ROLL CALL: 1:33pm

PRESENT: Joe James, Chairman; Frankie Myers, Vice Chairman; Sherri Provolt, Orick District; Mindy Natt, Pecwan District; Ryan Ray, Requa District (1:37pm); Lori Hodge, East District; Toby Vanlandingham, Weitchpec District; Phillip Williams, North District.

ABSENT: Lana McCovey, South District

STAFF: Don Barnes, Executive Director; Taralyn Ipiña, Council Operations Director; Georgiana Gensaw (recorder), Dawn Baum, General Counsel

QUORUM: 8 present, 1 absent, quorum present

OPENING PRAYER: Provided by Vice Chair Myers.

AGENDA ITEMS:
CA21-153, 2021 Advisory Referendum Medical Marijuana
Submitted by Vice Chairman Myers

Motion made by Vice Chairman Myers/Councilmember Vanlandingham Pursuant to Article XI, Section 2 of the Yurok Constitution, the Yurok Tribal Council places Advisory Referendum #1-Personal Medical Marijuana Cultivation on the October 13, 2021 Primary Election Ballot.
Do you support the Yurok Tribe moving forward with allowing personal cultivation of medical marijuana on the Yurok Reservation, limited to 6 plants per Yurok Tribal member adult (21 years old) and maximum of 12 plants per parcel of land. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-np. Yes-6, no-1, abs-0, np-1. Motion carries.

TRIBAL MEMBER COMMENT:
Elizabeth Davis: Hello. It's Elizabeth Davis, I'll start out today. Just I'm curious to know if council had an opportunity to have a work session on this, like was discussed at the last meeting. And my second question is that I don't see our Chief of Police here. I noted he was on the special meeting yesterday, and I wanted to ask him a couple of questions about his opinion on the one yesterday, the exclusion one and how he feels about being able to enforce that. And again, I would like to ask him a question today regarding this proposed referendum to go on the ballot, whether or not he and his department is capable of enforcing the proposed ordinance. I don't see him on the call today. That's my concern.
Chairman James: Thank you. Thank you, Ms. Davis and Council did have a work session on this. Just wanted to let you know. Thank you for your comment. Tribal Member Comment is still open.

Rose Sylvia: Hi, this is Rose Sylvia - go ahead, Susie. Okay.

Susie Long: Yes. The question I have is this is for medical marijuana. What proof will you be required to show that a person is using this for medical marijuana for medical reasons? Thank you.

Chairman James: Thank you. Ms. Long and we have this on the referendum in the form of a question. These are good questions that are brought up during our work session and I’m sure there’s going to be many more. Council wanted to put the form of a question to see if this is something that should go forward or not. We want to also look into our ordinances that we have in place or existing ones, and also create additional information regarding if this endeavor does go forward or it doesn’t.

