Dear Ms. Morris – Please find attached our North County Watch comments on the cannabis cultivation PEIR.

Thank You for your consideration of our comments.

Regards,

North County Watch

“To varying degrees, we human beings live inside other human beings already, even in a totally nontechnological world. The interpenetration of souls is an inevitable consequence of the power of the representationally universal machines that our brains are. That is the true meaning of the word “empathy”.”

Douglas Hofstadter “I am a Strange Loop”
California Department of Food and Agriculture  
Attn: Amber Morris  
Medical Cannabis Cultivation Comments  
1220 N Street, Suite 400  
Sacramento, CA 95814  

Sent Via Email: mccp.peir@cdfa.ca.gov  
September 30, 2016  
RE: Medical Cannabis Cultivation Program Comments  

Dear Ms. Morris:  

North County Watch is a 501c3 Public Benefit corporation, founded in 2001. Our purpose is to promote economic and environmental policies that maintain and enhance the uniqueness of our community.  

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We are particularly concerned about the potential for disastrous impacts to wildlife and habitat, with special concern for threatened and endangered species. We have pasted a letter sent by California Department of Fish and Wildlife to the San Luis Obispo County Board of Supervisors on September 16, 2016 as a result of the use of banned rodenticides and gas bombs that resulted in killing endangered Giant Kangaroo rats (take) at cultivation sites in the county. The specific cultivation sites were in California Valley, on the Carrizo Plain. California Valley is a remote subdivision of mostly 2.5 acres home sites in the high dessert. The area is zoned residential suburban. In the last 6 months over 200 grow sites has exploded in the area. Though it is sparsely populated, it is a residential community with families with children, retired people and family pets and livestock.  

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Many of the problems evident in local cannabis sites are relevant to the whole state and need to be addressed in the PEIR and regulations.

- Grow sites should not be permitted in areas of important habitat for threatened or listed species. Grows should not be permitted in ESHA habitat or areas listed as critical habitat for species.
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- The investigations and sites visits for the land use compliance issues in California Valley involved considerable county staff and sheriff time and resources. The PEIR must address reimbursement of costs to local entities for the resources that will be needed to assure safe and compliant grow sites.
- Permitting must require a full analysis of available water supplies including an analysis of the potential drawdown of neighboring wells by grow sites. What are the potential impacts of importing water to a site? Standards for importation should be set. What are the impacts of on-site disposal of water used for hydroponic cultivation? The regulations to be developed for these issues must be studied in the PEIR.
- The number and size of grow sites must be in relation to the potential local and regional population served by the cultivation. No single area’s resources should be tasked with supplying medical cannabis to large geographic areas of the state. In any case, the impacts to local and regional air quality caused by the transportation and cultivation of cannabis must be mitigated by the growers.
- Disturbances to dark night skies must be prohibited. Night lighting of the site and the crop in areas currently with little or no existing night light must be banned because there is no way to mitigate the impacts of artificial light introduced to dark sky areas.
- Night use of generators must be banned and day use of generators, particularly in areas with very low ambient noise levels, must be mitigated to the point that the generator cannot be heard beyond the property line.
- The commercial growing of cannabis is very likely to have adverse impacts on housing values and land prices – devaluing residential property and raising the value of ag crop property to the point of driving out the cultivation of traditional food and fiber products.
- If foreign soils are to be imported to an area for cultivation sites, the disposal of those soils should be considered. Are there impacts to local soils and habitats if the imported products are disposed of onsite? What are the impacts of transporting the non-native soils?
- The statewide production of medical cannabis should be in parallel to the statewide needs of the population of California. Overproduction will result in exporting unsalable crop outside the state.
• It was reported that on September 21<sup>st</sup>, a cannabis crop was transported out of California Valley via airplane that landed on an abandoned airstrip that is clearly marked with x’s to indicate that it is not a useable airstrip. The airstrip is located on mitigation lands set aside for the recovery of endangered species. The airstrip was used without the permission of the conservation land manager or owner. I spoke with the land manager/owner to inquire if they were aware of the use of the airstrip. They were not. We are concerned not only about the use of a dangerous, unmaintained remote airstrip, but how will transfers of product by this means be tracked?

• The growing of cannabis has the potential for severe impacts to local public services and public safety personnel. San Luis Obispo County is over 3,000 square miles, much of it sparsely populated. Our population is about 260,000. Sheriff resources are very limited and the issues in California Valley severely taxed those resources. We believe this will be an issue in all areas of the State. The PEIR must assume and mitigate for the worst possible scenario, that is, that cultivation can occur anywhere in the state, whether or not some areas have already prohibited the growing of cannabis in their areas. The baseline is that cultivation could occur anywhere in the State and PEIR must consider and mitigate for that potential.

