trinity County starting in the mid-2000s, as a result of CAMP shifting their focus from community disruption to targeting mega-grows on public lands.

Figure 2. Plant Eradication by CAMP



4.4 Cannabis Arrest Rates and Racial Disproportionality in Trinity County, California, and the United States

Trinity County - Cannabis Arrest Rates

The State of California has identified Trinity County as a community disproportionately impacted by past federal and state drug policies. According to GO-Biz, Trinity County's per capita drug related arrest rate is higher than the states' and thus is eligible for assistance from the state.³³ The following section goes into further detail regarding communities disproportionately impacted by the criminalization of cannabis. According to the American Civil Liberties Union, Black communities in Trinity County are disproportionately impacted by cannabis criminalization.³⁴ Figure 4 below supports this claim. Women also appear to be disproportionately impacted, as Figure 6 establishes more women are arrested per capita in Trinity County than in the state.

Public data related to cannabis-related arrest rates was obtained from the Uniform Crime Reporting Program; public data is from 1985 to 2020.³⁵ Cannabis eradication data was obtained from the Trinity County Sheriff's Office; data from the Sheriff's Office includes cannabis eradications from 2008 to 2019. Data related to race/ethnicity, used for comparative purposes, was drawn from the United States Census, American Community Survey 5-Year Estimates.

Trinity County has held a significantly higher per capita number of cannabis sales and possession arrests over the last ten years compared with the state (see Figure 3 below).³⁶ Trinity's arrest rate was highest during 2014, where its per capita rate was 20 times that of the state's. Trinity's arrest rate lowered significantly between 2016 and 2017, however it still remained ten times higher than the state's.

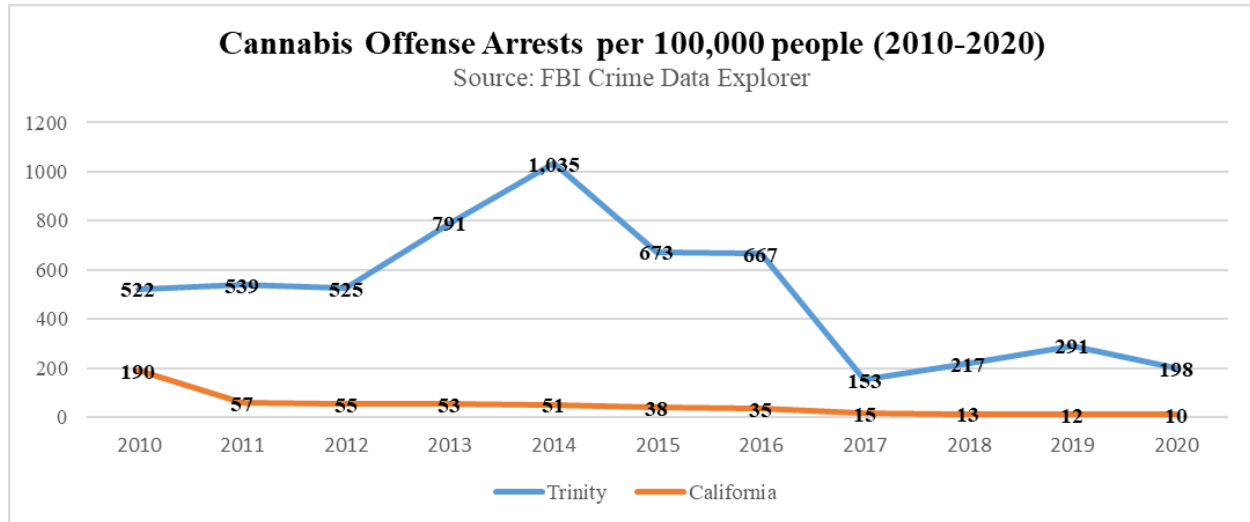
³³ GO-Biz (2022). California Community Reinvestment Grants Program. *FY2022-23 Grant Solicitation*. Retrieved from <https://business.ca.gov/california-community-reinvestment-grants-program/>, accessed August 19, 2022.

³⁴ American Civil Liberties Union (2018). Counties Ranked by Racial Disparity in Marijuana Arrests. *Trinity County*. Retrieved from <https://graphics.aclu.org/marijuana-arrest-report/CA>, accessed August 19, 2022.

³⁵ Uniform Crime Reporting Program (2020). Retrieved from <https://www.fbi.gov/services/cjis/ucr>, accessed June 16, 2022.

³⁶ For the purposes of this report, "cannabis related arrests" in this section refer to possession and sales offenses.

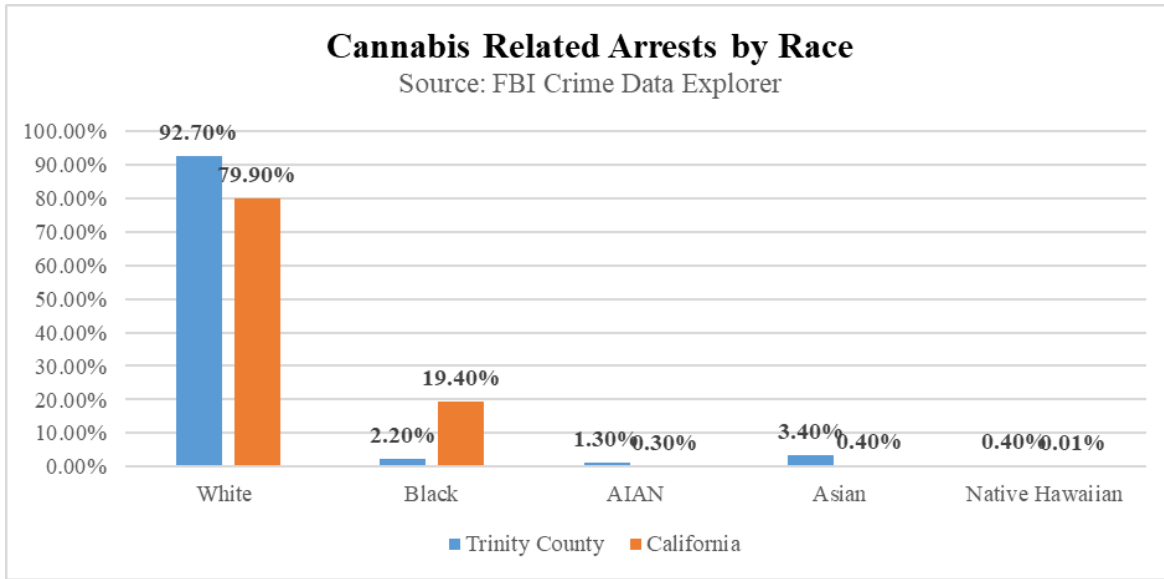
Figure 3. State and local cannabis arrest offenses



The majority of cannabis arrests in Trinity County have fallen on residents who identify as white. Black individuals, however, are disproportionately impacted by cannabis arrests in Trinity County, as approximately 2% of cannabis arrests fall on the Black population, which only accounts for 0.5% of the total county population. Asian individuals, likely Hmong-American, also appear to be disproportionately impacted, as 3.4% of cannabis arrests fall on the population. According to the 2020 American Community Survey, Asian individuals make up 1.9% of Trinity's total population.³⁷ Figure 4 below demonstrates the cannabis arrests and the total population by race.

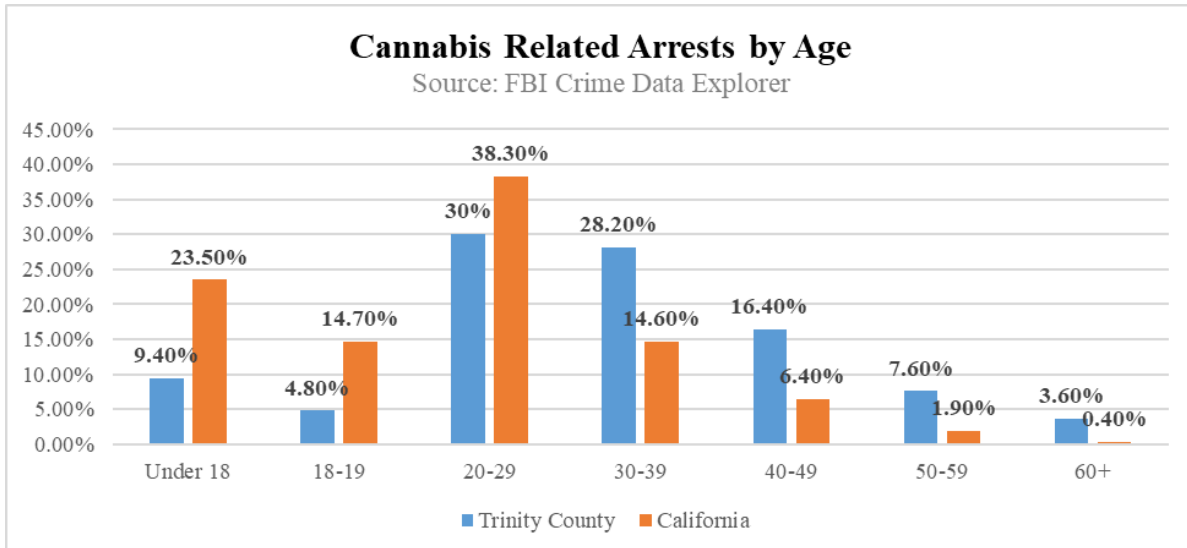
³⁷ U.S. Census (2020). American Community Survey %-Year Estimates Subject Tables. *Sex By Age (Asian Alone)*. Retrieved from <https://data.census.gov/cedsci/table?t=Race%20and%20Ethnicity&g=0500000US06105&tid=ACSDT5Y2020.B01001D>, accessed August 19, 2022.

