



P.O. Box 3694, Landers, CA

**AGENDA: April 19, 2021 MEETING**

**3:00 p.m. at Yucca Mesa Community Center, 3133 Balsa Ave.**

*All HVCC agendas, contact information and minutes are posted on [www.hvccsite.org](http://www.hvccsite.org)*

Flag Salute

Roll Call/Delegate List

Approve Agenda

Approve Minutes of November 2020 meeting included in agenda packet.

Treasurer's Report: Floy Creveling

1. **Guest Comments** on items not on the agenda
2. **San Bernardino County Fire**
3. **Calfire**
4. **San Bernardino County Sheriffs Dept** – Cpt. Niles and Lt. Walker
5. **State Senator Shannon Grove** – Field Representative Dominic Heiden
6. **SB County 3<sup>rd</sup> District Supervisor Dawn Rowe**
7. **29 Palms MCAGCC** – Deputy Director GEA Kristina L. Brown
8. **H.E.L.P Homestead Valley Emergency Plan Update**– Jason and Roxanne
9. **HVCC Letter Opposing Relocation of Sex Offender Lawtis Rhoden to Twentynine Palms**
10. **HVCC Letter To State Lawmakers Regarding Proliferation of Illegal Marijuana Farms**
11. **SB County Project Notice – 640 acre Camping Resort on Hwy 247 in Pipes Canyon Wash**
12. **HVCC 2021 Summer Solstice Fundraiser** – Roxanne Shamay, Jim Harvey
13. **Committees:**
  1. *Standing:* Public Outreach (Betty Munson)
  2. *Ad Hoc:* Scenic Highway 247 (Betty Munson)
14. **President's Report**
15. **Community Reports List – Announcements**
16. **Review Action Items From This Meeting**

**Next HVCC meeting: Monday, May 17, 3:00 pm Landers Belfield Hall, 58380 Reche Rd.**

## **HVCC DELEGATES / COMMITTEE LIST**

### **COUNCIL MEMBERS**

*Members appointed by the 4 HVCC Organizations, residing in the community they represent.  
Up to 3 voting members from each community, plus alternate to vote in case of an absence.*

Kim Abramson JVIA alternate 760-792-4555 dojasmomdc@gmail.com  
Adrienne Bishop Landers 760-364-2345  
Floy Creveling Landers 714-309-8677 g.creveling@att.net  
Toby Gramm FHCA 760-668-7774 outforblood74@hotmail.com  
Jim Hanley JVIA 760-364-4829 jhaflame@aol.com  
Jim Harvey JVIA 760-401-1015 johnsonvalley@gmail.com  
Betty Munson JVIA 760-364-2646 ranchotaj@gmail.com  
Chris Nichols YMIA 760-285-3560 chris@wb6cdf.com  
Rick Sayers YMIA 760-574-6598 rick@ricksayers.com  
Roxanna Shamay Landers 760-333-2707 shamay@inreach.com

### **OFFICERS**

President: Jim Harvey  
Vice President: Rick Sayers  
Secretary: Betty Munson  
Treasurer: Floy Creveling

### **STANDING COMMITTEE**

**Community Outreach:** Chairperson: Betty Munson  
Jim Hanley, Rick Sayers

### **AD HOC COMMITTEE**

**Scenic 247 Committee:** Chairperson: Betty Munson  
Phillip Brown, Barbara Harris, Jim Harvey, Sarah Kennington, Sara Fairchild, Chuck Bell

*Committee members not required to be members of the Council*

## MINUTES NOV 16, 2020 MEETING

3:00 p.m. at Flamingo Heights Community Center

Guests: County 3rd District Supervisor Dawn Rowe; Assistant Chief Scott Tuttle, Battalion Chief Donnie Vioria, County Fire Dept.; H.E.L.P. Director Jason Hansen; Kristina Brown, MCAGCC; Steve Bardwell, Morongo Basin Conservation Association; Stale Louis-Floki Terranova Nakken, John Burkhart, Steve J. Reyes, Court Prittie

**Flag Salute** 3:05 p.m.

**Roll Call/Delegate List** - absent Rick Sayers

**Agenda** Approved with additions

**Minutes of OCTOBER meeting** Approved

**Treasurer's Report:** Floy Creveling - approved--

**1. Guest Comment** - Query, use of County Covid Grants. \$2500 to replace planned fundraisers canceled by lockdown; Covid Compliant Non-Profit Grant \$2500 to cover ongoing future Covid-related costs for public meetings.

