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Lake County Record-Bee

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PROP 36

What to expect from new crime law

By Robert Salonga
Bay Area News Group

California's Proposition 36 was officially enacted over the holiday break, following voters' overwhelming approval of the initiative aimed at driving down serial theft and fentanyl crimes through harsher prosecution and more aggressive drug diversion policies.

County prosecutors across the state have the latitude to more readily charge theft cases as felonies when they involve a repeat

offender, treat fentanyl dealers as potential murderers, and leverage jail time to compel certain hard drug offenders, particularly those consuming powerful opioids, to enter treatment programs.

What changes can residents expect to see right away? It will depend on the county in which they live, said Jeff Reisig, Yolo County's district attorney and an architect of the new law.

"It's a local control issue," Reisig said. "Each county and each city will be deciding how ag-

gressively and how quickly these changes are implemented. In some counties, local law enforcement will be empowered to start making felony arrests for retail thefts with priors, drug offenses with priors, and can exercise that discretion immediately."

"We're going to see more convictions for retail and petty theft," he added. "Within several months, our hope, and the promise of Proposition 36, is that there will be an obvious deterrent effect that will result in a reduction of

at least some of the brazen crime that was witnessed previously."

The California Police Chiefs Association, whose current president is Pleasanton Chief Tracy Avelar, said the state's police departments "are ready to ensure a fair but firm response to repeat offenders, balancing rehabilitation with accountability."

"Continued criminal behavior will result in consequences because the safety of our communities is non-negotiable," Avelar said in a statement. "Overall, if you're

a repeat offender, don't expect a cite and release."

Proposition 36 institutes several changes to the state penal code. Regarding serial theft, prosecutors are allowed to widely aggregate multiple thefts to reach the \$950 felony threshold that elevates theft crimes to felonies.

The new law also empowers prosecutors to charge a felony for any theft if the arrestee has two prior theft convictions, whether

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FIRST DAY HIKE

INTREPID TRAIL EXPLORERS IN MIDST OF STORMY SKIES



PHOTOS BY WILLIAM ROLLER — LAKE COUNTY PUBLISHING

Anderson Marsh Interpretive associate board members and docents Gae Henry, left, and Henry Bornstein address hikers before departing Wednesday for First Day Hike event in Clearlake.

By William Roller
For the Record-Bee

CLEARLAKE » A faithful fan base defied greying clouds as nearly 150 assembled at Anderson Marsh State Historic Park for the First Day Hike, New Years Day, with family and friends lapping up fresh air in the 10th anniversary to commune with wildlife at the launch of 2025.

It is a signature feature of the Anderson Marsh Interpretive Association (AMIA), formed in 1984, after California acquired the park in 1982. "The main idea of this hike is to get people out into nature to start the year off right, in a healthy way," said Henry Bornstein, a volunteer state park docent and board member of the Anderson Marsh Interpretive Association, a 501 3C nonprofit who led the way. The primary objective of the Association has been to promote educational and interpretive activities at Anderson Marsh State Historic Park. AMIA has played an important role in funding projects that the state would otherwise be unable to provide. These have included conservatory work, construction, trail work, interpretive displays, re-



John Still Anderson ranch house in Clearlake. The ranching family spent 80 years raising cattle. The last child, Mora, died in 1966.

habilitation of facilities and historic objects.

Bornstein addressed hikers in the Marsh parking lot noting they had to be flexible because of recent rains. "Some of the system is presently under water so, cautioned Bornstein. "But we found a couple of useable routes."

Bornstein explained the Marsh under the oversight of the State Park jurisdiction, was intended to protect the archeolog-

ical sites. Previously the park had been planned for development, yet became a state park and includes a natural preserve, as well as two barns for artifact storage and the Anderson Ranch house.

In 1885, Scottish immigrant Jonh Still Andron arrived with his wife, Sarah, and six children.

After Anderson's death in 1912, five of his children took over the ranch shifting the focus to cattle ranching. Anderson's

descendants lived in the original ranch house until the 1960s. The last of them, his daughter Mora, lived on the ranch until 1966. The ranch house was built in three wings. The central segment dates from the 1860s, the parlor wing from the 1880s and the craftsman-style kitchen wing from the 1920s.

Bornstein noted two hikes were planned. The first was a little over a one-mile roundtrip, with low elevation going to the newly redeveloped Cache Creek. The second choice was a two-mile hike through the Blue Oak Woodlands, with some slight inclined hills, following the Lewis Ridge Trail.

Also on hand was Gae Henry, also an AMIA board member, a volunteer docent since 2010 and Bornstein's wife.