• Regulations and guidelines developed by other State agencies must be evaluated and mitigated in the PEIR.

The final PEIR will determine the minimum considerations for issuing local permits for cultivation. It’s a formidable task. Geographically and resource-wise, this is a very large and particularly diverse State. It is extremely important that all aspects of cultivation be carefully tracked and that all mitigations are carefully implemented for the life of the projects (cultivation). Mitigation must include ongoing study of impacts to wildlife resources, public trust resources, water, air quality, safety services, housing and land use in areas where cultivation is permitted. Follow-up changes to regulations and improved mitigations must occur. Adequate fees must be required to cover the financial impacts to state and local public resources.

Yours truly,

Attachment: CDFW letter
September 16, 2016

Board of Supervisors
San Luis Obispo County Government Center
1055 Monterey St.
San Luis Obispo, CA 93408

Subject: Support for Medical Marijuana Urgency Ordinance, Banning Marijuana Cultivation in the Carrizo Plains Ecoregion

Dear Supervisors:

The California Department of Fish and Wildlife (CDFW) respectfully requests that the Board of Supervisors considers approval of the proposed urgency ordinance regarding marijuana cultivation in San Luis Obispo County. CDFW also recommends that the Board support a permanent ban on all marijuana cultivation on all lands within the Carrizo Plains ecoregion, not just on lots zoned Residential Suburban, due to the intense direct and indirect impacts of marijuana cultivation on wildlife.

CDFW conducted a preliminary investigation in late August 2016 and determined that marijuana cultivation in the Carrizo Plains is clearly displacing endangered species habitat, killing wildlife, and indirectly degrading the conservation value of mitigation lands conserved by the two local solar projects. Some of these lands are owned by CDFW, while CDFW holds a Conservation Easement on the others. Every one of the 200-300 marijuana plots in the Carrizo Plains has directly disturbed habitat occupied by the State and federally endangered giant kangaroo rat (Dipodomys ingens), the State threatened San Joaquin antelope squirrel (Ammospermophilus nelsoni), and the State threatened and federally endangered San Joaquin kit fox (Vulpes macrotis mutica), among a long list of other special-status plants and animals.

GPS collar data from four San Joaquin kit foxes in August indicates that they regularly use the subdivision where marijuana growers are exposing them to risk of secondary poisoning from illegal rodenticide application (Exhibit A). Growers have undoubtedly poisoned all three of the aforementioned threatened and endangered species. Our documentation strongly suggests that direct and indirect impacts are also occurring to badgers, raptors, and other wildlife. CDFW staff easily found deceased kangaroo rats (Exhibit B) and rabbits at a grow site where a first-generation anticoagulant had been broadcast illegally around the site's perimeter including at a giant kangaroo rat precinct (territory/burrow complex). The San Luis Obispo County Sheriff's office and San Luis Obispo County Agricultural Department staff found illegal pesticide use at four of ten sites visited in early August.

Conserving California’s Wildlife Since 1870

Meeting Date: September 20, 2016
Presented By: Julie A. Vance

Page 4 of 7
The Carrizo Plains (including the California Valley Subdivision) supports the greatest
density of rare, threatened, and endangered species in California. Marijuana cultivation
is not compatible with conserving habitat for or populations of these species. The
California Valley Subdivision, despite being subdivided, is no exception. It is heavily
colonized by giant kangaroo rats and kit foxes. The subdivision has extensive and
unique alkali sink habitat and vernal pool systems that feed into Soda Lake and support
rare plants and federally listed fairy shrimp. Approximately one-half of the subdivision is
federally designated Critical Habitat for the federally endangered longhorn fairy shrimp
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Because of these attributes, CDFW, the U.S. Fish and Wildlife Service, and San Luis
Obispo County accepted mitigation lands within the subdivision to offset biological
impacts from the California Valley Solar Ranch. San Luis Obispo County further
required both Carrizo Plains solar projects to fund an acquisition program to conserve
additional habitat in the subdivision to protect the conservation value of the mitigation
lands. In addition to comprising high quality habitat within its boundaries, the subdivision
is the area that connects listed species populations on the majority of the solar project
mitigation lands to those in the Carrizo Plains National Monument. That acquisition
program has not protected any habitat to date. Conversely, tax-default parcels in the
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marijuana cultivation, which threatens the viability of rare, threatened, and endangered
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and endangered species. We offer our assistance in identifying sensitive resource
areas for your consideration in developing the proposed permanent ordinance as well.