Figure 4. Cannabis related arrests by race (1985-2020)



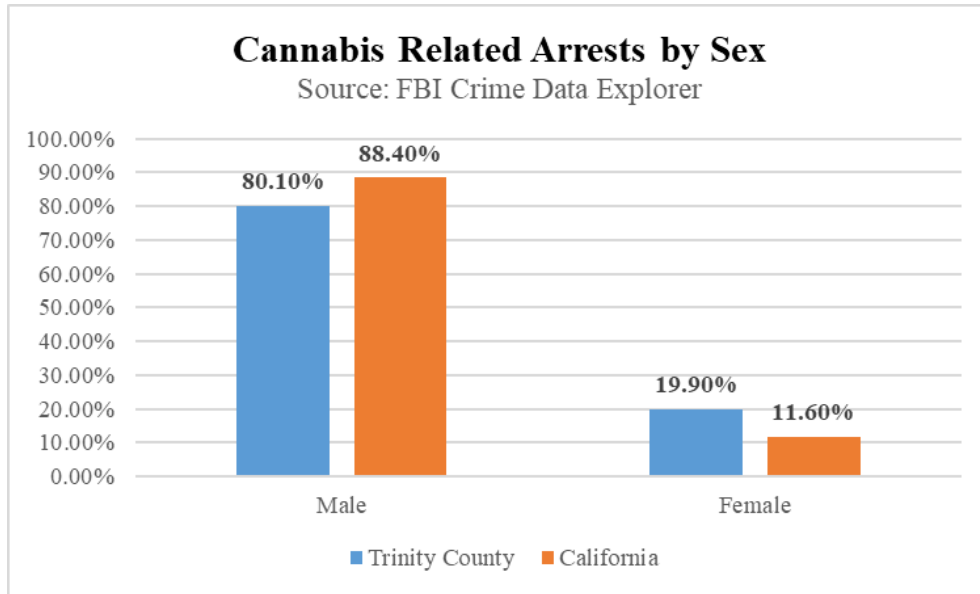
The state arrests higher proportions of young cohorts per capita for cannabis relative to Trinity County. Cannabis arrests impact older cohorts in Trinity, as seen in Figure 5 below; per capita rates for cohorts aged 30 and above in Trinity County approximately double those of the state's. Differences in arrest trends by age are presumed to be related to the higher proportion of older adults in Trinity County.

Figure 5. Cannabis related arrests by age (1985-2020)



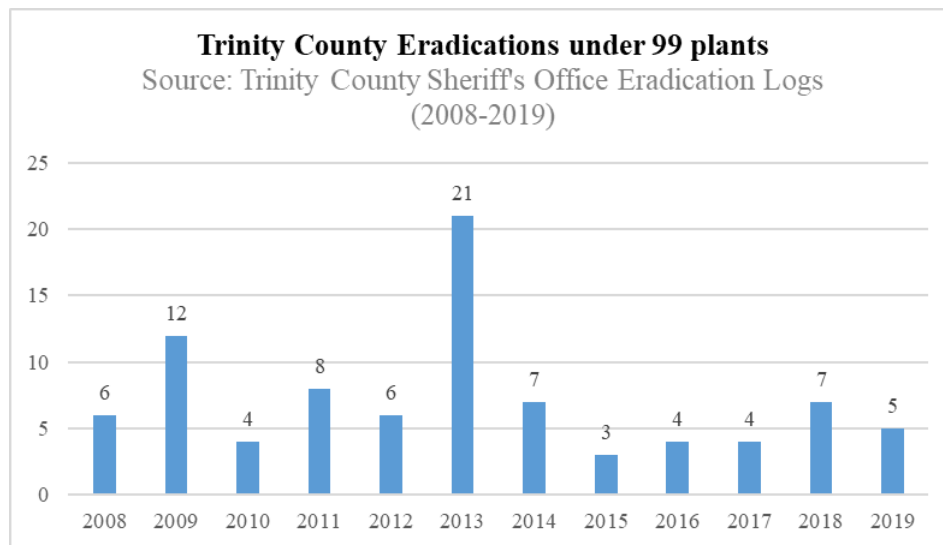
Over the time period available from the database, Trinity County arrested more women per capita for cannabis sales and possession offenses than the state (See Figure 6 below).

Figure 6. Cannabis related arrests by sex (1985-2020)



Legacy stakeholders often hold pro-organic, environmentally sound ethics and traditionally manage relatively small gardens, as indicated in Section 4.2 above. These stakeholders in Trinity County often found themselves swept up in larger scale eradication efforts, as environmentally extractive actors were targeted by law enforcement. Figure 7 below highlights some enforcement impacts on smaller-scale operators between 2008 and 2019, with the highest number of small-scale operators impacted during 2013.

Figure 7. Cannabis eradications under 99 plants



California and the United States

The Center on Juvenile and Criminal Justice (CJ CJ) has published several reports that demonstrate patterns in drug arrest rates in California that disproportionately affected people of color.³⁸ Starting in the 1990's, arrests in California for drug possession increased dramatically. Cannabis possession rates increased by 124% while other categories of serious crime showed decreased arrest rates. Rates of arrest per 100,000 population rose much faster for Black individuals, Hispanic individuals, those under the age of 21 and White people over the age of 40.

Though a majority of states allow medical cannabis use, cannabis leads drug-related prosecutions in the United States. According to New Frontier Data, over 650,000 people were arrested for cannabis-related offenses in 2016.³⁹ Cannabis accounted for 42% of all drug-related arrests in 2016, with cannabis possession offenses specifically accounting for 37% of all arrests. For comparison, heroin and cocaine accounted for 26% of arrests nationally.

According to a report from the ACLU titled *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform*, “there were more marijuana arrests in 2018 than in 2015, despite the fact that eight states legalized marijuana for recreational use or decriminalized marijuana possession in that timeframe.”⁴⁰ Marijuana arrests made up 43% of all drug arrests in 2018, more than any other drug category. The overwhelming majority of marijuana arrests—89.6%—are for possession only.” The report also includes a finding that states “extreme racial disparities in marijuana possession arrests persist throughout the country and have not improved since 2010.”

According to an article by Josh Adams for New Frontier Data, “Drug offenses are often the pretext for seizing other cash or property.”⁴¹ For example, a report from the Justice Department Inspector General in 2017 found that “the DEA seized more than \$4 billion in cash from people suspected of drug activity over the previous decade, but \$3.2 billion of those seizures were never

³⁸ Center on Juvenile and Criminal Justice. *Publications*. Retrieved from <http://www.cjcj.org/news/category/510>, accessed February 15, 2021.

³⁹ Song, Bertie (2018). New Frontier Data. *National Arrests for Cannabis-Related Offenses 1996-2016*. Retrieved from <https://newfrontierdata.com/cannabis-insights/national-arrests-cannabis-related-offenses-1996-2016/>, accessed February 15, 2021.

⁴⁰ American Civil Liberties Union (2020). *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform*. Retrieved from <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>, accessed February 15, 2021.

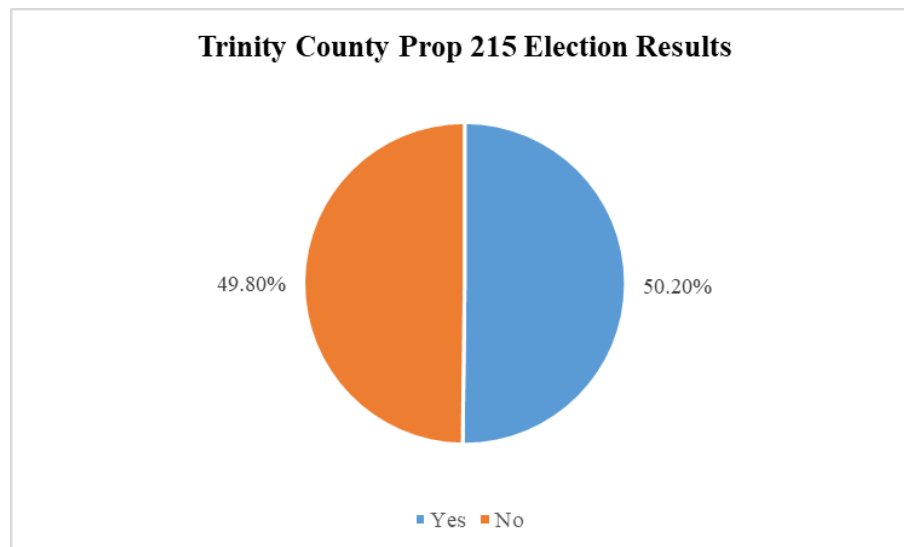
⁴¹ Josh Adams (2020). New Frontier Data. *Catching Cannabis Coming and Going: How Law Enforcement Profits from Illicit and Legalized Marijuana Businesses Alike*. Retrieved from <https://newfrontierdata.com/cannabis-insights/catching-cannabis-coming-and-going-how-law-enforcement-profits-from-illicit-and-legalized-marijuana-businesses-alike/>, accessed February 15, 2021.

connected to any criminal charges.⁴² Research has also indicated that civil asset forfeiture disproportionately impacts low-income and minority communities. Relying on the suspicion of a crime allows law enforcement to seize cash and property almost entirely without accountability, often under the pretense of thwarting drug-related activity.’

4.5 History of Cannabis Policy Reforms in California and Trinity County

In 1996, California passed Proposition 215, the Compassionate Care Act. The Compassionate Care Act created an affirmative defense for patients and qualified caregivers to cultivate and possess cannabis for personal use. No state regulatory structure was put in place. California voters continued to push for policies to decriminalize drug use, as evidenced by the voter-approved Substance Abuse and Crime Prevention Action in 2000, which allowed the state to offer eligible offenders convicted of drug use and/or possession treatment instead of jail time. California was the first state in the United States to legalize cannabis for medical use. A lower proportion of Trinity County residents voted to pass Proposition 215 than the state. Trinity County voted in favor of Prop 215, but by a very slim margin (0.2%). See Figures 8 & 9 below for Trinity County’s Proposition 215 election results compared with the election results for California as a whole⁴³.

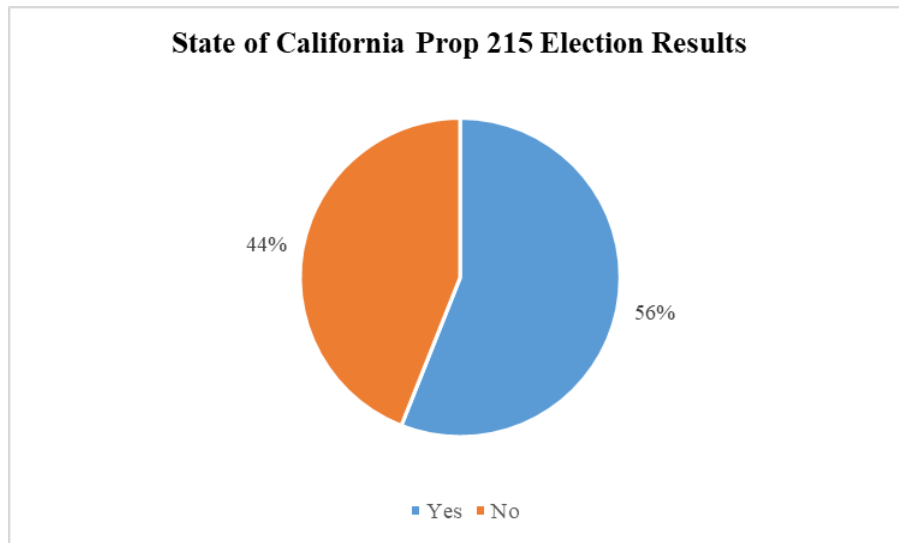
Figure 8. Trinity County prop 215 election results



⁴² Ingraham, Christopher (2017). The Washington Post. *Since 2007, the DEA has taken \$3.2 billion in cash from people not charged with a crime*. Retrieved from <https://www.washingtonpost.com/news/wonk/wp/2017/03/29/since-2007-the-dea-has-taken-3-2-billion-in-cash-from-people-not-charged-with-a-crime/>, accessed February 15, 2021.