**2. SB County Fire** - Assistant Chief Scott Tuttle - Recently promoted to Assistant Chief, but will continue to come to HVCC meetings, office still in Yucca Valley, still serving in the Morongo Basin, now department manager. Division 9,000 square miles, extends from Morongo Basin to the Colorado River. Introduced Battalion Chief Donny Vioria who also has served a long time in this area.

Station 42 now has new water tender, 1800-gallon, 500 gallon-per-minute mobile pump, 4WD for access and water in remote areas.

Measure U currently failing, good news for the Fire Department, FP-5 may stay in place. Working to increase efficiency, increase staffing.

Residents in State Responsibility Area south and west of Hwy 247, contact CalFire for burn permits. They are responsible for wildfires; County is first responder to structure fires and reports of bonfires, red flag days, etc.

Typical 3-foot bordered campfire needs no permit. Required: is water available? shovel handy? adult in charge?

**3. SB County Sheriffs Dept** – unable to attend - Jim Harvey reported Capt. Niles said at the MAC meeting, calls for service last month are up from the average 1800 to over 2000.

**4. California Highway Patrol** - unable to attend

**5. Morongo Basin Ambulance - Matthew Welsch** - unable to attend

**6. 29 Palms Marine Base** - Deputy Director of Internal Affairs Kristina L. Brown - reported the Shared Use Area in the Johnson Valley OHV Recreation Area reopened Nov 9; next closure in the spring, Apr 30-May 10. The BLM/USMC Resource Management Group annual meeting canceled due to Covid; will be doing a project update notice in about two weeks, with opportunity for public participation via e-mails or phone.

Recent closure quieter due to a non-live-fire exercise. Easier to do inspection with BLM; safer for public, but did have about 2,000 Marines moving through the area.

Query: With increased use of OHV Area due to Covid, did more people come during the closures who did not get the memo? No, they were directed to the northern part of the OHV Area still open and accessible. In the first two days, about 90 vehicles stopped on Boone Road. By the end only two vehicles showed up. People were positioned to help RV's turn around. Roving Military Police and Conservation Officers covered the trails between Boone and Bessemer Mine Roads.

**7. SB County 3rd District Supervisor Dawn Rowe** – discussed why she encouraged HVCC and other non-profit community organizations to apply for Covid-Compliant Partnership grants; because the organizations are the only representation these communities have, besides Supervisor Rowe herself. It's a long way to San Bernardino to have our voices heard. County CARES Act funding is for people trying to be compliant and safe.

Our communities stand in place of government and take care of their own. They do fundraisers like the Solstice Fest to cover their activities, keep community centers going, helping neighbors, keeping people safe. More funding will be available soon; the various boards will decide if they need take advantage of them as well. She encourages non-profits to apply, to have reserves for unforeseeable restrictions being mandated in the future.

County also may use unallocated CARES funds for more help to small businesses like restaurants.

-Recent high winds blew down a Joshua tree in Rowe's front yard; but now can't be touched. It fell right into the roadway causing a public danger. The town put out flashing lights and road hazard cones. She now has special permission from Fish and Wildlife to remove the tree; after documenting who was moving it, when and where. Then Dept of Fish and Wildlife discovered they did not have the authority to grant that permit. A great dry run for enforcing the hands-off restrictions: the first tree to fall is in a County Supervisor's yard. Now they are working on rules for removal for public safety.

-Update on illegal cultivation of marijuana: Jim Harvey working on method for eradicating this as much as possible, both in Homestead Valley and Lucerne Valley. Enlisted Dominic Heyden to get help from State Senator Grove to reverse the Prop 64 decriminalizing illegal growing.

Rowe has reached out to California State Association of Counties (CSAC) for best practices in operation in other counties.

Suggested actions: Streamline the County administration citation process to implement an automatic hearing to comply immediately.

Create a dedicated hearing officer tasked only with ruling on illegal cannabis cultivation.

Improve property lien process to make asset forfeiture less cumbersome at the County level.

Will meet with California Department of Food and Agriculture Cannabis Licensing Division to discuss redirection of funds used to regulate illegal retail operations, to deal with illegal cultivation also.