If you have questions regarding this letter, please contact Dave Hacker, Senior
Environmental Scientist, at (805) 594-6152 or david.hacker@wildlife.ca.gov.

Sincerely,

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Regional Manager

DGH

Exhibits

c: Dave Hacker (CDFW)
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Photos by Laura Ramage (County Department of Agriculture)

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Exhibits

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Blue spots are grain treated with diaphacine and broadcasted around marijuana cultivation site.

Diaphacine bag found on site.
Exhibit B
Three Kangaroo Rat Carcasses found at Site of Illegal Rodenticide Use
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
To: MCCP_PEIR_CDFA@CDFA
Subject: FW: Cultivation Guidelines Drafting
Date: Friday, September 30, 2016 10:49:54 AM
Attachments: 13_1113_Cannabis_Cultivation_Recommendations(4).pdf

From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
Sent: Wednesday, September 21, 2016 7:19 AM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: Cultivation Guidelines Drafting

September 21, 2016

Dear Cannabis Regulation Authors,

Thank you for all the work you are doing to provide cultivation regulations to the cannabis patients of California. I am a cannabis patient advocate in San Diego representing the San Diego Chapter of Americans for Safe Access. Our constituency is made up of veterans, disabled people, parents with kids using cannabis, HIV/AIDS patients and chronic pain sufferers as well as cancer and multiple sclerosis patients. We are a part of a nationally recognized organization of patients and I am the volunteer chair for the San Diego Chapter.

We have been watching this issue closely and are reaching out with a request for the Department of Food and Agriculture to follow the American Herbal Products Association guidelines for cultivating cannabis. Founded in 1982, their mission is to promote the responsible commerce of herbal products: “The American Herbal Products Association (AHPA) is the national trade association and voice of the herbal products industry. AHPA is comprised of more than 350 domestic and foreign companies doing business as growers, processors, manufacturers, and marketers of herbs and botanical and herbal products, including foods, dietary supplements, cosmetics, and non-prescription drugs.”

It is important to allow for sensible regulations, and these standards and guidelines are crucial to retaining the true purpose for the cannabis crop. Many of our constituents need specific strains and fear if regulations are too industrialized we may lose varieties that are not as in-demand but are saving lives. Particularly, in the case of children who need low THC strains which are not popular commercially. We urge the writers of the regulations to not write rules so onerous they discourage small cultivation and small business.

I have attached a copy of the AHPA Cannabis Cultivation Guidelines and also provided a link to the AHPA guidelines for cultivation as well as these areas:
Cannabis Manufacturing Guidelines
Cannabis Distribution Guidelines
Cannabis Analytic Guidelines

Here is the link to all: http://www.safeaccessnow.org/ahpa_industry_standards.
As states across the country have granted patients' rights to access medical cannabis, a new industry has formed to meet these needs. Many states and localities ...

I want to thank you again for all your hard work. I hope you will consider adopting the industry standards for herbal products which AHPA has written.
Recommendations to Regulators:
Cannabis Cultivation and Processing Operations
November 2013

The legal status of products derived from Cannabis spp. is in a transitional phase in many states in the United States. Where products that contain marijuana and its derivatives were formally illegal throughout the U.S., many state laws now allow adult use of these either for medical purposes only or for any social adult use.

The American Herbal Products Association (AHPA) chartered a Cannabis Committee in 2010 with an express purpose to address issues related to the safe use and responsible commerce of legally-marketed products derived from Cannabis species.

To meet its purpose, the AHPA Cannabis Committee is in the process of developing recommendations to regulators for best practice rules to address four operational stages of Cannabis production and distribution: cultivation and processing; manufacturing and related operations; laboratory practice; and dispensing.

The present document provides recommendations to regulators in the specific area of Cannabis Cultivation and Processing Operations, and is presented in the form of a draft regulation. These recommendations are intended to establish a basis for oversight of entities that cultivate cannabis in either outdoor or indoor facilities. The document address such topics as cultivation practices, facility requirements, management of water resources, recordkeeping and information disclosure. It also establishes best practices for operations that provide post-harvest processing of cannabis, for either distribution to dispensing operations, or to manufacturing operations for the production of cannabis-derived products.

The AHPA Cannabis Committee offers this document to states and local municipalities where use of marijuana is allowed under local law such that regulatory authorities can consider the adoption of these recommendations, in whole or in part, as the basis for development of jurisdiction-specific regulations.

Please contact AHPA for further information or to discuss this document further.