"This is an incredible park," Henry said. "You can kayak here and see the marsh." She said her favorite spot now that she uses a walker is Cache Creek. The u-shaped winding turns in the river channel is still present, despite the Army Corps of Engineers straightening out some turns in the 1960s. Hikers can

HIKE » PAGE 3

COURTS

Code suit can advance

By Sage Alexander
The Times-Standard

An appeals court Monday tossed the previous dismissal of a lawsuit that alleges fines levied by the Humboldt County cannabis abatement system are unconstitutional. The move reverses the dismissal of the suit's Eighth Amendment claim, which protects U.S. citizens against excessive bail, fines, and cruel and unusual punishments. This opinion means the case can proceed again.

The class action lawsuit was filed in 2022, with the Southern Humboldt County plaintiffs alleging fines they were charged by the cannabis abatement program were unconstitutional under the Eighth Amendment, and that the county's appeal system violated their right to due process.

The plaintiffs allege the county used outdated or incorrect satellite images without an on-the-ground investigation before levy-

CODE » PAGE 2

NOT MY FAULT

Remembering Indian Ocean tsunami 20 years later

No. 2 on the list by more than 120,000 souls.

I can recall exactly where I was and what I was doing when I learned of the Sumatra-Andaman Islands earthquake and the unfolding tsunami saga. For those of us east of the International Date Line, it was still Christmas Day, and I had avoided checking my computer most of the day. I snuck a peek just after 5 p.m. and saw the preliminary USGS magnitude posting of a magnitude 8 off the northwest coast of Sumatra, Indonesia.



Lori Dengler

Those of us who follow earthquakes are always nervous when a M8 pops up on the screen. It is

DENGLER » PAGE 3

ONLINE

View additional photos from the RB staff

Find a selection of extra photos from area happenings and events at the media center at RECORD-BEE.COM






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Lake County's opinions on local/state issues

Check out today's editorial columns, cartoons and columnist perspectives. PAGE A4

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CALIFORNIA

Psychedelics supporters seek a good test case

By Ana B Ibarra
CalMatters

Last year was supposed to mark a milestone in the psychedelic movement. Lawmakers and advocates were set to make California the next frontier in allowing the use of “magic mushrooms.”

They were hopeful because Gov. Gavin Newsom in 2023 — after vetoing a bill that would have decriminalized the possession of psychedelics — asked legislators for a bill that would prioritize the therapeutic promise of these drugs.

Sen. Scott Wiener, D-San Francisco, responded to Newsom’s request with a proposal that would have allowed for psilocybin and other hallucinogens to be ingested in a controlled setting and under the supervision

of licensed and trained facilitators.

But that bill, like three similar ones before it and after it, went nowhere. Skeptical lawmakers expressed concerns about funding, standing up a complex program and safety as they turned down the measures.

Undeterred, advocates are regrouping to try again.

What exactly a new legislative proposal would look like in California is still uncertain, advocates and lawmakers say. Most agree that getting something through in California will have to be more narrow than what’s been proposed in the past, and likely will be centered on providing access to veterans.

What’s most feasible is “some sort of pilot program, or something on a smaller

scale to prove it out,” said Jesse Gould, founder and president of the Heroic Hearts Project, which has sponsored psychedelic proposals in California and other states. His nonprofit connects military veterans struggling with post-traumatic stress disorder with psychedelic programs in other countries.

Psychedelics remain illegal at the federal level, but voters in two states have authorized them for certain uses and several California cities have passed measures decriminalizing them. President Joe Biden in late 2023 signed a defense spending bill that included money to study how psychedelic drugs could be used to treat veterans and military service members.

What Gould and other advocates envision as a

first step for California might look like a proposal Sen. Josh Becker, D-Menlo Park, and Sen. Brian Jones, R-San Diego, submitted last summer. Their bill, dubbed Heal Our Heroes Act, would have allowed the counties of San Diego, Santa Cruz and San Francisco to launch up to five centers each where licensed staff could facilitate psilocybin to veterans and former first responders over 21 who passed a screening test.

Their bill did not move forward, but their concept could return.

Prioritizing and limiting this experimental access to veterans and former first responders is the most responsible route, Jones said. He does not support decriminalizing psychedelics for recreational use.

“I want to serve our vet-

erans who are suffering from these mental ailments and do everything we can so that they get the attention they need when they come home,” Jones said.

As of publication, Jones and Becker said they had not yet decided whether they’d re-introduce the Heal Our Heroes bill this year. Wiener’s office did not respond to requests for an interview.

Legalize therapies

Approximately 8 million Americans used psilocybin mushrooms in 2023, according to RAND, a research organization, and a UC Berkeley poll showed that 61% of voters support regulated therapeutic use of psychedelic substances.

Since 2020, at least 37 states have introduced bills or ballot measures pertain-

ing to psychedelics. These range from funding research to reducing penalties for possession. Not all proposals make it through, but some researchers predict this momentum will lead to change in state laws over the next several years. One 2023 analysis published in the Journal for the American Medical Association Psychiatry forecasted that a majority of states will have legalized psychedelics by 2037.