CSAC cautioned that the Stanislaus County level of penalties, \$1000 per day per plant, is dismissed by liberal judges as being too burdensome and unfair. Conversations coming up with Tuolumne and Humboldt Counties about their measures addressing illegal cultivation.

Capt Niles reported in MAC meeting the Marijuana Task Force closed 55 illegal pot farms recently, and 55 self-eradicated. Some move inside a house for winter harvest.

Discussion continuing to address this at the State level, and raise awareness of this problem. Residents please report locations, even if they have been reported before, and keep watch for water trucks. The stated intent for legal, regulated, growth has failed. We also should get the lobbying entities for legal cultivation to help us.

Bighorn-Desert View water agency now starting a tiered rate system, for high-volume users/agriculture. See BDVWA.org.

Sheriffs can arrest pot growers for felony if stealing water or power. Lucerne Valley aquifer has dropped.

HVCC can help if Supervisors plan a tour of the area.

-Query: Code Enforcement doing anything about Dollar General replacing lights with unshrouded LED lights; Dawn to follow up.

#### **8. Homestead Valley H.E.L.P. – Jason Hansen**

-501(c)3 designation is approved. Selecting a bank good with working with non-profits, so donations can be accepted. Now have three sworn directors for the organization: Jason, Roxanna Shamay and Timothy Peth.

Working with Sheriffs Department to get credentials for the Ground Operations Team, Drone Operations Team and the Animal Rescue Unit for use in a disaster, and with CHP to get flashing lights, etc. for disaster workers emergency vehicles.

Applied for grants to help become deployable.

Contacted by California Office of Emergency Services who heard from State Sen. Shannon Grove that H.E.L.P. is up and running.

OES put them on the list for deployability anywhere in California. They will assist with local and countywide growth. Jason was told that they were at a level that would usually take seven to eight years; H.E.L.P took seven to eight months with a lot of people helping and working hard.

Supplies donated include 300 large powder-free gloves, 300 medium powder-free gloves, 300 face shields, 350 surgical masks, two lipreader masks, 500 disinfecting wipe kits. More donations anticipated.

Started seventh unit: Feeding Neighbors, possibly to be at Flamingo Heights, last Wednesday of every month, 10:00 a.m.

#### **9. Stagecoach Solar HVCC Opposition Letter and Sup. Rowe/Lovington Opposition Letter**

Slide show pages from HVCC letter arguing the project cannot be compatible with scenic highway designation.

Steve Mills coalition letter, Morongo Basin Conservation Association letter, Lucerne Valley Economic Development letter, all refer to the Scenic 247 proposal.

Jim Harvey read paragraph in the comment letter written by Supervisors Dawn Rowe and Robert Lovingood which also refers to Scenic 247 and the backlash from the affected communities if the Stagecoach project goes further.

#### **10. Committees:**

**1. Standing:** Public Outreach (Betty Munson) - no report. Agenda posted as always on [www.hvccsite.org](http://www.hvccsite.org)

**2. Ad Hoc:** Scenic Highway 247 (Betty Munson) - Land Use Services decided to make just one presentation to the Board of Supervisors, by including the Corridor Protection Plan in the package. Committee to work on that, including the federal and state protections already in effect in the scenic corridor. The County must hold one public meeting and the ridealong with Caltrans to include in Letter of Intent.

**11. President's Report** - covered in Agenda items. Council canceled next scheduled meeting, Dec. 21, close to Christmas. We could communicate via e-mail, or call a special meeting if needed.

#### **12. Community Reports List – Announcements -**

**Landers** - Food boxes on Nov 21, at the Homestead Valley Park.

**FHCA**- Raffle, Betty Butler quilt, tickets 1.00, 6/5.00. Drawing Dec. 21. Kim Abramson has tickets.

**JVIA** - Tailgate Swap Meet Saturday, Nov. 28th, 7:00-noon, or later if anyone wants to stay

Saturday Breakfast-To-Go now offers an omelette with cheese, choice of bacon, ham or sausage, side hash browns, 6.00