Point of contact: Michael McGuffin
P: 301-588-1171 x201 / E: mmcguffin@ahpa.org
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FOR DISCUSSION. Prepared for consideration for submission to state or local regulatory agencies in states within the United States.
PART [X] – Cannabis cultivation and processing operations

SUBPART A – GENERAL PROVISIONS

Section 1.1 Subject operations
(a) Except as provided by paragraph (b) of this section, any person, group of persons, or business entity that cultivates cannabis for retail or wholesale transactions in the jurisdiction in which this part applies is engaged in a cultivation operation, and is subject to this part.
(b) A compliant individual who cultivates cannabis in accordance with local and state law for personal use is not subject to this part.
(c) Except as provided by paragraph (d) of this section, any person, group of persons, or business entity that processes cannabis for retail or wholesale transactions in the jurisdiction in which this part applies is engaged in a processing operation, and is subject to this part.
(d) A compliant individual who processes cannabis in accordance with local and state law for personal use is not subject to this part.
(e) Operations subject to this part are subject only to those sections of this part that directly apply to the operations conducted, such that:
   (1) A cultivation operation is not subject to the processing sections of this part unless processing operations are also conducted by the cultivation operation; and
   (2) A processing operation is not subject to the cultivation sections of this part unless cultivation operations are also conducted by the processing operation.

Section 1.2 Other statutory provisions and regulations
In addition to this part, cultivation operations and processing operations must comply with all other applicable statutory provisions and regulations related to cannabis cultivation and processing in the jurisdiction in which this part applies, and related to all other business activities undertaken in conducting the cultivation operation or processing operation.

Section 1.3 Definitions
The following definitions apply to this part:
Batch means a specific quantity of cannabis harvested during a specified time period from a specified cultivation area.
Cannabis means any of the aerial parts of a plant in the genus Cannabis, and does not mean hemp.

1 This term “in the jurisdiction where this part applies” may be replaced throughout with the name of the specific jurisdiction.

FOR DISCUSSION. Prepared for consideration for submission to state or local regulatory agencies in states within the United States.
Cannabis planting material means cannabis seeds, seedlings, cuttings, clones, etc. used by a cultivation operation to grow cannabis.

Cannabis waste means cannabis discarded by the cultivation operation or processing operation.

Compliant individual means a person who has met all legal requirements to obtain and use cannabis or cannabis-derived products in the jurisdiction where this part applies.

Cultivate means to grow, harvest, dry, and cure cannabis. A person, group of persons, or business entity that cultivates is a cultivator, and a facility where cannabis plants are cultivated is a cultivation operation.

Cultivation area means the physical location of a structure or property at which cannabis is cultivated.

Curing means the process by which cannabis is prepared, preserved, or finished.

Direct-from-garden or caregiver operation means a dispensing operation whereby compliant individuals obtain cannabis or cannabis-derived product directly from a cannabis cultivator.

Dispensing operation means a person, group of persons, or business entity that provides cannabis or cannabis-derived product to compliant individuals and includes delivery services, direct-from-garden operations, growing co-ops, and storefront operations.

Drying means the dehydration of harvested cannabis.

Firewall assembly means a fireproof barrier used to prevent the spread of fire between or through buildings or structures.

Greenhouse means a permanent structure located outdoors that is completely covered by a material that allows a controlled level of light transmission.

Greenhouse cultivation means the cultivation of cannabis inside of a greenhouse utilizing natural sun and possible supplemental artificial lighting.

Harvest means to gather cannabis plants from cultivation medium or to gather specific aerial parts of cannabis plants.

Hemp means any part of a plant in the genus Cannabis, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 (three-tenths) percent on a dry weight basis.

High intensity discharge lamps (HID lamps) means a type of electrical gas-discharge lamp which produces light by means of an electric arc between tungsten electrodes housed inside a translucent or transparent fused quartz or fused alumina arc tube.

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2 Different jurisdictions may have other terminology for the type of operation that is defined as a dispensing operation in this document.

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Identity means the set of characteristics by which an ingredient or product is definitively recognizable or known. In the case of cannabis and other botanical ingredients, identity means the plant part and the botanical genus, species, variety, strain, and/or cultivar, as well as other characteristics as applicable.

Indoor cultivation means cultivation of cannabis grown in a fully enclosed location in which the only light source is artificial.

Manufacture means to make or otherwise produce cannabis-derived product. A person, group of persons, or business entity that manufactures is a manufacturer, and a facility where manufacture occurs is a manufacturing operation.

May is used to indicate an action or activity that is permitted.

Medium means the nutritive substrate that the cultivator is using to establish a root system.

Must is used to state a requirement.

Nursery facility means an indoor, greenhouse, or outdoor cultivation operation that produces cannabis plants for the purpose of providing planting material to other cultivation operations.