Rose Sylvia: Hi. So, this is Rose Sylvia from the Pecwan District, and I have a whole bunch of questions and I recognize. By the way, the motion reads that this is to put it before the people to see if they want to grow medical marijuana. Pretty sure it's going to pass because everything that's went before, the people on marijuana has. So for me, is this for people who reside on the reservation or own land on the reservation. If the land is fee land, would they follow tribal law or California law? Because it's my understanding that they fee land owners would be obliged to follow California law. Will there have to be proof of residency? And if so, how long do they have to live on the reservation in order to be eligible to grow? Or is this going to be like marshal fishing? Where just because you're a fisherman, you can come from wherever and take all the fish and sell it, go home and support somebody else's economics. So, on the reservation, the votes on the reservation are far outnumbered by those off the reservation. But the expectation is that whatever that vote is, the people on the reservation are going to have to live with it. The people that live here will have to live with the outcomes of water fights, theft, garbage, murder, environmental impacts such as clear cutting water diversions, chemicals. We currently are a hotspot for cancer and I’m pretty sure that’s been caused by a lot of the pesticide spraying that was done by large timber industries. And then I think there also is the question of whether we’re fishermen are farmers, and if we are moving into agriculture, then what is the rules in regard to becoming farmers? And how is that going to be? How’s that going to be reviewed? Is food going to be more important than wheat? In that we are doing some food sovereignty through environmental. And so, I think we need to take that into consideration. And then I also want to say to the council that due to substance abuse, we already have a whole population of babies that were born addicted to drugs or alcohol and these babies could be more susceptible to addiction and just smoking. The first joint could give them a lifetime of fighting addiction and the whole request for medical marijuana. I believe as a farce because California has already passed the law. That approved recreational marijuana. And under that they changed their law.
to include both medical marijuana and recreational marijuana. So there really isn't anything, right? So, it's like what Susie asks, what are we going to require? From people who are, what proof are they going to have to show? Because they don't even have to get that now to live in California. And it is still illegal by the feds. So how does that affect tribal jurisdiction and our right to violate federal law? And then I know that you said it wouldn't mean reviewing the laws that are already on the books, but I would I wondered about trust land and what the rules are already are for those leases on trust, land. And if this was already something that wasn't allowed and then under California, it doesn't talk about the limit of the number of plants. It just says that it can only be in a hundred square feet. And then I think most important. And this is our constitution. And what the council swore to uphold and be stewards of our land and natural resources. What studies do you have in place for the impact of the drought and allowing everyone to grow marijuana? Our fish are a natural resource and we have fought for years for the water because of our fish. We spent millions of dollars to learn the best science to fight in court for those fish. And now that we are in one of the worst droughts, we are going to move into the direction of going marijuana without presenting the science for the impact to our river and fish. And where's the money going to come from? To make the determinations about the best science, about the oversight, about the regulations that need to be put in place for those that have to perform those studies. And then once everybody votes for this and we say, the council says, okay, all of the people who are. For the ability to grow medical marijuana. And then we do the studies. Then we do the scientific studies and we find, okay, the, the impacts of the drought are so severe that we can't allow it. Once those people vote, they're going to have an expectation of that. That is going to be there. Right. And then you're going to have to come back and say, oops, sorry, we can't do that. So, I think you really need to take into consideration putting the cart before the horse. I think there needed to be a whole lot more background done before asking the people to vote for something they're not informed about. Thank you.

Chairman James: Thank you.

Susie Long: Mr. Chairman. This is Susie Long. Again, I have remark. When Mr. Councilmember Vanlandingham chats in the chat box, that’s really side barring and it's disturbing from your thoughts. So, I don't think sidebar should be allowed. And that's mainly where I wanted to say, thank you.

Chairman James: Thank you, Miss Long.

Nicole Provolt: This is Nicole Provolt, Orick District. I have a quick comment.

Chairman James: Thank you, Miss Provolt.

Nicole Provolt: I do personally support medical marijuana and I, I applaud council for wanting to bring this forward to membership, but I, I believe that it's I think there are still too many questions and too many what ifs and what's going to happen. I think it would have been better
for council to make a decision to possibly put this on as a referendum for next year and
spend this coming year, doing the work that you know, that membership wants to have done to
address some of these questions that we just don't have the answers to. And you are asking us
to vote on something that we don't really have all the information about. So that would be my
suggestion. Thank you.

Geraldine Magee: Hi, this is Geraldine McGee and I'm a Tribal Member born and raised and
grew up in Wautek. I know you said, Chairman James that you guys had a work session, but I'd
like to hear today from Vice Chairman, why he would recommend this to our Tribal
Membership. I mean, I just don't understand this and I'm kind of embarrassed that we're even
considering this, it breaks my heart.

Chairman James: Thank, thank you, Miss Magee. I wanted to, you know, it's always a tough
decision. And one of the things, again, in the form of a question, is to put it out to the
membership or whether you agree or disagree, I just want to be full transparency. We struggle
with this behind the scenes as a whole. And one of the things that if it does move forward, then
there needs to be lengthy dialogue, discussion, ordinances, permitting regulatory. And if it
doesn't move forward, the people spoke. I just wanted to let you in the mindset
of Tribal Council is that they wanted to hear from membership on this before we went down
this road. So I just wanted to share that.

Lorraine Taggert: I have something I'd like to say, yes, this is Lorraine Taggert. I've lived in
the North District. I want to thank Council for bringing this forward as a ballot and something
that will vote on. I think it's an important issue. I think we've had discussions about it. I think
that there's a lot of people are, people are in pain and they're self-medicating with opioids and
it's doing a lot of destruction to our community. And I liked the idea of not criminalizing our
tribal members for growing their medicine. I also want to say that it's, I think a good thing that
the tribal council is asking our people what we think about it. I think that's a positive and I really
appreciate it.

Chairman James: Thank you.

