

YUROK TRIBAL COUNCIL
SPECIAL ACTION MEETING
Wednesday, August 31, 2021
<https://www.gotomeet.me/yuroktribe>

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.

August 31, 2021 Council Special Action meeting

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45 Chairman James: Thank you. Thank you, Ms. Davis and Council did have a work session on this.
46 Just wanted to let you know. Thank you for your comment. Tribal Member Comment is still
47 open.

48

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

50

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

54

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

61

62 Rose Sylvia: Hi. So, this is Rose Sylvia from the Pecwan District, and I have a whole bunch of
63 questions and I recognize. By the way, the motion reads that this is to put it before the people
64 to see if they want to grow medical marijuana. Pretty sure it's going to pass because everything
65 that's went before, the people on marijuana has. So for me, is this for people who reside on the
66 reservation or own land on the reservation. If the land is fee land, would they follow tribal law
67 or California law? Because it's my understanding that they fee land owners would be obliged to
68 follow California law. Will there have to be proof of residency? And if so, how long do they have
69 to live on the reservation in order to be eligible to grow? Or is this going to be like marshal
70 fishing? Where just because you're a fisherman, you can come from wherever and take all the
71 fish and sell it, go home and support somebody else's economics. So, on the reservation, the
72 votes on the reservation are far outnumbered by those off the reservation. But the expectation
73 is that whatever that vote is, the people on the reservation are going to have to live with it. The
74 people that live here will have to live with the outcomes of water fights, theft, garbage, murder,
75 environmental impacts such as clear cutting water diversions, chemicals. We currently are a
76 hotspot for cancer and I'm pretty sure that's been caused by a lot of the pesticide spraying that
77 was done by large timber industries. And then I think there also is the question of whether
78 we're fishermen are farmers, and if we are moving into agriculture, then what is the rules in
79 regard to becoming farmers? And how is that going to be? How's that going to be reviewed? Is
80 food going to be more important than wheat? In that we are doing some food sovereignty
81 through environmental. And so, I think we need to take that into consideration. And then I also
82 want to say to the council that due to substance abuse, we already have a whole population of
83 babies that were born addicted to drugs or alcohol and these babies could be more susceptible
84 to addiction and just smoking. The first joint could give them a lifetime of fighting addiction and
85 the whole request for medical marijuana. I believe as a farce because California has already
86 passed the law. That approved recreational marijuana. And under that they changed their law

87 to include both medical marijuana and recreational marijuana. So there really isn't anything,
88 right? So, it's like what Susie asks, what are we going to require? From people who are, what
89 proof are they going to have to show? Because they don't even have to get that now to live in
90 California. And it is still illegal by the feds. So how does that affect tribal jurisdiction and our
91 right to violate federal law? And then I know that you said it wouldn't mean reviewing the laws
92 that are already on the books, but I would I wondered about trust land and what the rules are
93 already are for those leases on trust, land. And if this was already something that wasn't
94 allowed and then under California, it doesn't talk about the limit of the number of plants. It just
95 says that it can only be in a hundred square feet. And then I think most important. And this is
96 our constitution. And what the council swore to uphold and be stewards of our land and natural
97 resources. What studies do you have in place for the impact of the drought and allowing
98 everyone to grow marijuana? Our fish are a natural resource and we have fought for years for
99 the water because of our fish. We spent millions of dollars to learn the best science to fight in
100 court for those fish. And now that we are in one of the worst droughts, we are going to move
101 into the direction of going marijuana without presenting the science for the impact to our river
102 and fish. And where's the money going to come from? To make the determinations about the
103 best science, about the oversight, about the regulations that need to be put in place for those
104 that have to perform those studies. And then once everybody votes for this and we say, the
105 council says, okay, all of the people who are.
106 For the ability to grow medical marijuana. And then we do the studies. Then we do the
107 scientific studies and we find, okay, the, the impacts of the drought are so severe that we can't
108 allow it. Once those people vote, they're going to have an expectation of that. That is going to
109 be there. Right. And then you're going to have to come back and say, oops, sorry, we can't do
110 that. So, I think you really need to take into consideration putting the cart before the horse. I
111 think there needed to be a whole lot more background done before asking the people to vote
112 for something they're not informed about. Thank you.