**YMIA**- Polling Place earned the Community Center \$750, only income this month, but still doing OK

**Next HVCC meeting Monday, January 18, at 3:00p.m.**

**Landers Belfield Hall, 58380 Reche Rd.**

**If a Special Meeting is called in December:**

**Yucca Mesa Community Center, 3133 Balsa Ave**

**Adjourn 4:21**

Betty Munson, Secretary

# Homestead Valley Community Council, Inc.

## Treasurer's Report

For the months of November 2020 through March 2021

### Checking Account:

Beginning Balance 11/01/2021.....	\$ 9,778.37
Income.....	\$ 2,500.00
DEP 01/21/21	
(CK County of San Bernardino Covid Business Partnership 2 <sup>nd</sup> payment of \$2,500.00)	
Expense.....	\$ 9.17
(CK#696 11/16/20 - Reimburse Jim Harvey for Cheap Domain Renewal \$9.17)	
Ending Balance 03/31/2021.....	\$12,269.20

**Total HVCC Assets in Bank 03/31/2021..... \$12,269.20**

### Legend:

CK – Check    DC– Debit Card    DEP-Deposit    EFT– Electronic Funds Transfer

Floy Creveling

Treasurer

**Subject:** RE: Letter to Sen Grove and HVCC Meeting Monday Apr 19

**From:** "Heiden, Dominic" <Dominic.Heiden@sen.ca.gov>

**Date:** 4/15/2021, 11:07 AM

**To:** Jim Harvey <johnsonvalley@gmail.com>

Hi Jim,

Thank you for sending this over! I have forwarded it on.

There is a lot going on in Sacramento. Here are some of Senator Grove's bills:

SB 39 — would require the Employment Development Department (EDD) to cross reference applications for unemployment benefits with state prison records to ensure that unemployment money does not go to those who are incarcerated.

SB 287 — would include horse trailers under the Class C license so that haulers would not have to go through the lengthy and costly process of obtaining a commercial license.

SB 348 — would require a task force to be formed and provide recommendations prior to the closure of any California Veterans' Home. The task force would include residents and staff of the home, as well as local elected officials, and veterans groups.

SB 658 — would allow county assessors to offer a proportional property tax deduction to disabled veterans proportional to their level of disability rating from the VA. Currently only veterans who are 100% disabled, are blind in both eyes, or who have lost two or more limbs qualify for the exemption.

Senator Grove has also cosponsored:

SB 58 — would prevent the EDD from including full social security numbers on their highest volume mailed documents.

SCR 5 — would end the state of emergency in California and return proper legislative authority to the Legislature.

In addition, soon after Governor Newsom announced that he will use the California Department of Social Services Rapid Response Fund to provide COVID testing to immigrants crossing the border, Senator Grove asked that the state provide data on these procedures and test results so that the public has a clear understanding of who is crossing our border and that the state is taking every prudent step to ensure the safety of our residents against the spread of COVID-19.



*Dominic Heiden*

**Field Representative**

Office of [Senator Shannon Grove](#)

Sixteenth Senate District

7248 Joshua Lane Yucca Valley, CA 92284

Office: (760) 228-3136 | Fax: (760) 228-2462

E-Mail: [Dominic.Heiden@sen.ca.gov](mailto:Dominic.Heiden@sen.ca.gov) | Website: <http://www.senate.ca.gov/grove>

**Subject:** FOR IMMEDIATE RELEASE: SPRING 2021 JOHNSON VALLEY SHARED USE AREA TEMPORARY CLOSURE

**From:** SMB PLMS COMBAT CENTER JOHNSON VALLEY <SMBPLMSJOHNSONVALLEY@usmc.mil>

**Date:** 4/7/2021, 6:58 AM

**To:** Brown CIV Kristina L <kristina.brown@usmc.mil>

**FOR IMMEDIATE RELEASE**

**SPRING 2021 JOHNSON VALLEY SHARED USE AREA TEMPORARY CLOSURE**

**MARINE CORPS AIR GROUND COMBAT CENTER TWENTYNINE PALMS, Calif. –**

The Johnson Valley Shared Use Area will be temporarily closed to the public from April 30 to May 10, 2021 while the Marine Corps conducts critical military training in the area. The closure period includes the time required to conduct pre- and post-inspections of the area in coordination with the Bureau of Land Management.

The adjacent Johnson Valley Off-Highway Vehicle (OHV) Recreation Area, managed by the BLM, remains open to the public for recreation purposes year-round and is unaffected by closures of the Johnson Valley Shared Use Area. Off-road enthusiasts may also enjoy the nearby Stoddard Valley OHV Area.