⁴³ California Secretary of State (1996). General Election, November 5 1996. *Statewide Summary by County*. Retrieved from <https://elections.cdn.sos.ca.gov/sov/1996-general/ssov/measures-statewide.pdf>, accessed May 27, 2022.

Figure 9. State of California prop 215 election results



In 2004, the California Legislature passed Senate Bill 420, clarifying that jurisdictions were allowed to regulate medical cannabis.

In 2016, California established a legal framework to regulate and monitor cannabis dispensaries after the passage of the Medical Marijuana Regulation and Safety Act (MMRSA), later renamed the Medical Cannabis Regulation and Safety Act (MCRSA).

On November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA). Proposition 64 legalized the distribution, sale, and possession of cannabis and decriminalized the possession, use, cultivation and sale of adult-use cannabis. It also provided for the expungement of low-level drug offenses and authorized training for cannabis careers, grants and loans. It passed with 57% of the vote statewide and 50.05% in Trinity County.⁴⁴⁴⁵ MRCSA and AUMA were integrated as MAUCRSA (Medicinal and Adult-Use Cannabis Regulation and Safety Act) in 2018. See Figures 10 & 11 below for Trinity County's Proposition 64 election results compared with the election results for California as a whole

⁴⁴ New York Times (2017). *California Proposition 64 - Legalize Marijuana - Results: Approved*. Retrieved from <https://www.nytimes.com/elections/2016/results/california-ballot-measure-64-legalize-marijuana>, accessed May 27, 2022.

⁴⁵ The source above retrieved their election result data from The Associated Press.

Figure 10. Trinity County prop 64 election results

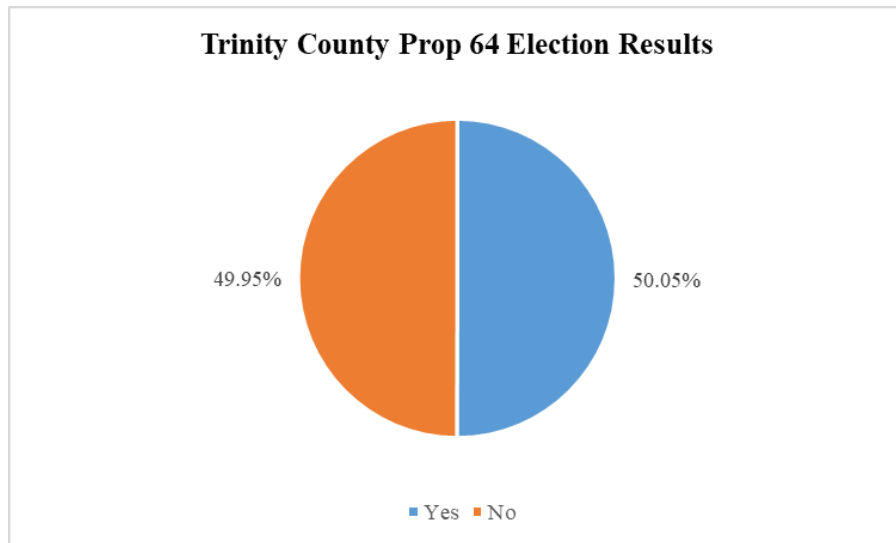
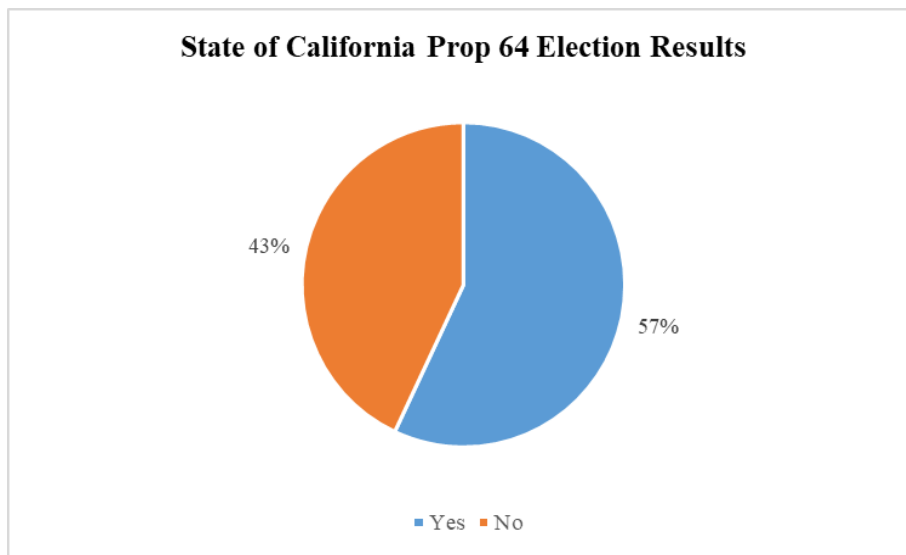


Figure 11. State of California prop 64 election results



Trinity County Cannabis-Related Ordinances

Title: Ordinance No. 315-795

Date: October 18, 2011

Summary: An ordinance enacting Section 41, establishing the prohibition of operation and establishment of Marijuana Dispensaries.

Title: Ordinance No. 315-816.EXT(A1)

Date: December 21, 2016

Summary: An urgency ordinance enacting section 32(O) of the zoning ordinance no.315 to create commercial marijuana cultivation regulation. Cultivation regulations included outlining allowable cultivation license types, which included specialty outdoor, mixed light, and cottage, as well as small outdoor and mixed light. No other cultivation licenses were allowable at the time, only licenses under 10,000 sq. ft. All applicants were required to be a Trinity County resident for at least a year. Regulations allowed for 500 applicants in the program.

Section VI of this ordinance identified the Chapter as not subject to CEQA, establishing that the regulations set forth would not result in a direct or reasonably foreseeable indirect physical change in the environment. Trinity County established that the following categorical exemptions apply to this chapter:

- Section 15308, the actions taken by or as authorized by local ordinance to assure maintenance, restoration, enhancement, or protection of the environment.
- Section 15321, actions by regulatory agencies to enforce or revoke a lease, permit, or license for use issued by the regulatory agency.

Title: Ordinance No. 315-823

Date: October 3, 2017

Summary: An ordinance enacting Section 43 of the Trinity County Zoning Ordinance creating commercial cannabis cultivation regulations. Ordinance 315-823 outlines the application process, indicating that annual provisional licenses run from April 1 to March 31, and that applications accepted under the Urgency Ordinance will be entitled to priority processing for future licensing. Applicants were required to indicate the following:

- a. Proof of compliance with county setback requirements
- b. Designate the intent of the license, whether for adult use or commercial medical.
- c. Which license type the cultivation will fall in (eg. specialty outdoor, mixed light, medium outdoor, etc.)
- d. Proof of residency in Trinity County for at least a year.
- e. Proof of a Board of Equalization Seller's Permit.
- f. That the applicant has not been convicted of a serious felony, or schedule I, II, or III felony.

Allowed cultivation license types are as follows:

- a. Type 1 "specialty outdoor" - for outdoor cultivation up to a 5,000 sq ft. Area or up to 50 mature plants
- b. Type 1B "specialty mixed light" - for cultivation using mixed light up to a 5,000 sq. ft. Area.

- c. Type 1C “specialty cottage” - for cultivation using mixed-light up to a 2,500 sq. ft. Area, or up to 25 mature plants for outdoor cultivation or 500 sq. ft. or less of total canopy size for indoor cultivation, on one premise.
- d. Type 2 “outdoor” - for outdoor cultivation up to a 10,000 sq. ft. Area.
- e. Type 2B “mixed light” - for cultivation using mixed-light between a 5,001 and 10,000 sq. ft. Area.
- f. Type 3 “medium outdoor” - for outdoor cultivation between 10,001 sq. ft. and one (1) acre (43,560 sq. ft.)

Commercial cultivation licenses, as outlined in the ordinance, can be transferred under certain conditions such as through the sale of property for which the license has been issued. A license can be transferred to another eligible property that a current licensee owns through reapplying. Licenses cannot be transferred more than once in a calendar year.

Ordinance 315-823 establishes a cap of 530 licenses within the county, 30 of which will be issued to property within Trinity County Waterworks District #1. The ordinance allowed 5 Type 3 licenses to those who have already obtained a commercial cultivation license. Type 3 licenses are for licensees who are planning on cultivating on land that is 50 acres or more, who have held a 2016/17 license with the county, and have obtained a use permit.

Locations where applications will not be approved for cannabis cultivation operations were established:

- a. Within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
- b. Timber Production Zones (TPZ) with the exception made for qualified Phase 1 Applicants.
- c. Residential 1 (R1), Residential 2 (R2), or Residential (3) Zones.
- d. Within the legal boundaries of the Trinity County Waterworks District #1, Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District and within the following area of the Lewiston Community Services District: Mt Diablo Meridian, Township 33N Range 8W Sections 17, 18, 19, 20, and Mt Diablo Meridian Township 33N Range 9W, Section 24, 13, which are in proximity to high density areas and therefore, create a substantial risk of a public nuisance. Exceptions to this limitation are allowed for applicants who submitted applications for enrollment by the following dates:
 - i. Weaverville Community Services District by December 31, 2016
 - ii. Lewiston Community Services District by January 15, 2017
 - iii. Trinity County Waterworks District #1 by December 31, 2017

- iv. Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.

Annual Fees related to the various cannabis cultivation licenses are as follows (and subject to change):

- a. Type 1 and 1B MMRSA: \$4,000 plus \$1,000 toward the general plan update.
- b. Type 1C MMRSA: \$2,000 plus \$250 toward the general plan update.
- c. Type 2 and 2B MMRSA: \$5,000 plus \$1,000 toward the general plan update.
- d. Type 3 MMRSA: \$8,000 plus \$1,000 toward the general plan update.
- e. Cannabis Variance Fee: \$751.