113
114 Chairman James: Thank you.

115
116 Susie Long: Mr. Chairman. This is Susie long. Again, I have remark. When Mr. Councilmember
117 Vanlandingham chats in the chat box, that's really side barring and it's disturbing from your
118 thoughts. So, I don't think sidebar should be allowed. And that's mainly where I wanted to say,
119 thank you.

120
121 Chairman James: Thank you, Miss Long.

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

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125 Chairman James: Thank you, Miss Provolt.

126
127 Nicole Provolt: I do personally support medical marijuana and I, I applaud council for wanting to
128 bring this forward to membership, but I, I believe that it's I think there are still too many
129 questions and too many what ifs and what's going to happen. I think it would have been better

130 for council to make a decision to possibly put this on as a referendum for next year and
131 spend this coming year, doing the work that you know, that membership wants to have done to
132 address some of these questions that we just don't have the answers to. And you are asking us
133 to vote on something that we don't really have all the information about. So that would be my
134 suggestion. Thank you.

135

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

141

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

150

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

159

160 Chairman James: Thank you.

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162 [00:16:16] Unknown: I like to say something. If I have a chance. I would like to just the, I
163 support what Nicole said. I'm not anti-cannabis and support medical marijuana, but I do need
164 to remind Council where we are at with the river. I feel like it's like one step forward, and two
165 steps back with this momentum. Can I ask what happened in the event of when water runs
166 out? And we started having bags of feces and up on the side of the road because people can't
167 flush their toilets. And now we're talking about growing additional plants up there when we're
168 making plans for how to help people with daily water needs. It just doesn't seem in
169 alignment between the referendum and what we're planning for as a government. I just want
170 to kind of put that out there.

171

172 Chairman James: Food for thought. Thank you. And I wanted to inform our membership that
173 staff and council thinks about our resources and natural resources. I know this. In other
174 people's eyes it might seem different, but I do want to say our Council across the board is
175 cautious of our environment, our natural resources, our water, our fish, or healthcare safety on
176 law enforcement. We have all those discussions all the time. Each individual councilmember
177 talks about that. That's so I wanted to inform our memberships about that. We don't take that
178 lightly.

179
180 Susie Long: Chairman, this is Susie long again. So, I have a cousin that owns five acres in within
181 the boundaries of the Yurok reservation. He's not a tribal member and he's been known to
182 grow marijuana for medical and for recreational use. What will stop him from growing? Is this
183 only for Tribal Members?

184
185 Chairman James: Ms. Long, this one you have to be a Yurok Tribal Member. If this does move
186 forward that's what Council has put together for the people to consider whether it moves
187 forward or not. And again, we talk a lot about the regulatory, the protection, and, we spent
188 probably over a year and a half talking about this, at least. And it's always a good discussion.
189 That's always good dialogue. Well, we always get to a point, well, let's hear from the people.
190 And so that's how we've got to this point. And I say that in a good way. Everybody's bringing up
191 good discussions, the important things. And I look forward to having that discussion too, but
192 yeah, to circle back this is just for Yurok tribal citizens, let me go to Mr. Hunsucker.

193
194 Klinton Hunsucker: Hey, can you hear me? Okay. My question is, basically, if it does go through
195 and vote, are you guys, is it going to be a solid thing or are you guys going to have the ability to
196 just to shoot it down again?