Outdoor cultivation means cultivation of cannabis out of doors utilizing natural sunlight and possibly supplemental artificial lighting.

Personal use means cannabis that is produced for a compliant individual’s personal medical needs and is not sold or distributed in any manner.

Planting means to place cannabis seeds or young plants in soil or medium.

Process means to trim, inspect, or grade cannabis, or to place cannabis in bulk storage or retail containers. A person, group of persons, or business entity that processes cannabis is a processor, and a facility where cannabis is processed is a processing operation.

Processing loss means cannabis that, for any reason, during processing is deemed unfit for human consumption.

Propagation materials means all substances used in the cultivation of cannabis.

Pruning means cutting away dead or overgrown cannabis leaves, branches or stems.

Should is used to state recommended or advisory procedures.

Supplemental lighting means artificial lighting used to help or extend the vegetative life cycle of a cannabis plant.

Trimming means the removal of leaves and stems from harvested cannabis.

Variety means a specific stock, line, or breed of cannabis, also commonly referred to as strain.

Vendor means a person, group of persons, or business entity that supplies cannabis or cannabis-derived product to storefront or delivery service dispensing
operations, and may be either the direct representative of a cultivation or manufacturing operation, or may function independently of such operations by purchasing cannabis or cannabis-derived product from such operations and reselling it to other operations.

**SUBPART B – CULTIVATION AND PROCESSING OPERATIONS**

**Section 2.1 Types of cultivation operations**
(a) Cannabis may be cultivated by any of the following types of cultivation operations, as defined in section 1.3 in this part:
   (1) Indoor cultivation operations;
   (2) Greenhouse cultivation operations;
   (3) Outdoor cultivation operations; and
   (4) Nursery operations.
(b) Cultivation operations may do the following, as allowed by applicable legislation and regulation:
   (1) Produce their own cannabis planting material; and
   (2) Obtain cannabis planting material from any of the following:
      (i) Other cultivation operations;
      (ii) Nursery operations; and
      (iii) Compliant individuals.
(c) Processing operations may obtain cannabis from any of the following, as allowed by applicable legislation and regulation:
   (1) Cultivation operations;
   (2) Compliant individuals, and
   (3) Vendors.
(d) Cultivation operations and processing operations may distribute cannabis to any of the following, as allowed by applicable legislation and regulation:
   (1) Other cultivation operations;
   (2) Other processing operations;
   (3) Dispensing operations;
   (4) Manufacturing operations;
   (5) Vendors; and
   (6) Compliant individuals.

**Section 2.2 Ancillary operations**
(a) Cultivation operations and processing operations may also engage in other operations, including:
   (1) Manufacturing, packaging, labeling, and holding of cannabis-derived product;
   (2) Laboratory operations;
   (3) Dispensing of cannabis and cannabis-derived product; and
   (4) Cultivation and marketing of products other than cannabis.
(b) The ancillary operations identified in section 2.2(a) may be conducted:
(1) At the same location as cultivation or processing, so long as such operations are permitted at this location in the jurisdiction in which this part applies; or
(2) At another location at which such operations are permitted in the jurisdiction in which this part applies.
(c) The ancillary operations identified in section 2.2(a) must be conducted in compliance with all regulations relevant to such operations in the jurisdiction in which this part applies.

Section 2.3 Cultivation practices
(a) Propagation materials
(1) Propagation materials used in cultivation operations must be appropriate for use in food production.
(2) Cultivation operations must follow the manufacturer’s usage, storage, and disposal recommendations for the propagation material.
(b) Pesticides
(1) Pesticides used in cultivation operations must be one of the following:
   (i) Subject to a tolerance established for application to cannabis by the US Environmental Protection Agency (EPA);
   (ii) Identified by EPA regulation as exempted from tolerance;
   (iii) Subject to a Section 18 emergency exemption under FIFRA 3; or
   (iv) Permitted for application to cannabis in other countries as long as the pesticide is also permitted for application to one or more food crops in the United States.
(2) Cultivation operations must follow the manufacturer’s application and storage recommendations, and disposal recommendations for the pesticide product.
(3) Cultivation operations must follow the EPA Worker Protection Standard 4 when preparing and applying pesticides.
(4) Indoor cultivation operations must comply with the pesticide manufacturer’s published re-entry interval time periods when applying pesticides.
(c) Nutrients
(1) Nutrients used in cultivation operations must be appropriate for use in food production.
(2) Cultivation operations must follow the manufacturer’s application, storage, and disposal recommendations for the nutrient product.
(3) Cultivation operations must not return unused rooting hormone to the source container.
(4) Nitrate-based and other oxidizing fertilizers must be stored away from solvents, fuels and pesticides.