Title: Ordinance No. 315-826

Date: November 7, 2017

Summary: Ordinance 315-826 enacted Section 28.4 of the Trinity County Zoning Ordinance to provide regulations and control over cannabis nursery products. The ordinance outlined that cannabis nurseries would be allowed in the following zoning districts: Agriculture (A), Heavy Commercial (C-3), Heavy Industrial/Manufacturing (M-2), Light Industrial/Manufacturing (M-1), Industrial (I), and Specific Unit Development (SUD) districts. The fee structure for cannabis nurseries were set at \$2,500, plus \$1,000 towards the General Plan update. Nursery regulations as well as the conditions of Use Permit approval were outlined.

Title: Ordinance No. 315-830

Date: March 6, 2018

Summary: An ordinance amending Section 43 of the Trinity County Zoning Ordinance No. 315. The ordinance updated the definitions for the following terms:

- a. Designated Area
- b. Mixed Light
- c. Outdoors
- d. Outdoor Cultivation

Ordinance 315-830 was amended to include language around applicants being subject to cultivated square footage provisions as defined by the state regulations, and not just regulations allowed through the ordinance. This ordinance outlined an exemption of Water Board enrollment, dictated by the SWRCB in the NCRWQCB Order #2015-0023, regulating discharge requirements for Specialty Cottage Outdoor licenses that qualify under 2000 sq. ft. cultivation area and less than 5% slope.

Language related to allowed cultivation license types were amended to align with state regulations. Language changes are as follows:

- a. Specialty Cottage:

- i. Specialty Cottage Outdoor: outdoor cultivation with up to 25 mature plants. As indicated above, certain cultivation sites are exempt from a Water Board permit.
 - ii. Specialty Cottage Indoor: indoor cultivation site with 500 sq. ft. or less of total canopy
 - iii. Specialty Cottage Mixed-Light Tier 1 and 2: mixed-light cultivation site with 2,500 sq. ft. or less of total canopy
- b. Specialty:
 - i. Specialty Outdoor: cultivation sites up to 5,000 sq. ft. total canopy or 50 mature plants on noncontiguous plots
 - ii. Specialty Mixed-Light Tier 1 and 2: mixed-light cultivation site between 2,501 and 5,000 sq. ft. of total canopy.
- c. Small:
 - i. Small Outdoor: outdoor cultivation between 5,001 and 10,000 sq. ft. of total canopy.
 - ii. Small Mixed-Light Tier 1 and 2: mixed-light cultivation between 5,001 and 10,000 sq. ft. of total canopy.
- d. Medium:
 - i. Medium Outdoor: outdoor cultivation between 10,001 sq. ft. and one (1) acre of total canopy.

Ordinance 315-830 established, through state regulations, that cultivation of cannabis cannot occur within five hundred (500) feet of an authorized school bus stop. Exemptions for cultivation within the Trinity County Waterworks District #1 was changed to reflect those who submitted an application for Water Board certification before July 1, 2018 instead of the previous December 31, 2017 cut off date.

Cultivation program fees were changed to reflect the language changes of the state, with an updated structure for fees related to Specialty Cottage license types:

- a. Outdoor: \$750 plus \$250 towards general plan update
- b. Mix Light: \$1,500 plus \$250 towards general plan update
- c. Indoor: \$2,000 plus \$250 towards general plan update

Title: Ordinance No. 315-838

Date: August 7, 2018

Summary: Ordinance 315-838 provided regulations and control over the manufacturing of cannabis in the county. Allowable zoning districts are split between nonvolatile and volatile manufacturing methods. Nonvolatile methods are permitted in the following zoning districts, with all manufacturing permits subject to first obtaining a Conditional Use Permit: General Commercial (C2), Heavy Commercial (C3), Industrial (I), Agricultural (A), Agricultural Preserve (AP), and Specific Unit Development (SUD) districts. Volatile manufacturing is

permitted through the following zoning districts: Heavy Commercial (C3), Industrial (I), and Specific Unit Development (SUD) districts.

Ordinance 315-838 outlined that cannabis manufacturing facilities were not allowed within the two following areas:

- a. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
- b. Within the legal boundaries of the Historic District of Weaverville; Coffee Creek Volunteer Fire District; Trinity Center Community Services District; and within the following area of the Lewiston Community Services District: Mt Diablo Meridian, Township 33N, Range 9W, Section 24, which are in a proximity to high density areas, and therefore, create a substantial risk of public nuisance.

Regulations in holding a cannabis manufacturing permit includes having a minimum setback of 100 feet from all adjacent property lines, with applications for variances to be considered. All building structures are required to have operational automatic fire sprinklers.

Annual Fees related to the various cannabis manufacturing licenses are as follows (and subject to change):

- a. Type 6 (non-volatile): \$5,000 plus \$1,000 towards the General Plan update.
- b. Type 7 (volatile): \$6,000 plus \$1,000 towards the General Plan update.
- c. Type N: \$2,000 plus \$500 towards the General Plan update.
- d. Type P: \$2,000 plus \$500 towards the General Plan update.

Title: Ordinance No. 315-842

Date: December 4, 2018

Summary: An ordinance amending Section 43.2, created by Ordinance 315-838, regarding commercial manufacturing of cannabis. Changes to zoning allowances included adding Agricultural Forest (AF) as an allowable district for nonvolatile manufacturing. Zoning changes also included a section outlining allowable zoning for cannabis manufacturing facilities licensed as microbusinesses and involving Type 6 low-impact extraction, which included Rural Residential (RR) and Unclassified zones. Allowable zoning districts for volatile manufacturing remained unchanged.

Ordinance 315-842 added the following area to the list of areas where cannabis manufacturing is not allowed:

- a. Bucktail Subdivision: Unit 1, 2, and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder.

Ordinance 315-842 includes information pertaining to how a manufacturing licensee will be able to request and change the manufacturing activities conducted at their premises. These requests are to be approved and evaluated on a case-by-case basis by the Planning Department.

Annual cannabis manufacturing program fees were updated to reflect the following additions:

- a. Type S: No fee for Trinity County Commercial Cannabis licensees; \$2,000 for all other users.
- b. Shared Use Facility: \$1,500.
- c. Transfer fee to New Applicant: \$1,000.
- d. Transfer fee to New Site: \$60% of original license fee, prorated monthly.
- e. Renewal fee: 60% of original license fee.

Title: Ordinance No. 315-843

Date: February 20, 2019

Summary: An ordinance amending Section 17.43 of the Trinity County Zoning Ordinance relating to the cultivation of cannabis.

The following additions were enacted relating to application requirements

- a. All licensed cultivators within Trinity County can self-transport their own product to licensed distributors and/or manufacturers as permitted by State law. Permission to self-transport must be obtained by Trinity County through the application process as well as the appropriate state license.
- b. Licensee's may transfer their license to other property under their ownership OR for which they have a valid rental agreement and certification of permission to grow Cannabis on the property.
- c. The licensee may maintain their original license number if they are applying for, or obtaining, an alternative cultivation license.
- d. Each premise upon cultivation will occur must have a legal dwelling unless cultivation occurs on a contiguous parcel with a legal dwelling under identical ownership.

Language around exemptions for cultivation within the Trinity County Waterworks District #1 were removed from subsection 5 of section 43.

Additional amendments were enacted to the Cannabis Cultivation Program Fee, they are as follows:

- a. When submitting an application, there will be a non-refundable application fee of 50% of the first year's fee for each license that will be applied towards the first year's fees if a license is granted.
- b. Specialty Outdoor and Mix Light fees were reduced from \$4,000 to \$3,000.
- c. Fee associated with transfer of licenses

- i. Transfer of license on same parcel: 50% of original application fee not to exceed \$1,500.
- ii. Transfer of license to a different property: 100% of all original fees as set forth above.
- d. Fees will be paid annually on the date of the issuance of the license each year.

Section 5. Current Conditions in Trinity County

5.1 Poverty

In Trinity County, 23.2% of the total population lives below the federal poverty level (FPL).⁴⁶ Compared with the state average of 12.6%, Trinity County has a significantly higher proportion (10.6%) of the population under the FPL. Furthermore, Trinity's rate of poverty is higher than all of its neighboring counties.⁴⁷

Table 1. Poverty rate comparison

<u>County</u>	<u>Poverty Rate</u>
Trinity County	23.2%
Humboldt County	19.7%
Tehama County	18.8%
Siskiyou County	16.9%
Mendocino County	16.3%
Shasta County	15.1%

Southern Trinity County experiences poverty at a higher rate than the rest of the county, despite the fact that poverty significantly impacts the county as a whole. The census tracts in Trinity County with the highest proportions of population living in poverty are tract 5 (28.4%), tract 1.01 (24.1%), and tract 1.02 (22.2%). Census tract 5 is located in southern Trinity County and encompasses Hayfork, Hyampom, Ruth, Post Mountain, and Mad River. Census tract 1.01 and

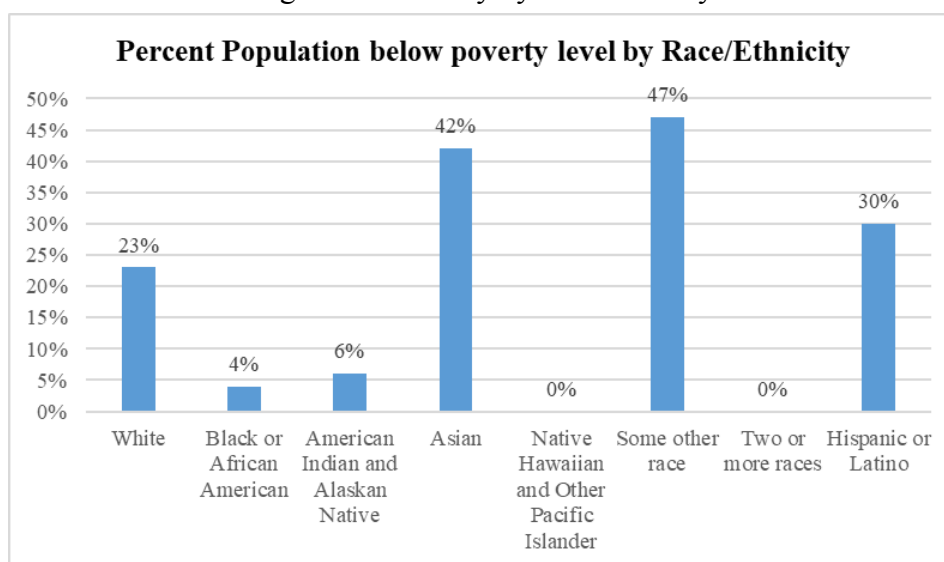
⁴⁶ U.S. Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Poverty status in the past 12 months*. Retrieved from <https://data.census.gov/cedsci/table?t=Poverty&g=0500000US06105&tid=ACSST5Y2020.S1701>, accessed June 1, 2021.