197
198 Chairman James: What we are doing is we're putting into the people, Mr. Hunsucker. If it comes
199 back if they get shot down by the people, it's put the bed, as you say. But if it moves forward,
200 then we've got to update our ordinances to reflect the protection of our resources versus, but
201 at the same time providing-

202
203 Klinton Hunsucker: Yeah. I am hundred percent with you. It's going to take a lot more
204 regulations than normal. I see simple towns that you have to have it in your front yard. You
205 have to have it fenced off by like a six foot fence. You know the number and it's easy to check
206 on, easy to regulate, all organic, easy. And the only reason I bring it up because they you
207 can't ignore all the great people that are down there, the down river section with no jobs that
208 have been growing for years, supporting their family and kids. A lot of them have always done
209 it without any disrespect to our water land. I'm not going to name names, but they're almost all
210 our family members. It should be definitely not be pushed because I believe by us adding more
211 laws and rules to our land, we're restricting our people from coming home. We want all our
212 people to come home, come to the reservation, and build it better. I mean, it has some
213 negative effects if you don't do it right. But at the same time, you are basically saying, if you
214 come home, you have more rules. So, I just wanted to bring that up, that, you know, you're

215 limiting your people by adding more laws that right outside of your city. And we want people to
216 come home and build up our homes.

217
218 Chairman James: Thank you.

219
220 Jackie Mix: Hey there, Chairman, can you hear me?

221
222 Chairman James: I can hear you, Jackie.

223
224 Jackie Mix: Okay. Jackie Mix, a Wautek resident, or actually born and raised in Wautek, I'm from
225 there. I would like to say I'm listening to all this. I'm totally against this. I don't know if, how
226 many you have been up to Wautek. They had to take water to provide to Dickies home. I mean,
227 you're going to let these people grow and they're going to run the community out of water. I
228 don't understand how. You guys are allowing call it medicine. Now it's always been Mary Jane
229 or marijuana. Come on. Y'all are calling it medicine. Now I know it's becoming the word for
230 medicine, but it's not a medicine. I think some of you have an addiction and you want to
231 bypass it and call it a medical marijuana. But we have that many of our membership that has to
232 be on the dope? I mean, come on. It's good to live our lives natural. You don't have to be on a
233 dope, but my concern is number one the water; number two, this water is treated. Our Tribe
234 pays for this water to be treated and they're putting it on a crop for an individual, not the
235 community, because it's community water. They're using it for individual purpose, not for your
236 community purpose. So that really needs to be looked into, I don't know if they treat it with a
237 lot of chlorine and fluoride, you know, I don't know what's all in it, but it's treated that costs
238 money to treat your system. So why would you allow them to plant? I know, damn well, they're
239 not going to walk down to the river and get some water and pour it on your plants. They're too
240 lazy to, they want to get a hose and run it over there. Or they want a dam up the Creek, or they
241 want to chop up a waterline. It isn't for the community. It's for an individual. So how is that
242 helping our membership to allow them to grow? I know you all don't need to be on medical
243 marijuana. You're doing fine without having to take some kind of drug. I just wanted to live in
244 a real world. That's not what we're about. It's not what your elders and your ancestors were
245 about. That's my feelings.

246
247 Chairman James: Thank you, Jackie. Mr. Wolfe?

248
249 John Wolfe: So, I'm listening to this and I've listened to previous discussions on this. Basic issue
250 pros and cons on both sides. Rarely have I heard any discussion in regard to the message and
251 the lifestyle that is presented to our children? What consideration in this issue benefits the
252 children? What kind of an atmosphere in growing in neighborhoods or in rural areas? What
253 kind of a message are we sending to the children that this is an issue of discussion and when
254 there are so many other situations and issues that meet need addressing far more with a
255 priority than today's discussion or the previous discussions on this issue in finalizing.

256
257 Chairman James: Okay, thank you. Ms. Nulph?