As a reminder, the Johnson Valley Shared Use Area is also scheduled for closure on the following dates in 2021 and 2022.

- Oct. 15 - Nov. 1, 2021
- April 26 – May 9, 2022
- Oct. 18 – Nov. 1, 2022

The Marine Corps will continue to conduct outreach and inform the public of any temporary changes in land use for the Johnson Valley Shared Use Area. For additional information, including a map of the area, please visit: <http://www.29palms.marines.mil/johnsonvalley/> or email the Marine Corps Air Ground Combat [SMBPLMSJOHNSONVALLEY@usmc.mil](mailto:SMBPLMSJOHNSONVALLEY@usmc.mil).



50567B Quailbush Rd. Johnson Valley, CA 92285 Email: [info@hvccsite.org](mailto:info@hvccsite.org)  
<http://www.hvccsite.org>

To:

San Bernardino County District Attorney's Office  
303 West 3rd Street, 4th Floor  
San Bernardino, CA 92415-0502  
Attn: Deputy District Attorney Maureen O'Connell

San Bernardino County Sheriff's Department  
655 East Third Street  
San Bernardino, California 92415-0061  
Attn: Sheriff John McMahan

**Homestead Valley Community Council Supports The San Bernardino County District Attorney's Office and The San Bernardino County Sheriff's Department in their opposition to Lawtis Rhoden, a sexually violent predator, being ordered to live in Twentynine Palms.**

The Homestead Valley Community Council (HVCC) was formed in 1996 to address all matters affecting the Morongo Basin unincorporated communities of Yucca Mesa, Flamingo Heights, Landers, and Johnson Valley. It is comprised of delegates appointed through the community associations of each of these member communities. We work with local, county, state, and federal lawmakers and officials.

Recently HVCC learned an Orange County court is proposing to relocate Lawtis Rhoden to the Morongo Basin community of Twentynine Palms. Lawtis Rhoden, 71, has been convicted of multiple child rapes since 1969. Rhoden is clearly a dangerous sexual predator. This is the second time in less than two years a judge has ordered a dangerous sexual predator be relocated to the Morongo Basin.



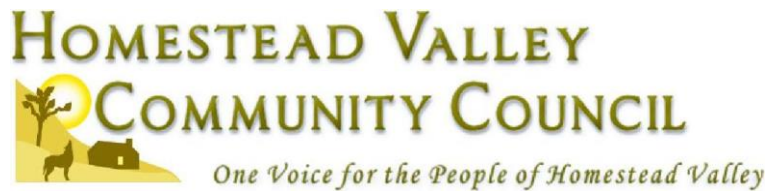
This letter is to serve as an unequivocal statement that Homestead Valley Community Council strongly supports the San Bernardino County District Attorney's Office and the San Bernardino County Sheriff's Department in their efforts to oppose and stop this relocation plan. The safety of the residents of the Morongo Basin, especially the children of our community who are most vulnerable to violent sexual predators like Rhoden, must take priority over any considerations for Rhoden. We stand ready to assist the San Bernardino County D.A.'s office and Sheriff's Department in any way necessary to help them in their endeavors to stop this relocation plan.

Sincerely,

James Harvey

A handwritten signature in cursive script that reads "James Harvey". The signature is written in black ink and is positioned below the typed name.

President, Homestead Valley Community Council  
(On behalf of HVCC)



50567B Quailbush Rd. Johnson Valley, CA 92285 Email: [info@hvccsite.org](mailto:info@hvccsite.org)  
<http://www.hvccsite.org>

To:  
The Honorable Senator Shannon Grove  
16<sup>th</sup> Senate District  
State Capitol, Room 305  
Sacramento, CA 95814

**Subject: Proliferation of Illegal Marijuana Cultivation Farms in California Rural Communities**

Dear Senator Grove,

The Homestead Valley Community Council (HVCC) was formed in 1996 to address all matters affecting the Morongo Basin unincorporated communities of Yucca Mesa, Flamingo Heights, Landers, and Johnson Valley. We are comprised of delegates appointed through the community associations of each of these member communities. We are proud communities in your district.

HVCC works with local, county, state, and federal lawmakers on matters of mutual interest, which is why we are writing you today. No matter has been more devastating to our communities than the ongoing proliferation of illegal marijuana grow farms, now reaching a magnitude of indescribable epic proportion.