⁴⁷ U.S. Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Poverty status in the past 12 months*. Retrieved from <https://data.census.gov/cedsci/table?t=Poverty&g=0500000US06015.06023.06045.06089.06093.06103.06105&tid=ACSST5Y2020.S1701>, accessed June 2, 2022.

1.02 are located in north-eastern Trinity County and encompasses Douglas City, Weaverville, Lewiston, Coffee Creek, and Trinity Center.

Trinity County's poverty rate matches with its geographical and demographical characteristics as a remote county with limited economic opportunities. More insight into the demographics show that the age cohort with the largest proportion of individuals under the poverty level is 55-64 year olds. This age group comprises roughly 15% of the total population living in poverty in Trinity County and constitutes 18.2% of the total county population.⁴⁸ This was followed by the age groups 45-54 years old (roughly 14.5% experiencing poverty and constituting 10.7% of the county population) and 25-34 year olds (13.7% experiencing poverty and constituting 8.3% of the county population).⁴⁹ The race/ethnicity category with the highest percentage of poverty is the Some Other Race Alone category (47.1%), followed closely by the Asian Alone category (41.6%). The populations that identify as American Indian and Alaskan Native (5.8%) and Black (4.2%) have the lowest proportions of their populations living in poverty.⁵⁰ (see Figure 12 below)

Figure 12. Poverty by race/ethnicity



Levels of disparity are present for certain racial and ethnic populations when comparing poverty rates. Trinity County residents who identify as Some Other Race as well as Asian are roughly two (2) times more likely to live in poverty than residents who identify as white. Residents who identify as Hispanic or Latino are 1.3 times more likely to live in poverty than their white

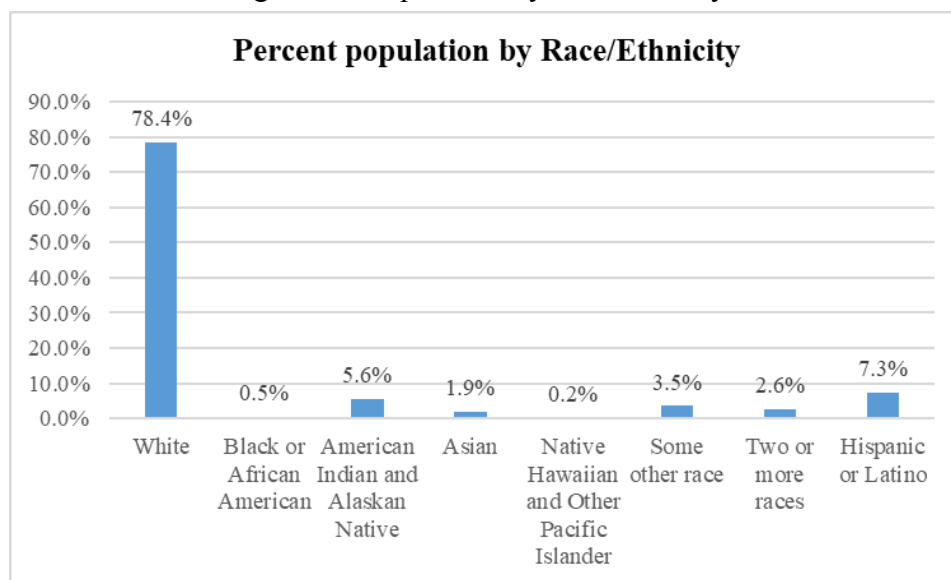
⁴⁸ U.S Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Age and sex*. Retrieved from <https://data.census.gov/cedsci/table?t=Age%20and%20Sex&g=0500000US06105>, accessed June 23, 2022.

⁴⁹ DataUSA (2019). Trinity County. *Poverty by Age and Sex*. Retrieved from <https://datausa.io/profile/geo/trinity-county-ca>, accessed June 2, 2022.

⁵⁰ Ibid.

counterparts. Individuals who identify as Asian, Black, Some Other Race, or Hispanic or Latino are disproportionately impacted by poverty in Trinity County (see Figure 13 below).

Figure 13. Population by race/ethnicity⁵¹



A higher proportion of children and adolescents under the age of 18 live in poverty in Trinity County (30.2%) compared with the State of California (16.8%).⁵² In addition, 66.3% of children enrolled in K-12 schools during the 21-22 academic year in Trinity County qualified for Free and Reduced Price Meals (FRPM), higher than the state average of 57.8% that same year. The State of California uses FRPM data in estimating the proportion of student poverty as families qualify for benefits if they earn at or below current income eligibility guidelines, receive Supplemental Nutrition Assistance Program (SNAP) benefits, or participate in other federal assistance programs.

Contemporary economic opportunities are scarce in Trinity County, presumably based on its historically heavy dependence on extractive industries such as mining and timber. Interviews with county stakeholders indicated that many county residents lost work when all but one of the mills shut down. Scarcity of economic opportunities is a significant driver for poverty, as half of the households in the county make less than half of the state's median household income. During 2020, Trinity County's estimated median household income was \$41,780, significantly lower

⁵¹ U.S. Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Race*. Retrieved from <https://data.census.gov/cedsci/table?t=Race%20and%20Ethnicity&g=0500000US06105&tid=ACSDT5Y2020.B02001>, accessed June 15, 2022.

⁵² U.S. Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Poverty Status in the past 12 months*. Retrieved from https://data.census.gov/cedsci/table?t=Poverty&g=0400000US06_0500000US06105&tid=ACSST5Y2020.S1701, accessed June 16, 2022.

than California's median household income of \$78,672. Trinity's median household income is also lower than \$64,994, the national average.⁵³

Thirty-nine percent (39.4%) of Trinity County's population over the age of 16 are employed, meaning that the county has far less of its population in the workforce when compared to the state (59.4%) and the nation (59.6%).⁵⁴ Likewise, the proportion of Trinity County's population over the age of 16 that are not in the labor force (56.4%) is significantly higher than that of the state (36.3%) and nation (36.6%). Trinity County's unemployment rate (9%) is approximately three percent higher than the state (6.3%).

The percentage of a population with public health insurance can speak to the level of poverty in an area. Trinity County relies more on public health insurance than the state and nation. The proportion of Trinity County's population on public health insurance is 58.5%, compared with the state at 38% and the nation at 35.3%.⁵⁵

5.2 Educational Attainment

High school graduation rates of those 25 years and older are significantly higher (93.0%) in Trinity County than statewide (83.9%). However, of those 25 and older, completion of bachelor's degrees or higher is substantially lower in Trinity County (19.2%) than the state average (34.7%).⁵⁶

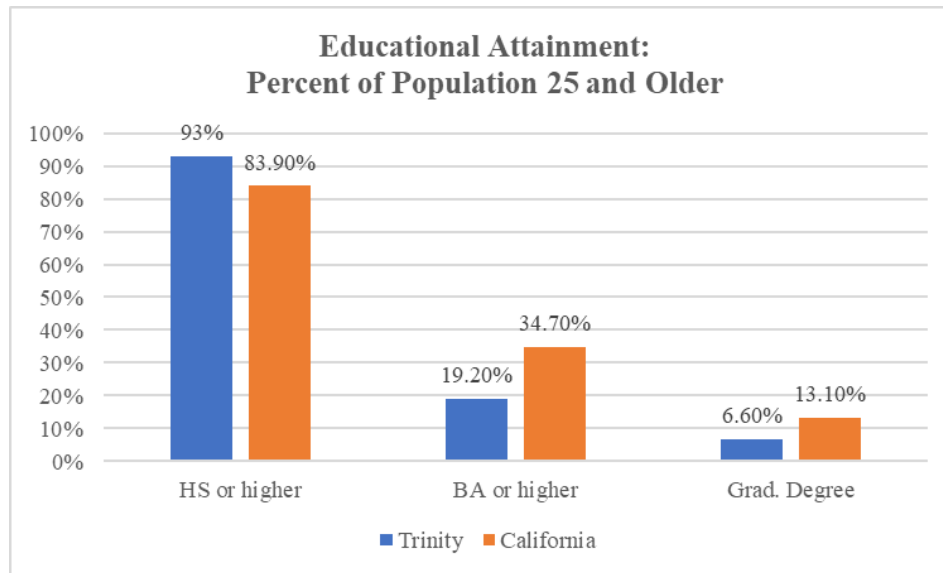
⁵³ U.S. Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Income in the past 12 months (2020 inflation-adjusted dollars)*. Retrieved from https://data.census.gov/cedsci/table?t=Income%20and%20Poverty&g=0100000US_0400000US06_0500000US06105, accessed June 15, 2022.

⁵⁴ U.S. Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Selected Economic Characteristics*. Retrieved from https://data.census.gov/cedsci/table?t=Employment&g=0100000US_0400000US06_0500000US06105&tid=ACSDP5Y2020.DP03, accessed June 15, 2022.

⁵⁵ Ibid.

⁵⁶ U.S. Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Educational Attainment*. Retrieved from <https://data.census.gov/cedsci/table?t=Educational%20Attainment&g=0500000US06105>, accessed August 8, 2022.

Figure 14. Educational attainment



It may be that a lower rate of college completion, in light of higher high school graduation rates, is in part a reflection of the scarcity of higher education opportunities in the county. While Shasta College maintains a small satellite campus in Weaverville, only a limited selection of courses is available, and students would ultimately need to pursue distance learning or relocate to complete a bachelor's degree.

The challenges of distance learning may be compounded by limited access to broadband internet. Households in Trinity are less likely to have internet service compared to state averages. In Trinity, 13.1% of households do not have access to the internet versus 10.9% statewide, and this figure rises to 36.3% for households with income below \$20,000, and 16.9% for households with income between \$20,000 and \$74,999.⁵⁷

5.3 Natural Disaster

Trinity County has confronted numerous wildfires throughout the past five years, one of which was the Helena Fire during 2017. The Helena Fire was highlighted during the interview process as one cultivator indicated a loss of a warehouse alongside 27 acres of their property. Helena is the fourth largest wildfire that Trinity has encountered in the last five years, with 21,846 acres burnt (see Table 2 below). Beginning in 2021, the second and third largest wildfires were sparked by lightning strikes, effectively destroying 345,777 acres of land in Trinity. These fires are called the Monument Fire (223,124 acres) and the McFarland Fire (122,653 acres).