258 Alanna Nulph: This is Alana. Can you hear me? This is a lot and I was thinking, and I'm
259 wondering if this would work out on trust land, or if it would only work on fee land. I know we
260 have a problem on the reservation with fractionated parcels where you have a lot of land and
261 2000 members are on that particular parcel and nobody can get majority. Majority permission
262 to do anything on that land, whether it's, you know, building something or, or growing anything
263 or doing essentially anything tied up in laws. I think of myself personally and I am a part of like
264 two or three fractionated parcels where I own. And I can just foresee some major issues with,
265 with those fractionated parcels. It seems like if you, if you own your land, it seems really simple.
266 Theoretically, if I owned multiple acres, I could break down those acres and make a lot of
267 money selling them to people for this. But I just want Council to be aware when they're thinking
268 about this, that there isn't just a bunch of tribal members with a lot of land that they own
269 outright or that they can do stuff on. There's a lot of legal issues and a lot of loopholes you have
270 to jump through to get permission to do anything on a parcel. So, I also kind of feel like it's in
271 poor taste during a really persistent drought to give the green light to people to start using
272 more water for growing, for growing anything really. I mean, I heard it mentioned that if we
273 switch this to tomato plant, would it be an issue? And I think that if someone had, you know,
274 150 tomato plants on a parcel, it would be a problem with water. Not that it would happen
275 necessarily that someone grows 150-200 tomato plants, but when people are having to get
276 bottled water down river, it seems in poor taste. Like I said to give the green light to people to
277 use more water when you don't even have enough for drinking. If we're planning on expanding
278 our water capabilities to residents that's what needs to be talked about. I don't think that this
279 should be a priority during a persistent drought. Thank you.

280

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

282

283 [00:29:23] Susie Long: Chairman. This is Susie Long again. I have one last question.

284

285 Chairman James: Ms. Long.

286

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

291

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

301 discussion that all nine of us have. And it also circles back to let the people have an opportunity.
302 I just want to be honest with you.

303
304 Susie Long: Thank you. Nothing's for free. No, we even pay when we go get commercial fish,
305 you folks taxes either \$2.50 or \$3 per fish. So people need to realize that nothing is for free.
306 Thank you.

307
308 Chairman James: We pay for our water. We pay for electricity in our house. Absolutely. If
309 there's something like this, go. You should pay for it. I'm going to leave it open a couple more
310 minutes for Tribal Member Comment.

311
312 Elizabeth Davis: I like to make one more quick comment. This is Elizabeth Davis again, I'm just
313 wondering why this was put on an emergency. Why a special meeting versus having it on a
314 regular council agenda where we could potentially get more input from tribal membership? As
315 you see there isn't a whole lot of tribal members logged on to this go-to-meeting and bringing a
316 point forward. Again, we are in the pandemic and do not have the ability to have open
317 meetings. So, I think we're really limiting ourselves with tribal member input due to that fact
318 that members don't attend meeting this way. And again, why is this an emergency agenda item
319 versus a regular council meeting agenda item?

320
321 Chairman James: Thank you, Ms. Davis. All the information regarding the elections have to go
322 out this week and it wouldn't have made it for the next council session. We just to back up
323 again, but we were talking about this for about a year and a half and the window was there.
324 So, I called a special meeting with Council and we put this on the the agenda, but we couldn't
325 wait for the next Council session knowing that all the election material needs to be released.

326
327 Elizabeth Davis: Yeah, that's true. But that's the last regular meeting. There was an action item
328 on your agenda to have 25 plants. So, I mean, if you've been discussing it for so many years,
329 then you had ample time to come up with in your discussions and your work sessions to come
330 up with something prior to today and have an emergency action item. I think the point is that
331 there wasn't enough time for tribal member input on whether or not they want something like
332 this on the referendum. I don't feel like membership has given ample time to give them proper
333 input. There's no public hearing process on this. There's no open forum, we're in a pandemic.
334 People don't log on. I'm fortunate enough. I'm at work so I can get in front of a computer, but
335 how many of the members know this is even on there today? Not everybody has a computer,
336 not everybody gets on Facebook. You know, there's no notification to the membership to give
337 input.

338
339 Chairman James: Thank you.