[00:16:16] Unknown: I like to say something. If I have a chance. I would like to just the, I
support what Nicole said. I'm not anti-cannabis and support medical marijuana, but I do need
to remind Council where we are at with the river. I feel like it's like one step forward, and two
steps back with this momentum. Can I ask what happened in the event of when water runs
out? And we started having bags of feces and up on the side of the road because people can't
flush their toilets. And now we're talking about growing additional plants up there when we're
making plans for how to help people with daily water needs. It just doesn't seem in
alignment between the referendum and what we're planning for as a government. I just want
to kind of put that out there.
Chairman James: Food for thought. Thank you. And I wanted to inform our membership that staff and council thinks about our resources and natural resources. I know this. In other people's eyes it might seem different, but I do want to say our Council across the board is cautious of our environment, our natural resources, our water, our fish, or healthcare safety on law enforcement. We have all those discussions all the time. Each individual councilmember talks about that. That's so I wanted to inform our memberships about that. We don't take that lightly.

Susie Long: Chairman, this is Susie Long again. So, I have a cousin that owns five acres in within the boundaries of the Yurok reservation. He's not a tribal member and he's been known to grow marijuana for medical and for recreational use. What will stop him from growing? Is this only for Tribal Members?

Chairman James: Ms. Long, this one you have to be a Yurok Tribal Member. If this does move forward that's what Council has put together for the people to consider whether it moves forward or not. And again, we talk a lot about the regulatory, the protection, and, we spent probably over a year and a half talking about this, at least. And it's always a good discussion. That's always good dialogue. Well, we always get to a point, well, let's hear from the people. And so that's how we've got to this point. And I say that in a good way. Everybody's bringing up good discussions, the important things. And I look forward to having that discussion too, but yeah, to circle back this is just for Yurok tribal citizens, let me go to Mr. Hunsucker.

Klinton Hunsucker: Hey, can you hear me? Okay. My question is, basically, if it does go through and vote, are you guys, is it going to be a solid thing or are you guys going to have the ability to just to shoot it down again?

Chairman James: What we are doing is we're putting into the people, Mr. Hunsucker. If it comes back if they get shot down by the people, it's put the bed, as you say. But if it moves forward, then we've got to update our ordinances to reflect the protection of our resources versus, but at the same time providing-

Klinton Hunsucker: Yeah. I am hundred percent with you. It's going to take a lot more regulations than normal. I see simple towns that you have to have it in your front yard. You have to have it fenced off by like a six foot fence. You know the number and it's easy to check on, easy to regulate, all organic, easy. And the only reason I bring it up because they you can't ignore all the great people that are down there, the down river section with no jobs that have been growing for years, supporting their family and kids. A lot of them have always done it without any disrespect to our water land. I'm not going to name names, but they're almost all our family members. It should be definitely not be pushed because I believe by us adding more laws and rules to our land, we're restricting our people from coming home. We want all our people to come home, come to the reservation, and build it better. I mean, it has some negative effects if you don't do it right. But at the same time, you are basically saying, if you come home, you have more rules. So, I just wanted to bring that up, that, you know, you're...
limiting your people by adding more laws that right outside of your city. And we want people to
come home and build up our homes.

Chairman James: Thank you.

Jackie Mix: Hey there, Chairman, can you hear me?

Chairman James: I can hear you, Jackie.

Jackie Mix: Okay. Jackie Mix, a Wautek resident, or actually born and raised in Wautek, I'm from
there. I would like to say I'm listening to all this. I'm totally against this. I don't know if, how
many you have been up to Wautek. They had to take water to provide to Dickies home. I mean,
you're going to let these people grow and they're going to run the community out of water. I
don't understand how. You guys are allowing call it medicine. Now it's always been Mary Jane
or marijuana. Come on. Y'all are calling it medicine. Now I know it's becoming the word for
medicine, but it's not a medicine. I think some of you have an addiction and you want to
bypass it and call it a medical marijuana. But we have that many of our membership that has to
be on the dope? I mean, come on. It's good to live our lives natural. You don’t have to be on a
dope, but my concern is number one the water; number two, this water is treated. Our Tribe
pays for this water to be treated and they're putting it on a crop for an individual, not the
community, because it's community water. They're using it for individual purpose, not for your
community purpose. So that really needs to be looked into, I don't know if they treat it with a
lot of chlorine and fluoride, you know, I don't know what's all in it, but it's treated that costs
money to treat your system. So why would you allow them to plant? I know, damn well, they're
not going to walk down to the river and get some water and pour it on your plants. They're too
lazy to, they want to get a hose and run it over there. Or they want a dam up the Creek, or they
want to chop up a waterline. It isn't for the community. It's for an individual. So how is that
helping our membership to allow them to grow? I know you all don't need to be on medical
marijuana. You're doing fine without having to take some kind of drug. I just wanted to live in
a real world. That's not what we're about. It's not what your elders and your ancestors were
about. That's my feelings.