**History and Facts**

As you know, 57% of California voters approved *The Control, Regulate and Tax Adult Use of Marijuana Act* (AUMA) under the ballot title "Proposition 64" on the November 2016 ballot. The provisions of Prop 64 went into effect on January 1, 2018.

Prop 64 makes adult consumption of marijuana legal, allows those who use marijuana to discreetly grow small quantities for personal use, and authorizes municipalities to license and regulate legal growers and retailers.

The voters likely found Prop 64 palatable because it promised the end of illicit black-market production and sale of marijuana in California communities, while also promising hundreds of millions of dollars in generated tax revenue to cover costs of administration, substance treatment, increased law enforcement, and community investment to “*reduce the illicit market*” and “*incapacitate the black market*” while creating job opportunities.

California became the fifth western state to legalize the consumption of marijuana upon the passing of Prop 64, joining Washington, Oregon, Colorado, and Nevada. Two more western states have since passed laws legalizing adult marijuana consumption: Arizona and Montana. Of these seven western states, California is the only state experiencing widescale illicit marijuana growing farms operating with impunity and devastating rural communities across the state.

HVCC believes it is not the legalization of marijuana consumption that has led to this proliferation of illegal farms. After all, other states with similar legal consumption laws do not have this problem. The cause of this massive scourge is the inexplorable and misguided language in Prop 64 that decriminalizes illegal marijuana production and sale by modifying California Health and Safety Code sections 11358 and 11359.

### **Sections 11358 and 11359 of the Health and Safety Code**

Section 11358 of the CA Health and Safety Code has always addressed illegal cultivation of marijuana. Section 11359 has always addressed illegal distribution and sale. For decades violations of each section led to felony charges with the potential for substantial jail time and fines.

The following data outlines the penalties for illegal growing and/or sales of illicit marijuana in the seven western states with legalized marijuana laws and similar health and safety codes. (source: <https://norml.org/laws>)

## **Oregon**

FELONY 5 yrs imprisonment and \$125,000 fine. If near school 20 yrs imprisonment and \$375,000 fine

## **Washington**

FELONY 5 yrs imprisonment and \$10,000 fine - DOUBLED if near school, bus stop, or public park

## **Nevada**

FELONY WITH MANDATORY MINIMUM SENTENCE from 1 yr to life imprisonment depending on quantities. Fines \$5000 to \$200,000

## **Colorado**

FELONY 6-30 plants 6 mo to 2 yrs jail and \$100,000 fine. 30 up plants FELONY 2-6 yrs imprisonment

## **Montana**

FELONY 2 years - life imprisonment and \$50,000 fine

## **Arizona**

FELONY 6 plants or more 9 months - 7 years and \$150,000 fine

## **California** (pre- Jan 2018 enacting Prop 64)

FELONY up to 3 yrs imprisonment and \$10,000 fine under Health Safety Code sections 11358(cultivation) and 11359(sale)

## **California** (after Jan 2018 enacting Prop 64)

MISDEMEANOR maximum 6 months jail / maximum \$500 fine under Health Safety Code sections 11358(cultivation) and 11359(sale). Can be a FELONY but only after 2 or more prior convictions.

Every one of the seven states EXCEPT CALIFORNIA maintained their felony penalties for illegal growing and selling marijuana, after passing legal marijuana consumption laws like Prop 64.

It is no coincidence the illicit pot farms began appearing in residential California neighborhoods in the spring of 2018. It is clear to HVCC that the downgrading of penalties for illegal growing and selling marijuana from the decades-long felony charge to the new misdemeanor level, established solely by Prop 64, is the cause for this proliferation of illegal growing and selling of marijuana in our communities.

It should be noted, because of the lower misdemeanor penalty, we understand the San Bernardino County District Attorney rarely prosecutes these cases. We find this increasingly frustrating since Prop 64 does allow for felony charges and penalties after two or more prior misdemeanor convictions.

San Bernardino County Sheriff John McMahon has publicly referred to the challenges of shutting these operations down as “playing whack-a-mole.” They raid a farm and the growers move on to a new parcel. Sometimes they restart operations at the same farm. They have nothing to fear and little to lose with this lack of legal repercussion, only practiced in one of the seven western states with legalized marijuana - California.