⁵⁷ U.S. Census Bureau (2020). American Community Survey 5-Year Estimates Subject Tables. *Types of Computers and Internet Subscriptions*. Retrieved from https://data.census.gov/cedsci/table?q=internet&g=0400000US06_0500000US06105, accessed August 8, 2022.

Trinity County's most notable fire is the August Complex Fire, the largest wildfire in California's history.⁵⁸ Defined as a complex fire, it began as several separate fires were sparked by lightning strikes in northern California during August of 2020. These smaller fires transformed into a larger fire that decimated over a million acres of land in seven neighboring counties; Trinity, Humboldt, Mendocino, Colusa, Glenn, Lake, and Tehama Counties. The August Complex Fire threatened and took the livelihoods of many; one cultivator highlighted the loss of their home and their possessions in the fire as a significant financial setback.

Trinity County cultivators indicated that these fires significantly impacted their ability to sell their product, whether that be through having to evacuate and losing their crop to the fires altogether, or the smoke and ash from the fires leaving their crop unsellable in an oversaturated market. Smoke and ash also have an impact on the success of testing product. Cultivators also indicated that the fires of 2020 triggered infestations of aphids and broad mites, which caused damage to crops.

Table 2. Trinity County wildfires⁵⁹

Wildfire	Start Date	Acreage Covered	Structures Impacted	Injuries	Location Information
Buck Fire	September 12, 2017	13,417	Not reported	Not reported	Black Rock Mountain, North Portion of Yolla Bolly Wilderness
River Fire	October 14, 2017	148	Not reported	Not reported	Off of County Link Creek Rd, near the community of Mad River
Sandy Fire	August 2, 2017	32	Not reported	Not reported	Sandy Bar, Hwy 299, 4 miles east of Burnt Ranch
Ruth Complex Fire	August 7, 2017	4,736	Not reported	Not reported	Dutchman Rd, east of Zenia
Helena - Fork Fire	August 30, 2017	21,846	Not reported	Not reported	Hwy 299 near town of Helena, Junction City

⁵⁸ CNN (2020). *California fire is now a "gigafire," a rare designation for a blaze that burns at least a million acres.* Retrieved from <https://www.cnn.com/2020/10/06/us/giga-fire-california-august-complex-trnd/index.html>. Accessed April 20, 2022.

⁵⁹ CalFire (2022). Incidents. Retrieved from <https://www.fire.ca.gov/incidents/>. Accessed April 19, 2022.

Flat Fire	June 28, 2018	300	Not reported	Not reported	Reading Creek Road, SE of Douglas City
Kerlin Fire	September 4, 2018	1,751	Not reported	Not reported	Kerlin Creek, west of Hyampom
Henthorne Fire	September 5, 2019	244	Not reported	Not reported	Yolla Bolly Middle Eel Wilderness near Henthorne Lake, North of Covelo
Rams Horn Fire	September 7, 2019	280	Not reported	Not reported	Highway 3 and Bear Creek Loop, Northeast of Coffee Creek
Bar Fire	April 25, 2020	55	Not reported	Not reported	Bar K Rd & Shady Creek Lane in Douglas City
Flat Fire	June 30, 2020	62	Not reported	Not reported	Highway 299W and Mill Creek Road, Southeast of Burnt Ranch
August Complex Fire	August 16, 2020	1,032,648	<i>Structures Destroyed: 500⁶⁰</i>	Not reported	<i>Impacted Mendocino, Humboldt, Trinity, Tehama, Glenn, Lake, and Colusa Counties</i>
Hobo Fire	September 1, 2020	Not reported	Not reported	Not reported	East Fork Rd and Barney Gulch Rd, north of Helena
Mountain Fire	July 23, 2021	25	Not reported	Not reported	Island Mountain Rd x Raff Creek

⁶⁰ Geographic Area Coordination Center (2020). *National Large Incident Year-to-Date Report 12/21/2020*. Retrieved from <https://web.archive.org/web/20201229021815/https://gacc.nifc.gov/sacc/predictive/intelligence/NationalLargeIncidentYTDReport.pdf>. Accessed April 20, 2022.

					Rd, southeast of Alderpoint
McFarland Fire	July 30, 2021	122,653	Not reported	Not reported	<i>Impacted Shasta, Trinity, and Tehama Counties.</i> McFarland Ridge and Baker Flat, west of Platina
Monument Fire	July 30, 2021	223,124	<i>Damaged: 3 Destroyed: 50 Threatened: 10580</i>	<i>Firefighter Injuries: 8</i>	Del Loma, CA near Monument Peak
Maxwell Fire	October 5, 2021	80	Not reported	Not reported	Maxwell Creek Rd and Clems Flat, west of Douglas City
Canal Fire	October 14, 2021	59	Not reported	Not reported	Canal View Rd and Paskenta Rd, northwest of Corning

In many instances, wildfires are exacerbated by other environmental impacts such as droughts. Droughts are a recurring feature of California's climate with the years 2012 through 2016 being some of the most severe in the state's history. Cultivators in Trinity County have been impacted in the context of the ongoing drought, as sufficient water storage during the drier months has become an ever growing need to operate. Many cultivators indicated the necessity of water systems such as rainwater catchment systems, and how they have been added to the copious other financial barriers faced by small operators.

The Department of Cannabis Control (DCC) offers disaster relief to those who have been impacted by specific disasters such as wildfires, droughts, and COVID-19. The DCC intends to work with licensees if they believe that relief from licensing requirements would support water conservation efforts. Per wildfires, DCC has eased requirements for transporting and storing cannabis and cannabis products for the purpose of immediate evacuation in areas threatened by fire. Licensees are not required to contact DCC prior to moving cannabis or cannabis products, however there are requirements after transporting products (see footnote below).⁶¹

⁶¹ <https://cannabis.ca.gov/resources/disaster-relief-programs/>

5.4 Health

Trinity County is ranked among the least healthy counties in California for health outcomes, especially relating to the county's overall mental wellbeing. Transportation is a common barrier for rural communities when attempting to access health services, and communities in Trinity are no different. Residents have access to health services in Weaverville, Willow Creek, Hayfork, and Mad River. Sparsely populated communities in the county need to travel considerable distances, sometimes stretching three hours round trip, to be able to access services.

Trinity ranks highest in the state on poor mental health, with residents reporting an average of 5.1 poor mental health days within the span of a month.⁶² Similar trends are apparent for many other northern California counties.⁶³ Isolation, coupled with intense rural poverty and limited access to care creates conditions of desperation for communities in Trinity County.

Alike rates for poor mental health, northern California counties rank as having some of the highest rates of homicide and suicide in the state. California Department of Public Health estimates that Trinity County's rate of homicide, aggregated alongside six other counties in northern California, is significantly above that of the state average.⁶⁴ Trinity's rate of homicide stands at 9.6, almost doubling California's rate at 5.4; Trinity County ranked 5th highest in the state for rate of homicide. In comparing suicide rates, Trinity County is ranked 3rd highest in the state. Trinity's rate at 24.4 doubles that of California's average of 10.7.⁶⁵ Trinity County's exceptional rates of homicide and suicide may be a significant driver in the county's rate of premature deaths.

Premature death rates highlight an extremely high number of years of potential life lost before the age of 75 in the county; Trinity ranks at the top with 14,300 years of potential life lost per capita. Comparison shows Trinity high above the state of California in premature deaths as the state rate is 5,700 potential years per capita.⁶⁶

⁶² University of Wisconsin Population Health Institute (2019). *County Health Rankings and Roadmaps, Poor Mental Health Days*. Retrieved from <https://www.countyhealthrankings.org/app/california/2022/measure/outcomes/42/map>, accessed August 18, 2022.

⁶³ Humboldt, Del Norte, Siskiyou, Modoc, and Tehama Counties all rank within the highest percentile.

⁶⁴ Data related to Trinity County's homicide and suicide rates are aggregated with the following counties: Del Norte, Lassen, Modoc, Plumas, Sierra, Siskiyou.

⁶⁵ California Department of Public Health (2019). *Preventing Violence in California Data Brief 1: Overview of Homicide and Suicide Deaths in California*. Retrieved from <https://www.cdph.ca.gov/Programs/CCDCPHP/DCDIC/SACB/Pages/ViolencePreventionInitiative.aspx>, accessed June 15, 2022.

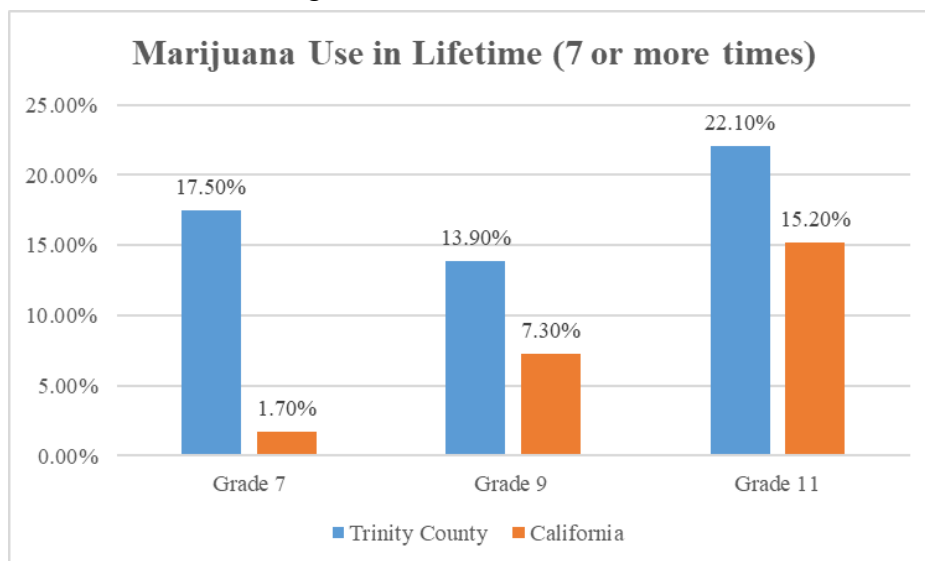
⁶⁶ University of Wisconsin Population Health Institute (2019). *County Health Rankings and Roadmaps, Premature Death*. Retrieved from <https://www.countyhealthrankings.org/app/california/2022/measure/outcomes/1/map>, accessed June 15, 2022.