3 Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes EPA to allow an unregistered use of a pesticide for a limited time if EPA determines that an emergency condition exists.
4 The EPA Worker Protection Standard can be accessed at the following website - http://www.epa.gov/agriculture/twor.html (accessed September 9, 2013)
(d) Carbon dioxide
   (1) Indoor cultivation facilities utilizing carbon dioxide must maintain levels under 2000 ppm in cultivation areas when facility personnel may be present.
   (2) Indoor cultivation facilities utilizing carbon dioxide at levels above 2000 ppm in a sealed room must prohibit personnel from entering the cultivation area unless personal protective equipment is provided.
   (3) All regulators and environmental control systems that regulate carbon dioxide emissions must be maintained in good working order and be serviced in accordance with the manufacturer’s recommendations.

(e) Equipment and tools
   (1) Equipment used for measuring, regulating, or recording temperatures, pH, humidity, or other conditions related to the cultivation and processing of cannabis must be accurate and adequately maintained.
   (2) Cultivation and processing tools that come in direct contact with cannabis plants should be disinfected as needed to protect plant health.
   (3) Scales used for the weighing of cannabis must be calibrated at regular intervals.

Section 2.4 Processing practices
(a) Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
(b) Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
(c) Employees handling cannabis in processing operations must utilize facemasks and gloves in good operable condition as applicable to their job function.
(d) Employees must wash hands sufficiently when handling cannabis or use gloves.

Section 2.5 Distribution practices
Cannabis distributed by cultivation operations and processing operations must be accompanied by the following information:
   (1) Cultivation or processing operation’s name;
   (2) Identity of contents;
   (3) Net weight of contents; and
   (4) Sufficient information to trace the cannabis to its batch.

SUBPART C – PERSONNEL

Section 3.1 Personnel training
(a) Cultivation and processing operations must:

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(1) Ensure that each person engaged in the operation has the education, training, and experience, or any combination thereof, to enable that person to perform all assigned functions.

(2) Maintain records of any training provided to employees for the performance of all assigned functions.

(b) Cultivation and processing operations should provide all employees with training that includes:

(1) Instructions regarding regulatory inspection preparedness and law-enforcement interactions; and

(2) Information on U.S. federal laws, regulations, and policies relating to individuals employed in these operations, and the implications of these for such employees.

(c) Cultivation and processing operations must implement employee hygiene protocols and training, which at a minimum address:

(1) Policies which prohibit employees who are showing signs of illness, open wounds, sores or skin infections from handling cannabis.

(2) Hygiene training for employees who handle cannabis with specific attention to preventing microbial contamination.

(3) Hand washing requirements including washing hands with soap and hot water before beginning work, after using the bathroom and after meal breaks.

(4) Instructive hand washing signage must be in appropriate areas such as bathrooms, kitchens, and lunch areas, and in multiple languages as needed.

Section 3.2 Employee safety

(a) Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:

(1) Emergency action response planning as necessary;

(2) Employee accident reporting and investigation policies;

(3) Fire prevention;

(4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);

(5) Materials handling, spill, and disposal policies;

(6) Job hazard analyses; and

(7) Personal protective equipment policies, including respiratory protection.

(b) Cultivation operations must provide and maintain at least one emergency eye flushing station readily accessible to all employees and access to adequate eye flushing water for each employee working in field operations.

(c) Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:

(1) Operation manager contacts;

(2) Emergency responder contacts;

(3) Poison control contacts;
(4) Fire department contacts; and
(5) Spill response team contacts.

**SUBPART D – FACILITIES**

**Section 4.1 General compliance**

(a) Cultivation operations must comply with all legal requirements pertaining to the following as applicable:

1. Restrictions on the size of the cultivation area;
2. Restrictions on the number of cannabis plants allowed or other quantitative limits; and
3. Light pollution restrictions.

(b) Location of cultivation operations:

1. Indoor cultivation operations may be located on any property that is zoned for such use and must be located in a fully permitted, non-residential structure that:
   i. Was constructed in compliance with local building code;
   ii. Has a complete roof enclosure supported by connecting walls extending from the ground to the roof;
   iii. Is secure against unauthorized entry; and
   iv. Minimizes unnecessary visual, auditory or olfactory evidence of indoor cannabis cultivation.
2. Outdoor cultivation operations and greenhouse cultivation operations may be located on any property that is zoned for such use.
3. Outdoor cultivation operations and greenhouse operations must be located within any setbacks that pertain to the property where the cultivation is taking place.
4. Greenhouse cultivation structures must be fully permitted and built to code at the time of construction.