Chairman James: Thank you, Jackie. Mr. Wolfe?

John Wolfe: So, I'm listening to this and I've listened to previous discussions on this. Basic issue
pros and cons on both sides. Rarely have I heard any discussion in regard to the message and
the lifestyle that is presented to our children? What consideration in this issue benefits the
children? What kind of an atmosphere in growing in neighborhoods or in rural areas? What
kind of a message are we sending to the children that this is an issue of discussion and when
there are so many other situations and issues that meet need addressing far more with a
priority than today's discussion or the previous discussions on this issue in finalizing.

Chairman James: Okay, thank you. Ms. Nulph?

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Alanna Nulph: This is Alana. Can you hear me? This is a lot and I was thinking, and I'm wondering if this would work out on trust land, or if it would only work on fee land. I know we have a problem on the reservation with fractionated parcels where you have a lot of land and 2000 members are on that particular parcel and nobody can get majority. Majority permission to do anything on that land, whether it's, you know, building something or, or growing anything or doing essentially anything tied up in laws. I think of myself personally and I am a part of like two or three fractionated parcels where I own. And I can just foresee some major issues with, with those fractionated parcels. It seems like if you, if you own your land, it seems really simple. Theoretically, if I owned multiple acres, I could break down those acres and make a lot of money selling them to people for this. But I just want Council to be aware when they're thinking about this, that there isn't just a bunch of tribal members with a lot of land that they own outright or that they can do stuff on. There's a lot of legal issues and a lot of loopholes you have to jump through to get permission to do anything on a parcel. So, I also kind of feel like it's in poor taste during a really persistent drought to give the green light to people to start using more water for growing, for growing anything really. I mean, I heard it mentioned that if we switch this to tomato plant, would it be an issue? And I think that if someone had, you know, 150 tomato plants on a parcel, it would be a problem with water. Not that it would happen necessarily that someone grows 150-200 tomato plants, but when people are having to get bottled water down river, it seems in poor taste. Like I said to give the green light to people to use more water when you don't even have enough for drinking. If we're planning on expanding our water capabilities to residents that's what needs to be talked about. I don't think that this should be a priority during a persistent drought. Thank you.

Chairman James: Thank you Ms. Alanna for your comments.

[00:29:23] Susie Long: Chairman. This is Susie Long again. I have one last question.

Chairman James: Ms. Long.

Susie Long: So, if this is all authorized and goes through all the steps you're saying it's has to through, it will have to be monitored to see that all the rules are followed. Now in order to do that, how will it be paid for? I know Humboldt County, I think probably other counties, they tax is a grower. Are you proposing to tax the grower to monitor grows? Thank you.

Chairman James: Thank you, Ms. Long. We have not done a number of things to conduct due diligence on this information. I'll circle back to, and I don't mean to echo, but it goes back to let's first hear from the people. Some places might not be suitable to grow because of the issues we've talked about. And again, I don't want to get ahead of myself because let's put it out to people. And, so, have we talked in length about taxing Marijuana? We haven't yet, but I'm sure it's going to be on the table – some type of fee. The enforcement side of it, the permit side of it, and the law enforcement side of it. Anything regarding the health and safety of our natural resource should be protected. But again, we haven't voted on that or not. And so I'm trying to also be careful to be transparent to you. I'm just giving you a highlight of the
discussion that all nine of us have. And it also circles back to let the people have an opportunity. I just want to be honest with you.

Susie Long: Thank you. Nothing's for free. No, we even pay when we go get commercial fish, you folks taxes either $2.50 or $3 per fish. So people need to realize that nothing is for free. Thank you.

Chairman James: We pay for our water. We pay for electricity in our house. Absolutely. If there's something like this, go. You should pay for it. I'm going to leave it open a couple more minutes for Tribal Member Comment.

Elizabeth Davis: I like to make one more quick comment. This is Elizabeth Davis again, I'm just wondering why this was put on an emergency. Why a special meeting versus having it on a regular council agenda where we could potentially get more input from tribal membership? As you see there isn't a whole lot of tribal members logged on to this go-to-meeting and bringing a point forward. Again, we are in the pandemic and do not have the ability to have open meetings. So, I think we're really limiting ourselves with tribal member input due to that fact that members don't attend meeting this way. And again, why is this an emergency agenda item versus a regular council meeting agenda item?