5.5 Youth Cannabis Use

A higher proportion of seventh and ninth graders in Trinity County have used cannabis at least once compared to the state average.⁶⁷ Almost twenty-three percent (22.5%) of seventh grade students in Trinity County have used cannabis compared with 6.3%, the California average for seventh grade students. The difference between the aforementioned rates (16.2%) is stark, cannabis use may start earlier for youth in Trinity County. However, exceptional differences between Trinity County and the state only appear in cannabis use rates for seventh graders; the trend for ninth graders highlights a 2.8% difference and the trend for eleventh graders highlights a 5.2% difference.⁶⁸

Trinity County has a significantly higher ratio of students who have used cannabis multiple times during their lifetime, and may regularly use cannabis. Rates of cannabis use for students from grades seventh, ninth, and eleventh show that there is a higher fraction of students in Trinity County that are exposed to cannabis than that of the state (see Figure 15 below).

Figure 15. Youth cannabis use



Section 6. Overview of Trinity County Cannabis License Process & Applicants

Trinity County, as of June 2022, has 399 total active state licenses, with 94.5% of those active licenses for cultivation.⁶⁹ The county has a very high proportion of their total state cultivation

⁶⁷ Kidsdata.org (2017-2019) *Marijuana Use in Lifetime, by Grade Level*. Retrieved from <https://www.kidsdata.org/topic/608/marijuana-lifetime-grade/table#jump=related-data&fmt=826&loc=2,325&tf=134&ch=69,305,306,431,748,616,617,618,1004,1005&sortColumnId=0&sortType=asc>, accessed June 17, 2022.

⁶⁸ It is important to note that rural school and classroom sizes are significantly lower than urban counterparts, thus percentage rates appear inflated.

⁶⁹ Department of Cannabis Control (2022).

licenses as provisional licenses; roughly 77% are provisional and 23% are annual licenses. Virtually all (99%) of the cultivation licenses are for small cultivation tiers, maxing out at 10,000 square feet of canopy.⁷⁰ These numbers tell us that Trinity County is a major jurisdiction in the State for small-scale cultivation licenses and that the County has had major difficulties advancing their permittees from provisional to annual status, six years after the first local applications were filed.

Trinity County's commercial cannabis licensing process runs through the Cannabis Division under the Planning Department. As a result of a superior court ruling, predicated on a lawsuit against the county for misrepresenting an initial study as a full programmatic environmental impact report (EIR) in compliance with CEQA regulations, all local permits were effectively rendered inoperable starting October 2021. Since then, the county has required local license holders to prove their environmental compliance through a site-specific CEQA review and checklist (Appendix C) in order to begin operating again. Additionally, throughout the last ten months, county staff have been in the process of a file audit to partially determine how many complete local license applications they have in the system, versus how many applications were previously incomplete and inactive. With this information, county staff have reached out to applicants with incomplete applications in the hopes that they will be able to complete the process and operate legally. The Cannabis Division is currently processing finalized Appendix Cs and issuing local licenses back to operators. As of early June 2022, approximately 12 Appendix Cs had been processed with local permits issued. As of July 2022, 21 Appendix Cs have been processed. Approximately 317 local permits are pending as of July 2022.

During January of 2022, The Department of Cannabis Control (DCC) began the Local Jurisdiction Assistance Grant Program, one-time grant funding of \$100 million dollars for jurisdictions with high proportions of provisional cannabis licenses. The purpose of the grant funding is to quickly transition provisional licenses to annual licenses. Extra funding was available to jurisdictions with social equity programs already set up, as large numbers of small, legacy, and equity businesses operate within those areas. Through this grant funding, Trinity County received roughly \$3.3 million dollars from the state, and is using the funding to get cultivators operating again. Funding activities outlined by the county include facilitating license processing, land-use permits, site-specific inspections and verifications, and CEQA determinations for environmental compliance.⁷¹

Trinity County is home to a significant unregulated cannabis market; stakeholder interviews indicated an estimate of 4,000 unregulated actors in the county.

⁷⁰ Small cultivation tiers are as follows: specialty cottage, specialty, or small. These tiers apply to outdoor, indoor, and mixed-light cultivation.

⁷¹ Department of Cannabis Control (2022). Local Jurisdiction Assistance Grant Program. Retrieved from <https://cannabis.ca.gov/about-us/grant-funding/local-jurisdiction-assistance-grant-program/>, accessed June 23, 2022.

District 3 Supervisor, Liam Gogan, pointed out the wealth of actors in the unregulated market:

We have 9 out of 10 grows in Trinity County that are non-legal grows. I feel for permitted growers, the majority of them try and do the right thing. They sign up for regulations where the illegal cultivators don't have to apply, 94% chance of never getting arrested for illegal cultivation and when you do, nothing happens. We are tackling a legal cannabis thing here, but aren't tackling the illegal cannabis issue much at all.

Our interview with law enforcement called attention to legacy cultivators, and how deeply seeded their trauma relating to government regulation is:

...many moved because of the Green Rushers and the money they were offered. The old timers are still in the shadows, during their generation they would go to prison for two plants. You cannot get that out of the old school growers that are still around.

As indicated earlier, state licenses for non-cultivation activities are practically non-existent; the county currently has zero manufacturers, one commercial retailer, and three microbusinesses. Trinity County is a major cultivation jurisdiction in California, and thus has a lot to gain from the added value of license types beyond cultivation. Incentivizing and training for diversification of those license types is recommended.

Trinity County has recently been in discussion on updating policy relating to commercial cannabis exclusion zones (referred to as opt outs in Trinity County). Exclusion zones are areas in the county where commercial cannabis operations are prohibited. Trinity County currently has opt out areas, indicated in Section 43 of the Trinity County Zoning Ordinance (see Ordinance 315-823 above). Current policy changes would establish permanent guidelines for current and future opt out areas. Opt out areas represent ongoing policy volatility, a barrier to entry that operators in Trinity County continue to face.

Section 7. Barriers to Entry

The section that follows outlines the barriers to entry equity stakeholders in Trinity County face when seeking to transition into the legal cannabis sector, as well as general barriers operators throughout the state face. Barriers specific to Trinity County include 2022 loss of cultivation season, language barrier for ethnic Hmong-Americans, and water storage. General barriers include financial, banking, compliance, infrastructure, administrative/technical, and business acumen barriers.

Trinity County Specific Barriers

2022 Loss of cultivation season

As explained above, most Trinity County cultivators were not permitted, locally, in time to start their 2022 cultivation season due to the TAA lawsuit. Given the timing of the 2021 ruling, many were also affected towards the end of their 2021 season. According to one interviewee,

... many designed their inventory or cut their crops on September 31st 2021, fearing they would be prosecuted and unable to achieve legal status, or criminally charged. Thus, for some 2021 was not a full sun season opportunity, but light deps were able to finish before the 31st deadline from TAA.

The 2022 season was affected more directly. In order to have a final County CEQA inspection, each site had to be clear of any vegetating plants. This had a substantial impact for stakeholders who were already on the edge, economically, due to market forces and the small-scale at which most of them cultivate. Without new revenue, it will be very difficult to try again next year, when the County is expected to have completed inspections. Without assistance, most of Trinity's cultivators will fail in their years-long journey to transition to the regulated market.

Language barrier for Hmong-Americans

Within the last decade, Trinity County has experienced significant migration from Hmong-American communities. Many Hmong-American community members are interested in joining the regulated cannabis market, as cultivating cannabis applies to Hmong traditions of growing hemp. These stakeholders have significant barriers to entry into the regulated industry, mainly concerning a language barrier. Hmong-Americans in Trinity County not only have to deal with the complexities of ever changing regulation in the industry, but are faced to do so with minimal consulting and faced to do so in their second language. Hmong-American individuals in Trinity County want to be positive, communitarian members of their community but face more barriers than most others, thus requiring assistance.

Water Storage

Trinity County is facing one of, if not, the worst droughts it has ever experienced. Cultivators have and continue to manage the third year of significant drought conditions; conditions among many others that limit their ability to be successful in their businesses. Interviews with cultivators highlighted a considerable need for water storage infrastructure improvements. The drought has impacted the availability of water, thus sufficient water storage during drier months has become a necessity to continue cultivating.

General Barriers

Financial

All new businesses face financial requirements to enter a new market. For individuals adversely affected by historical criminalization of cannabis and/or poverty, financial barriers can be difficult to overcome. The application fees, fees for professional studies, traffic impact fees, and the cost of compliance with mitigation measures are significant barriers for smaller scale operations and/or socio-economically disadvantaged populations. No bank loans or conventional lending are available for licensed cannabis businesses.

Compliance

Compliance costs are a standard financial barrier to entry for poorly capitalized small cannabis businesses. These include County licensing fees and consultant fees paid for archaeological studies. Additionally, in Trinity County, financial barriers include the recent addition of costs of studies needed for cultivator's Appendix C application checklist.

Infrastructure upgrades

Part of the high cost of compliance include infrastructure upgrades to reduce environmental impacts associated with cannabis cultivation. The one most mentioned by our interviewees was water storage, but other costs include culvert and road work, as well as code-compliant housing which is required on each parcel that a cultivation license is located.

Administrative/Technical

Applications require an understanding of and compliance with complex requirements from multiple local and state agencies. In regards to cannabis permits, there are considerable administrative/technical barriers to entry. These are time-consuming, resource-intensive, and require significant technical knowledge and/or skill. Accessing traditional sources of technical assistance, such as small business development centers, is unviable as they are federally funded. With cannabis still federally illegal, small business development centers cannot assist small cannabis businesses as they risk losing funding.

Business Acumen

The skills needed for participation in a highly regulated marketplace, including business planning, human resources management, accounting and inventory controls can be significant barriers to entering a new market. Business education will be particularly important for equity stakeholders because high rates of historical and current poverty indicate such applicants will likely need and will benefit from education, training and skill-building on how to successfully enter and thrive in the legal cannabis market. Well-resourced and highly educated applicants will have a significant advantage to succeed in the emerging legal industry and a level playing field is necessary to ensure those impacted by criminalization and poverty have both the resources and expertise to compete with more resourced and highly educated applicants.

Banking

According to an article by Josh Adams for New Frontier Data⁷², “Since cannabis remains federally prohibited, access to dependable and consistent banking services is limited, resulting in cannabis businesses being cash-intensive.” The American Bar Association⁷³ adds “this state of legal limbo greatly increases the risks to which these businesses are exposed in that they must deal with vast amounts of cash, thereby increasing the risk of robbery and making it difficult to render payment to others.” According to one interviewee, Trinity County Coast Central Credit Union offers banking services with a \$300/month fee.