340
341 Jackie Mix: Oh, Honorable Chairman. I forgot to mention one important quick point. I know that
342 growing weed on our reservation is illegal, but I know that some of the council members are
343 discussing that they want to do this. They want to do a compact, like the, the casinos with us

344 states. Are we missing something? Cause isn't that illegal? I mean, we're on federal land. I
345 thought it was still illegal or has that law changed? Okay.

346
347 Chairman James: Dawn Baum, do you want to comment on that?

348
349 Dawn Baum: Thank you, Chairman. I don't know that I have a comprehensive answer on that
350 prepared. I think that's probably one of the things we would look into if a membership is
351 interested in us pursuing.

352
353 Geraldine Magee: this. This is Geraldine McGee. And I just have one small comment. I mean, we
354 only have like 38 people today and we have a membership of over 6,000, and you guys are
355 really going to put this on a special election ballot. With only hearing from 38 people or not
356 even hearing from 38 people, but 38 people participating. And from some of the answers that
357 you've given, Chairman James, you guys haven't even done enough of the research to answer
358 any of the questions that were put before you. I just don't see what the hurry is. There's still
359 next year. There's still the year after when you guys have more information for the people who
360 did and were able to participate today. So, I don't know what the hurry is and I don't
361 understand. I don't understand why we're going this route, six plants is not going to make
362 anybody rich. We all know everybody's going to be growing more than six plants. And because
363 there's no enforcement, we're talking about Wautek downriver. Who's enforcing
364 that now? Nobody. Cops are scared to go there. Think about this. That's all I have.

365
366 Chairman James: Thank you. I'm going to move on. I've got a motion. I got a second. That
367 concludes Tribal Member Comment on this action item. George. I had a motion by Vice Chair
368 Myers, and a second by Council Member Vanlandingham. I am going to ask for a roll call.


369
370 Georgiana Gensaw: I have a motion made by Vice Chair Myers, seconded by Council Member
371 Vanlandingham pursuant to Article XI, Section 2 of the Yurok Constitution, the Yurok Tribal
372 Council places Advisory Referendum #1-Personal Medical Marijuana Cultivation on the October
373 13, 2021 Primary Election Ballot. Do you support the Yurok Tribe moving forward with allowing
374 personal cultivation of medical marijuana on the Yurok Reservation, limited to 6 plants per
375 Yurok Tribal member adult (21 years old) and maximum of 12 plants per parcel of land.

376
377 Roll call:

378 Councilmember McCovey – not present.

379
380 Council Member Williams: Yes, I just want to make a statement. I just want to say, my position
381 on this is to give people that need their medicine the ability to get their medicine and have
382 access. We have a lot of work to go on this if it passes. So your concerns, all these concerns,
383 were raised during our private sessions. And I know that this counts. We will do our due
384 diligence to make sure this goes forward in a positive way. I will vote “Ee.”

385
386

387 Council Member Vanlandingham
388 Chairman James: Can't hear. Can't hear you.
389
390 Georgiana Gensaw: For the record. He's given a thumbs up and that's a vote. Yes.
391
392 Councilmember Ray - yes.
393 Councilmember Natt- yes.
394 Council Member Hodge- yes.
395
396 Council Member Provolt: I have many questions, like many of our tribal members; and two
397 thoughts that I want to share. I do think that this is too quick, too soon. We're having a special
398 meeting because we have to get this out on the ballot this week. I think that's too quick to be
399 making a decision of this impact. Secondly, I do think that there are some questions about
400 being on federal land that we need clarification on, along with other questions that you've all
401 brought up. And I appreciate the tribal membership bringing those forward. I vote "pa".
402
403 Vice Chair Myers, 'Ee'
404 Motion carries.
405
406 CLOSING PRAYER: Provided by Councilmember Williams.
407
408 ADJOURN: 2:16pm
409
410 MEETING MINUTES APPROVED ON: September 22, 2021
411
412 
413 _____ 09/30/21
414 Sherri K. Provolt, Secretary Date