(c) Location of processing operations

1. Processing operations may be located on any property that is zoned for such use.
2. Processing operations must be located within any setbacks that pertain to the property where the processing is taking place.
3. Processing operation structures must be fully permitted and constructed in compliance with local building code.

(d) Outdoor cultivation or greenhouse cultivation operations must shield or downcast supplemental lighting.

(e) Cultivation operations and processing operations that transport cannabis must do so in a secured enclosed container or secured trunk of the delivery vehicle.
Section 4.2 Fire prevention
(a) Any room in an indoor cultivation operation in which operational supplemental lighting, ballasts, or electrical control panels are located must be constructed with a minimum of a one-hour firewall assembly.
(b) Indoor cultivation operations must:
   (1) Provide at least one operating fire extinguisher, and
   (2) Provide additional fire extinguishers in a number proportional to the watts of supplemental lighting used in the facility (one fire extinguisher per every 10,000 watts of lighting), or in accordance with local fire code.
(c) Fire extinguishers must be:
   (1) Easily accessible to employees from every room and in each hallway of the facility;
   (2) Maintained annually or as otherwise specified by the manufacturer; and
   (3) Of the appropriate class rating for the type of fire associated with the functions being performed in the facility (i.e., electrical, chemical).
(d) Flammable products must be stored in a properly marked fire containment cabinet or area.
(e) Signage that complies with National Fire Protection Association (NFPA) standard 704 must be placed at entrances to exposure areas.

Section 4.3 Sanitation practices
(a) Cultivation operations and processing operations must provide employees with adequate and readily-accessible toilet facilities.
   (1) Toilet facilities must be maintained in a sanitary condition;
   (2) Toilet facilities must be adequately stocked with toilet paper, soap, and single use paper towels or other drying devices; and
   (3) Toilet facilities must be kept in good repair at all times.
(b) Cultivation operations and processing operations must provide adequate and convenient hand-washing stations.
   (1) Hand washing stations must be provided with running water of suitable temperature;
   (2) Hand washing stations must be provided with effective hand cleaning or sanitizing preparations and single use paper towels or other drying devices;
   (3) Hand washing stations must be located at points in the facility where good sanitary practices require employees to wash or sanitize their hands; and
   (4) Outdoor and greenhouse cultivation operations must provide hand-washing stations at field locations as appropriate.
(c) Cultivation operations and processing operations must implement sanitation practices, which at a minimum address:
   (1) Removal of debris, and control of the growth of mold, mildew and algae in the cultivation area or processing area;
   (2) Pest control practices, including maintenance and repair of caulk cracks and drain areas;
(3) Identification of hoses dedicated for use in cultivation; and
(4) Maintenance and cleaning of irrigation systems.

(d) Processing operations must protect cannabis from contact with birds, rodents, insects, and other animals and from exposure to the elements.

Section 4.4 Electrical system
(a) The cultivation operation’s electrical system must be of sufficient capacity to handle the actual electrical load and be installed in accordance with an approved electrical permit.
(b) All electrical work and upgrades at cultivation operations must be performed with proper permitting.
(c) All electrical equipment used by a cannabis cultivation operation should be connected to the electrical system in accordance with the equipment manufacturer’s recommendations.

Section 4.5 Ventilation system
(a) Enclosed cultivation operations and processing operations must be equipped with adequate ventilation to maintain proper humidity and temperature.
(b) For indoor cultivation operations:
   (1) If a mechanically propelled air intake system is used, a filter capable of removing 99.97% of particles with a diameter of 0.3 micrometers (µm) must also be utilized, as necessary to control potential contamination with pathogenic organisms.
   (2) If a non-mechanically propelled or passive intake system is being utilized, a grate and filter sufficient to reduce the intrusion of rodents and insects must be installed.

Section 4.6 Disposal and waste practices
(a) Cannabis waste must be disposed of in a manner which prevents unauthorized use and such disposal must be documented.
(b) Bulbs and ballasts utilized during the cultivation of cannabis must be disposed of in accordance with manufacturer’s recommendations.