In the Golden State, drug reform advocacy groups and researchers have tried at least three times since 2022 to place psychedelic-related measures on the ballot, but have failed to meet the signature-gathering deadlines.

Going to voters is expensive and a major undertaking with no guarantee.

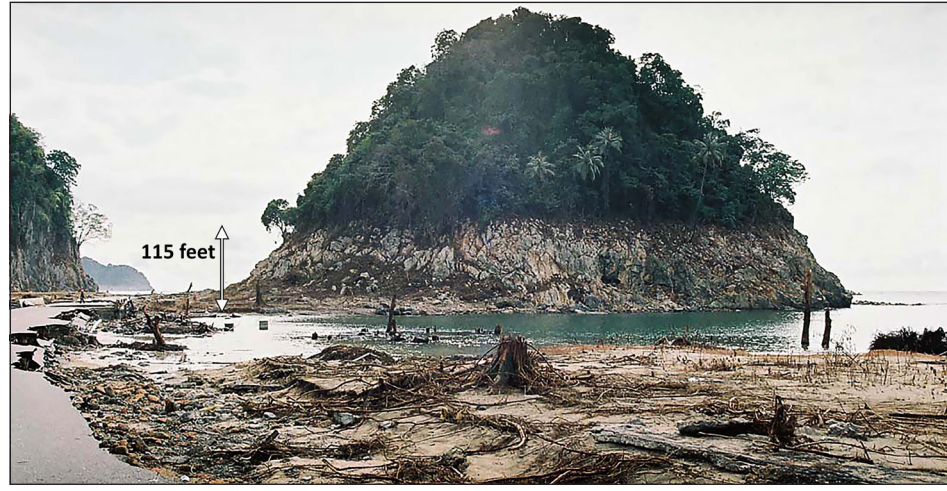
Dengler

FROM PAGE 1

much more difficult to accurately assess the true size of great earthquakes because of the very long duration of rupture and over the next hour my fears were realized as the initial magnitude numbers kept creeping up. When the first reports of a possible tsunami made the news, the magnitude had risen to an 8.8.

I watched the story unfold aghast in between assisting in Christmas dinner preparations. My entire geophysics career had taken place during a relatively quiet period of earthquake activity. Between 1946 and 1966, eight earthquakes of magnitude 8.5 and larger struck the planet, including the monster Chilean quake of May 1960 that at M9.5 remains the largest instrumentally recorded earthquake. After 1966, the mega-quake pipeline shut down for nearly 40 years, producing a number of earthquakes in the low magnitude 8 range but no monsters and no ocean-wide tsunamis.

Stuart Weinstein had a more stressful experience in 2004 than I did. He was the duty scientist at the Pacific Tsunami Warning Center (PTWC) in Hawaii that day. PTWC was responsible for supplying tsunami information to 26 countries in the Pacific in addition to alerting Hawaii and U.S. ter-



JOSE BORRERO — CONTRIBUTED

The Indian Ocean tsunami stripped vegetation along the northern Sumatra coast. This shows Lhoknga near Banda Aceh where peak water heights exceeded 100 feet.

ritories but had no arrangements with countries in the Indian Ocean. He watched as the feeds from one seismic station after another around the globe clipped (signal too large to stay on scale). He was quickly joined by a second scientist, Barry Hirshorn, and the two of them remained on duty throughout the night and into the next day.

It took less than 15 minutes for Stuart and Barry to locate the earthquake and recognize it had the potential to produce a major tsunami. But they had no ability to send alerts to any countries at risk. Tsunami warning systems involve much more than just detection — they also require an ability to receive the information and alert local populations. Stuart and Barry were frantically trying to find contacts in countries that might still have time to issue alerts

before the tsunami hit.

Nearly seven hours after the earthquake, they were able to notify the Somalia government. A civil war raged at the time and the government had no ability to contact the coastal communities. If by chance they had gotten an alert out, it is doubtful that anyone would have responded as tsunamis were essentially unknown. At least 142 people died in Somalia that day, and most estimates put the toll in the hundreds.

My colleague Jose Borrero would be among the first international team of scientists to visit Indonesia two weeks after the earthquake. I would join him and others on a longer reconnaissance in Indonesia three months later. It was a brutal trip in many ways. The civil war was still raging, no infrastructure remained in coastal communities, and navi-

gational charts were useless due to the profound changes the earthquake had caused in coastline topography. In most places we studied, 80% or more of the population had perished.