Section 8. Cannabis Equity Program Findings and Recommendations

Finding #1: Equity program eligibility factors should prioritize existing small-scale cultivation permittees’ transition to annual State licensure and diversification of permitted activities.

Trinity County should consider including the tiered combinations of the following eligibility criteria:

- Cultivators who were unable to complete their site-specific CEQA review and inspection by June 1, 2022, with a priority for full-sun cultivators over mixed light
- Cultivators whose State licenses have not yet advanced to from provisional to annual
- Cultivators whose licensed canopy maximum does not exceed 10,000 square feet
- Arrest history for nonviolent cannabis offenses
- Immediate family member with arrest history for nonviolent cannabis offenses
- Women
- Low Income Status
- Individuals who resided in the County of Trinity for at least five years between 1970-2016
- Are majority owners in their license
- Currently have children enrolled in Trinity County public schools
- Current or past participation in community institutions such as volunteer fire departments and nonprofit organizations, especially those dedicated to environmental sustainability
- Legacy trauma from CAMP raids in the 1980s onward
- Veteran status

⁷² Adams, Josh (2020). New Frontier Data. *Catching Cannabis Coming and Going: How Law Enforcement Profits from Illicit and Legalized Marijuana Businesses Alike*. Retrieved from <https://newfrontierdata.com/cannabis-insights/catching-cannabis-coming-and-going-how-law-enforcement-profits-from-illicit-and-legalized-marijuana-businesses-alike/>, accessed February 18, 2021.

⁷³ Black & Galeazzi (2020). American Bar Association. *Cannabis Banking: Proceed with Caution*. Retrieved from <https://businesslawtoday.org/2020/02/cannabis-banking-proceed-caution/>, accessed February 18, 2021.

Table 3. Description of individual eligibility criterion

Criteria	Recommendation
Impacted by outcome of the TAA lawsuit	Cultivators who were unable to get a season underway by June 1, 2022; and with consultant expenses related to Appendix C forms
Provisional status	Cultivators that have not yet advanced to state annual licensure but are provisional in good standing with the State
Small-scale cultivation	License types 10,000 square feet and under
Arrest history	Have been arrested for the nonviolent sale, possession, use, manufacture or cultivation of cannabis or any other drug (including as a juvenile), or been subject to asset forfeiture between 1980 and 2018. Have a parent, sibling or child who was arrested for the nonviolent sale, possession, use, manufacture or cultivation of cannabis, or any other drug, between 1980 and 2018.
Low income status	Household income at or below the median income.
Women	Data shows a disproportionate impact of cannabis criminalization on women in Trinity County relative to the State
Residency consideration	Give additional consideration to those who have resided in the County of Trinity for at least five years between 1970-2018.
Legacy trauma from CAMP raids in the 1980s	Give additional consideration to individuals and children who experienced CAMP raids in the 1980s
Veteran status	Give additional consideration to those with veteran status.
Parents with Children in Trinity Public Schools	Give additional consideration to parents who have, or have had, children enrolled in Trinity Public Schools; and close family members thereof
Communitarian associations	Give additional consideration to cultivation stakeholders who have served their communities as volunteer firefighters, nonprofit volunteers, or other similar community institutions

Finding #2: Ensure applicants meeting equity program eligibility factors have adequate opportunity to take advantage of the program.

- Consider a prioritized permit process for equity applicants

- Ratios: consider mandating a requisite number/percentage of equity applicants during permitting
- Provisional approval: consider allowing for provisional permits to allow equity applicants to overcome financial barriers
- Amnesty Program: Consider developing pathways such as an amnesty program to encourage existing nonconforming businesses to transition to the legal market

Finding #3: All peer jurisdictions who have implemented adult-use cannabis require data collection to understand the impact of the industry. CCRP recommends tracking data on general and equity applicants on an ongoing basis to measure the impact of the equity program.

Recommended Metrics:

- Number of equity applicants to apply
- Types of drug-related offenses
- Income status
- Race
- Ethnicity
- Gender
- Sexual Identity
- Residency Status
- Ownership Structure
- Workforce characteristics
- Total number of employees
- Number of local employees
- Employment status (full-time, part-time, etc.)
- Equity program-specific data
- Number of applicants eligible for equity program
- Number and types of services provided to equity applicants
- Number of equity program applicants to receive licenses

Finding #4: The County should focus its equity program on helping cultivation licensees recover from loss of revenues, expenses, and risks of exposure to law enforcement from recent re-criminalization.

- Consider providing block grants of up to \$25,000 for cultivators who lost their season
- Consider reimbursing consultant costs related to conducting site-specific Appendix C review between September 2021 and December 2022.
- Consider an amnesty program for cultivators who chose to try to have a 2022 season but were abated and whose permits are otherwise in good standing.

Finding #5: The County should explore incentivizing and expanding the types of licenses it offers. Cultivation is the lowest value-added and most precarious part of the supply chain, and should be complemented by

- Consider providing technical assistance for environmentally sustainable certification and value-added activities such as processing, branding, manufacturing, marketing, and distribution.
- Consider supporting cannabis event licenses beyond the existing County Fair temporary event license to create business opportunities for socioeconomically disadvantaged residents with limited access to capital. Event licenses have the lowest capital barrier to entry for all State cannabis licenses, since they do not have to be attached to permanent real estate, and can be used to promote tourism.

Finding #6: Create specific services/programs for equity applicants that address/mitigate barriers to entering the legal cannabis market.

Table 4. Services/programs

Barrier	Recommendation
Re-criminalization	1. Compensate cultivation businesses up to \$25,000 that could not get permitted in time to have a cultivation season 2. Reimburse CEQA consultant costs
Language	1. Hire Hmong-fluent cannabis permitting staff 2. Provide interpretation services for every aspect of the program 3. Provide application and review materials in Hmong language
Infrastructure	1. Prioritize grants that increase onsite water storage 2. Culvert creation or repair 3. Assistance with code-compliant issues related to required onsite housing 4. Roadwork associated with compliance

Below are a series of recommendations to support cannabis businesses adapted from peer jurisdictions.⁷⁴

⁷⁴ Recommendations were adapted from *Workforce Report: Humboldt County's New Cannabis Landscape* (2018) authored by Deborah Claesgens & Michael Kraft on behalf of the Humboldt County Workforce Development Board.

Table 5. Peer jurisdiction recommendations

Barrier	Recommendation
Financial	1. Waive fees for application assistance meetings. 2. Deferral of payment of application fees for zoning and special use permits. 3. Waive or defer fees for training and certifications required by law. 4. Loans or grants to incentivize businesses that mitigate adverse environmental effects of cannabis cultivation.
Administrative/Technical	1. Technical assistance for the formation of cannabis cooperative associations. 2. Technical assistance to ensure public and private road access to cannabis operations. 3. Provide training and/or technical assistance to assist those with past cannabis convictions get their records expunged. 4. Work with banking institutions and provide technical assistance to support equity applicants in accessing banking services.
Business Acumen	1. Employment skill training for equity participants employed or seeking employment in licensed cannabis operations. 2. Training/support for business owners to understand workforce rules and regulations. See recommendations below.
Distrust of Government	1. Conduct outreach and education efforts in areas that were focused on by law enforcement for cannabis eradication and cannabis arrests; encourage those individuals to apply for licenses and enter the legal industry. 2. Create outreach materials that are clear, concise, and accessible to those with low literacy. Consider creating materials in multiple languages such as Spanish and Hmong.

Manufacturing/Production

Artisan Size Businesses

- Access to business planning (business startup strategy: how to build and manage a detailed startup business plan that can scale up and include facilities, marketing, tax and regulation, payroll, human resources hiring and supervision, and teamwork).

- Access to incubation and manufacturing hubs that can hire, cross train and job share positions between small entrepreneurs.

Retail

- Access to comprehensive business and marketing strategies that connect cannabis retail to tourism, related workforce development (hiring, training, presentation, customer service, job readiness and supervisory skills).
- Access, training or mentorship in general business supervisory, customer service, workplace norms, and software skills.
- Evaluate the specific need and content for a program that certifies front line positions (bud tending, security, track and trace, manufacturing and packaging personnel).

Agriculture/Cultivation:

- Access to business planning, low cost loans or investment sources that can assist equity applicants with access to real estate, so that income can be spent on hiring, training, growing wages and benefits of a variety of jobs-from farm management to bookkeeping. Equity funding could support this for those impacted by criminalization and/or poverty.
- Support for reasonable regulations and zoning that promote and incentivize employers to build good business and workforce development practices.
- Access to standard human resource methods: hiring and orientation, training in proper and regulated land use for farm and field workers, hiring and supervision processes, setting job benchmarks and performance standards, evaluating performance for promotion or wage scale increases.
- Access to business and HR tools: developing HR manuals and procedures, how to frame up a request for a consultant scope, interview and select the right consultant or consultant firm, and how to manage a consultant scope.
- Developing, securing and increasing farm management skills in agricultural, biology, land management.
- Access to agricultural extension services to help with the science of plant biology from a medicinal and commercial standpoint, and help feed local graduates in biology and environmental sciences into the industry-much like the timber industry has done.

Finding #7: Cannabis revenues (such as cultivation/sales taxes) can be directed to community reinvestment programming to rebuild/restore environments and communities adversely impacted by the past criminalization of those involved in the cannabis industry.

Some potential focus areas include:

- Youth alcohol and drug prevention efforts
- Restorative justice programs

- Neighborhood safety programs
- Non-profit organizations whose work focuses on health and well-being of residents
 - Organizations working to address abuse, assault, and trafficking within the cannabis industry
- Community development projects

Finding #8: All cannabis operators should provide equitable employment opportunities.

These opportunities should include hiring those with past non-violent cannabis convictions, local residents, and other historically-disadvantaged populations, and providing a living wage to employees.

- Leverage existing workforce programs in the county
- Expand workforce curriculum to support new workforce
 - Support workforce fairs to provide outreach and education
 - Engage individuals who are experienced in the cannabis industry and have transitioned from the unregulated market to the regulated market to ensure curriculum is relevant and applicable
- Consider incentivizing employers to prioritize hiring for local residents, those with past non-violent cannabis convictions, and other historically-disadvantaged populations (such as women, those who lived in communities targeted by CAMP raids, those living in poverty, and tribal members).

Finding #9: Update the Trinity County Equity Assessment next year and every three years afterwards to:

- Monitor and share progress of the Equity Program,
- Monitor and share trends in the emerging legal cannabis industry,
- Identify areas for course correction and/or unexpected consequences, and
- Demonstrate an ongoing commitment to data-informed decision making and strategic planning to ensure the County of Trinity's strong transition to a legal cannabis industry.