Chairman James: Thank you, Ms. Davis. All the information regarding the elections have to go out this week and it wouldn't have made it for the next council session. We just to back up again, but we were talking about this for about a year and a half and the window was there. So, I called a special meeting with Council and we put this on the the agenda, but we couldn't wait for the next Council session knowing that all the election material needs to be released.

Elizabeth Davis: Yeah, that's true. But that's the last regular meeting. There was an action item on your agenda to have 25 plants. So, I mean, if you've been discussing it for so many years, then you had ample time to come up with in your discussions and your work sessions to come up with something prior to today and have an emergency action item. I think the point is that there wasn't enough time for tribal member input on whether or not they want something like this on the referendum. I don't feel like membership has given ample time to give them proper input. There's no public hearing process on this. There's no open forum, we're in a pandemic. People don't log on. I'm fortunate enough. I'm at work so I can get in front of a computer, but how many of the members know this is even on there today? Not everybody has a computer, not everybody gets on Facebook. You know, there's no notification to the membership to give input.

Chairman James: Thank you.

Jackie Mix: Oh, Honorable Chairman. I forgot to mention one important quick point. I know that growing weed on our reservation is illegal, but I know that some of the council members are discussing that they want to do this. They want to do a compact, like the, the casinos with us
Chairman James: Dawn Baum, do you want to comment on that?

Dawn Baum: Thank you, Chairman. I don't know that I have a comprehensive answer on that prepared. I think that's probably one of the things we would look into if a membership is interested in us pursuing.

Geraldine Magee: This is Geraldine McGee. And I just have one small comment. I mean, we only have like 38 people today and we have a membership of over 6,000, and you guys are really going to put this on a special election ballot. With only hearing from 38 people or not even hearing from 38 people, but 38 people participating. And from some of the answers that you've given, Chairman James, you guys haven't even done enough of the research to answer any of the questions that were put before you. I just don't see what the hurry is. There's still next year. There's still the year after when you guys have more information for the people who did and were able to participate today. So, I don't know what the hurry is and I don't understand. I don't understand why we're going this route, six plants is not going to make anybody rich. We all know everybody's going to be growing more than six plants. And because there's no enforcement, we're talking about Wautek downriver. Who's enforcing that now? Nobody. Cops are scared to go there. Think about this. That's all I have.

Chairman James: Thank you. I'm going to move on. I've got a motion. I got a second. That concludes Tribal Member Comment on this action item. George. I had a motion by Vice Chair Myers, and a second by Council Member Vanlandingham. I am going to ask for a roll call.

Georgiana Gensaw: I have a motion made by Vice Chair Myers, seconded by Council Member Vanlandingham pursuant to Article XI, Section 2 of the Yurok Constitution, the Yurok Tribal Council places Advisory Referendum #1-Personal Medical Marijuana Cultivation on the October 13, 2021 Primary Election Ballot. Do you support the Yurok Tribe moving forward with allowing personal cultivation of medical marijuana on the Yurok Reservation, limited to 6 plants per Yurok Tribal member adult (21 years old) and maximum of 12 plants per parcel of land.

Roll call:
Councilmember McCovey – not present.

Council Member Williams: Yes, I just want to make a statement. I just want to say, my position on this is to give people that need their medicine the ability to get their medicine and have access. We have a lot of work to go on this if it passes. So your concerns, all these concerns, were raised during our private sessions. And I know that this counts. We will do our due diligence to make sure this goes forward in a positive way. I will vote “Ee.”
Chairman James: Can't hear. Can't hear you.

Georgiana Gensaw: For the record. He's given a thumbs up and that's a vote. Yes.

Councilmember Ray - yes.

Councilmember Natt- yes.

Council Member Hodge- yes.

Council Member Provolt: I have many questions, like many of our tribal members; and two thoughts that I want to share. I do think that this is too quick, too soon. We're having a special meeting because we have to get this out on the ballot this week. I think that's too quick to be making a decision of this impact. Secondly, I do think that there are some questions about being on federal land that we need clarification on, along with other questions that you've all brought up. And I appreciate the tribal membership bringing those forward. I vote “pa”.

Vice Chair Myers, ‘Ee’

Motion carries.

CLOSING PRAYER: Provided by Councilmember Williams.

ADJOURN: 2:16pm

MEETING MINUTES APPROVED ON: September 22, 2021

Sherri K. Provolt, Secretary 09/30/21

Date