**Prop 64 has created the conditions it promised the voters it would help eliminate!**

Prop 64 is loaded with language that led the voters to believe it would address unlicensed, unregulated illegal growing and untaxed black-market sales. It has done neither: instead it has exponentially expanded this activity. The following statements are taken directly from Prop 64 as it was presented to the voters. Most relevant to this matter are Section 2 and Section 3.

## **Section 2. Findings and Declarations**

*(C) Currently, marijuana growth and sale is not being taxed by the State of California, which means our state is missing out on hundreds of millions of dollars in potential tax revenue every year. The Adult Use of Marijuana Act will tax both the growth and sale of marijuana to generate hundreds of millions of dollars annually.*

*(D) Currently, children under the age of 18 can just as easily purchase marijuana on the black market as adults can. By legalizing marijuana, the Adult Use of Marijuana Act will incapacitate the black market, and move marijuana purchases into a legal structure with strict safeguards against children accessing it.*

*(H) By bringing marijuana into a regulated and legitimate market, the Adult Use of Marijuana Act creates a transparent and accountable system. This will help police crackdown on the underground black market that currently benefits violent drug cartels and transnational gangs, which are making billions from marijuana trafficking and jeopardizing public safety.*

HVCC asks, how does the illegal cultivation and sales of marijuana resulting from the downgrade of felony penalties to misdemeanor penalties in Prop 64 contribute any tax revenues? We are losing millions of dollars in potential tax revenue through this illicit activity.

Illegal marijuana now grows on private land in California on a massive scale since enacting Prop 64, with no end in sight. The black market and the potential for children under the age of 18 to obtain this untaxed, unregulated marijuana has never been greater. We know from local law enforcement that Prop 64 has made it harder to crack down on the underground black-market. Violent drug cartels and gangs are thriving and public safety is threatened. Prop 64 has FAILED in its Findings and Declarations.

### **Section 3. Purpose And Intent**

*(a) Take nonmedical marijuana production and sales out of the hands of the illegal market and bring them under a regulatory structure that prevents access by minors and protects public safety, public health, and the environment.*

*(b) Strictly control the cultivation, processing, manufacture, distribution, testing and sale of nonmedical marijuana through a system of state licensing, regulation, and enforcement.*

*(s) Tax the growth and sale of marijuana in a way that drives out the illicit market for marijuana and discourages use by minors, and abuse by adults.*

*(t) Generate hundreds of millions of dollars in new state revenue annually for restoring and*

*repairing the environment, youth treatment and prevention, community investment, and law enforcement.*

*(u) Prevent illegal production or distribution of marijuana.*

*(v) Prevent the illegal diversion of marijuana from California to other states or countries or to the illegal market.*

*(w) Preserve scarce law enforcement resources to prevent and prosecute violent crime.*

It is patently clear to HVCC the reality experienced after the enactment of Prop 64 is just the opposite of the act's Purpose and Intent.

A significant portion of marijuana production and sales lies in the hands of the illegal market, untaxed, unregulated, and occurs in plain sight because the owners of these illicit farms have no fear of felony prosecution.

Subsection (U) is particularly laughable – Prop 64 will “*prevent illegal marijuana production and sales.*” If the writers and proponents of Prop 64 actually meant this, they would not have downgraded Health and Safety Code sections 11358 and 11359 penalties from a felony to minor misdemeanor charges.

Furthermore, HVCC contends if the voters knew Prop 64 would lead to such a massive expansion of illicit marijuana growing and selling in communities all over California, it likely would not have passed. The downgrading of sections 11358 and 11359 was not explained in the ballot summary, and worse yet, it was only written into the final pages of the 72-page proposition.

HVCC is not questioning or challenging 99.9% of the proposition or what the voters approved. We understand adult legal marijuana consumption and personal small-scale cultivation is here to stay. We understand municipalities now have the authority to license and regulate legal marijuana cultivation and permit retail stores.

We are not suggesting the repealing of Prop 64. We are simply challenging one single sentence in Prop 64 Section 8.2 that changed the HSC 11358 illegal

cultivation penalty from a felony to a minor misdemeanor, and one single sentence in Prop 64 Section 8.3 that likewise changed the HSC 11359 illegal sale penalty from a felony to a minor misdemeanor.