There was one bright spot. Our last stop was Simeulue Island off the coast of Banda Aceh, Sumatra. It was the closest population center to the 2004 epicenter and the first tsunami surges arrived only eight minutes after the shaking began. We fully expected to see a worse story of devastation and loss of life as we had along the Sumatra coast. Much to our surprise, almost everyone on the island had survived. Out of a population of over 75,000, only seven had died in the tsunami.

No one had died in Langi village where we visited. Off the grid with no governmental warn-

ing system, not a single man, woman or child perished in Langi, even though their village was demolished by 45-foot tsunami waves. Everywhere we went we were followed by throngs of curious children and other villagers in stark contrast to the depopulated coastlines of Sumatra.

Why the difference? Simeulue Islanders have lived on the island for over 5,000 years undisturbed by outside invasions. They have intact cultural traditions and an oral history of past tsunamis. Whenever an earthquake of long duration occurs on the island, they grab the children, put anyone not capable of walking into a cart and push them up the hill. Then they stay put for days.

Large earthquakes are common in Indonesia and trigger these self-evacuations every two to three years. The last time a large tsunami followed was in the early 1900s, five generations earlier. When I asked Langi villagers why they evacuated even when most of the time no tsunami followed, they looked at me as if I were crazy. Every earthquake is an opportunity to practice our evacuation skills was their response. On that late December day in 2004, that practice paid off.

Much has changed in the Indian Ocean since 2004. PTWC was given

the temporary responsibility of issuing tsunami threat information until late 2006 when the Indian Ocean Tsunami Warning System, run by a consortium of Indian Ocean countries became operational. But seven deadly tsunamis have struck the Indian Ocean region since the Warning Center was inaugurated, five in Indonesia. The September 2018 earthquake and tsunami that struck Sulawesi claimed over 4,300 lives.

Indonesia’s tsunamis are almost all near-source, generated by earthquakes close to populated areas. Disseminating warnings with only minutes to tens of minutes of alerting time is difficult anywhere, but particularly in regions where communication infrastructure is limited. Much better to follow the example of the Simeulue Islanders and consider EVERY long-lasting earthquake a potential tsunami generator and IMMEDIATELY walk to higher ground.

Note: Paula Dunbar died in 2020, and I lost a valued colleague and great friend. But anyone can access her life’s work at https://www.ngdc.noaa.gov/hazard/tsu_db.shtml.

Lori Dengler is an emeritus professor of geology at Cal Poly Humboldt, an expert in tsunami and earthquake hazards.

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Facebook: facebook.com/RecordBee

Contact us..... 707.263.5636

Publisher: Steve Bressoudsbressoud@bayareanewsgroup.com

Operations & Advertising Sales Manager: Sarah McGrath.....smcgrath@record-bee.com

Retail Advertising Team:

Carol Anderson.....canderson@ukiahdj.com

Cindy McCue.....cmccue@ukiahdj.com

Managing Editor: Ariel Carmona,.....arielcarmona@record-bee.com

Reporter: William Roller.....wroller@record-bee.com

Classified & Legal Notices:

Sue Fullbright.....707-380-1152

Audrey Taylor.....707-459-4643

Obituaries.....obits@record-bee.com

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Hike

FROM PAGE 1

get closer to observe wildlife.

“When I could walk unaided, I loved walking the Ridge Trail,” she said. “There’s a vernal pool (seasonal) serving as a breeding ground for various species of frogs. But there’s a couple of wonderful trees up there called Woodpecker Grainery trees, where they store their acorns and guard them.”

As Henry recovers from recent surgery, she plans to lead hikes to Cache Creek that has a gravel surface and after a certain point the trail has a boardwalk that leads to the creek itself. “You go past a few oxbows which has wood ducks in them, and I run into river otters and native turtles,” she said.

She also noted there were Grebes (diving birds) and they are plentiful in winter, spring and fall. “But in the summer, often migrate north. Many come down from the California Lakes in Orville and Amador. Grebes are birds that run in the water, doing what



WILLIAM ROLLER — LAKE COUNTY PUBLISHING

Colleen Lee (front row, second from left), employee with the Lake County Chamber of Commerce, participated for the fourth time Wednesday in The First Day Hike, at Anderson Marsh State Historic Park, Clearlake. She and the rest of the hikers are about to depart on one of the trails.

is called rushing-running along the surface, flapping their wings, in order to get lift to fly.”

“And I live here because I’m into the birds and kayaking,” she added. “We live right across the creek. That’s why we fell in love with it.”

On duty that day was Park Ranger Trevor Irace. He has been with the State Parks since 2008 and in the Clear Lake Sector since 2017.

“This has been one of the largest turnouts for the First Day Hike in the state,” he said. He recalled the at-

tendance once reached as many as 200.

“Today, has been great, considering the weather has been off and on. We have a weekly digest the state puts out. And it usually has photos of the First Day Hike participants in the issue.”

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