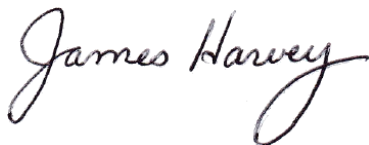
Again, these two single-sentence changes made through the passing of Prop 64 contradict and destroy the proposition's Purpose and Intent, and Findings and Declarations. The heartbreaking devastation by illegal marijuana cultivation in communities all over California after the passing of Prop 64 cannot be denied.

HVCC understands Prop 64 is a voter-approved initiative. Historically the legislature has largely respected the will of the people when such voter initiatives are approved by ballot. We also understand that in some cases, the legislature can intervene when voter-approved propositions fail to address matters they should have addressed or fail to achieve the Purpose and Intent as stated to the voters. If there ever was a proposition that failed on its promises, we cannot imagine a bigger failure than Prop 64.

Please consider a legislative remedy to HSC Section 11358 and HSC Section 11359, returning the penalties for violations of these codes to felony classification. We don't see any other option to end this horrible scourge. Every day we see more and more of these farms going up. It will continue to get worse if nothing is done at the state level. We are begging for help in freeing our communities from this criminal activity that has caused good people in wonderful California communities to live in fear since the passing of Prop 64.

Sincerely,

James Harvey

A handwritten signature in cursive script that reads "James Harvey". The signature is written in black ink and is positioned below the typed name.

President, Homestead Valley Community Council  
(On behalf of HVCC)





# Project Notice

## An application has been filed with County Planning

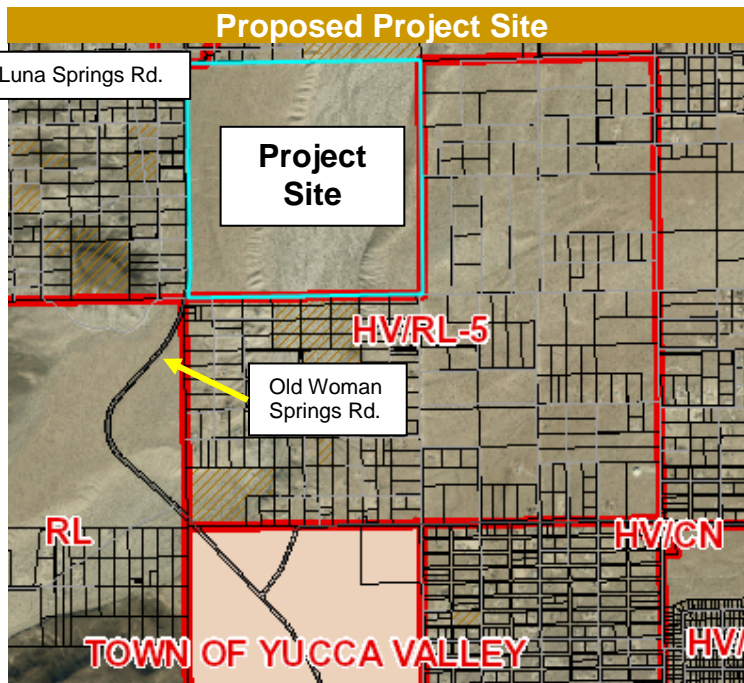
**PROJECT NUMBER:** PROJ-2020-00191  
**ASSESSOR PARCEL NO:** 0629-181-01  
**APPLICANT:** Nancy Ferguson, Jericho Systems  
**LOCATION:** 2107 Old Woman Springs Road, southeast corner of Luna Vista Lane and Old Woman Springs Rd., Landers, CA 92285  
**COMMUNITY:** Homestead Valley /DISTRICT 3  
**ZONING:** RL (Rural Living)

### Project Proposal

Conditional Use Permit to establish a destination resort consisting of up to 75 clustered tent camping (glamping) sites with support facilities for campers, including restaurant and bar, reception area/store, trails/paths, and recreational facilities on a single 640 acre parcel, located on the east side of State Highway 247.

### We'd love to hear from you....

Please submit comments by April 26, 2021 to be sure that they get considered in the review process. However, comments will be taken up to the time of the project decision. Please refer to this project by the Project Number and the Assessor Parcel Number (APN). If you have no comment, a reply is not necessary.



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### Project Decision

If you would like to be notified of the decision rendered for this project, please provide your contact information in the section below and mail this notice back to one of the addresses listed below.

**Name:**

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**E-mail Address:**

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**Mailing Address:**

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