Section 4.7 Security provisions
(a) Outdoor and greenhouse cultivation operations should be enclosed by a secure perimeter fence at least six (6) feet in height. The fence should include a lockable gate that is locked when a qualified employee is not in the immediate area. The fence must not violate any other ordinance, code section or provision of law regarding height and location restrictions.
(b) Indoor cultivation facilities and processing facilities must have locking doors and windows which allow emergency ingress and egress in accordance with applicable regulations.
(c) Cultivation operations and processing operations must implement and communicate security protocols to all personnel.
(d) Visitors must be accompanied by an employee at all times.
SUBPART E – WATER RESOURCE MANAGEMENT

Section 5.1 Cultivation water management
(a) In the absence of local or state water district regulations for cannabis production, cultivation operations must create and implement a cultivation water management plan to address the following:
   (1) Erosion prevention; and
   (2) Effluent and agricultural discharges.
(b) Chemical solutions must be disposed of in accordance with applicable laws and regulations.
(c) Application of nutrients or pesticides through an irrigation system (chemigation), must be performed in accordance with state or local agricultural regulations.

Section 5.2 Potable water for employee use
(a) Cultivation operations not utilizing a municipal source of potable water must test the potable water supply at least two times per year to ensure compliance with state primary drinking water standards.
(b) Chemicals, fertilizers, pesticides, media and other products must be stored away from the potable water supply.

SUBPART F – RECORDKEEPING

Section 6 Recordkeeping practices
(a) Cultivation operations must record the identity and source of all cannabis propagation material with sufficient specificity to ensure that the material can be traced to its source. Such records must be created whether the propagation material is obtained off-site or produced on-site.
(b) For each batch of cannabis, cultivation operations must maintain cultivation records that include at a minimum:
   (1) Planting records:
      (i) Form of cannabis planted (e.g., seed, clone, seedlings, etc.);
      (ii) Date(s) that planting took place;
      (iii) Variety(ies) planted;
      (iv) Size of the cultivation area; and
      (v) Location of the cultivation area.
   (2) Propagation records:
      (i) Media used, and whether the media was reused or new product;
      (ii) Description of all actions taken to prevent or treat the cannabis for disease or pest issues;
      (iii) Soil amendments added, and strength of the application;
      (iv) Nutrients added, and strength of the application;
      (v) All substances applied to the plant(s) surface or used as a fumigant in the cultivation and/or nursery area, and
      (vi) Pruning or other physical technique(s).

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(3) Pesticide use records:
   (i) Pesticide chemical name;
   (ii) Brand name and manufacturer name;
   (iii) Amount of pesticide applied;
   (iv) Date pesticide applied;
   (v) Identification or location of plants to which pesticide was applied; and
   (vi) Name of applicator if required.

(4) Harvest records:
   (i) Identity of each variety harvested;
   (ii) Date of harvest;
   (iii) Gross weight of the cannabis harvested for processing (generally recorded after drying);
   (iv) Total weight of cannabis waste resulting from the harvest, and
   (v) Net weight of harvested cannabis (gross weight less waste).

(c) Processing operations must maintain records for processed cannabis that include at a minimum:
   (1) Identity of the variety processed;
   (2) Sufficient information to trace the processed cannabis to its cultivation source;
   (3) Date of processing;
   (4) Initial weight; and
   (5) Total weight of any processing loss (based on wet or dry weight).

(d) Cultivation operations and processing operations must maintain records of the commercial sale of cannabis to other cultivation and processing operations, to manufacturing operations, and to dispensing operations that include at a minimum:
   (1) Identity of the variety distributed;
   (2) Total weight of each variety distributed;
   (3) Date of distribution; and
   (4) Identity of the receiving operation.

(e) Cultivation operations and processing operations are not required to retain records of cannabis distributed for the following purposes:
   (1) Samples provided for testing;
   (2) Samples provided to other operations at no charge; and
   (3) Samples provided to compliant individuals at no charge.

SUBPART G – INFORMATION DISCLOSURE

Section 7 Information disclosure
(a) Cultivation operations must provide the following records to other cultivation operations, processing operations, manufacturing operations, and dispensing operations receiving cannabis from the cultivation operation, upon the receiving operation’s request:
   (1) Nutrients used during cultivation;

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(2) All substances applied to the plant(s) surface or used as a fumigant in the cultivation area;
(3) Pesticides applied during cultivation; and
(4) Other substances used during cultivation that may result in a residue on cannabis.

(b) Information provided by a cultivation operation, whether written or verbal, about the identity, quality, and cultivation conditions of cannabis it provides must be accurate.

(c) Cultivation operations and processing operations must disclose the extent and type of testing and analysis conducted on the cannabis it provides, including:

1. The type of test, analysis or examination used, if any, to determine the particular strain or cultivar of each batch of cannabis provided;
2. Any tests to determine the quantitative levels of contained constituents, and if so, the type of testing used;
3. Any tests to determine the absence or presence of specific classes of potential contaminants, and if so, the type of testing used. The information required by this paragraph must be disclosed for each of the following:
   i. Pesticides;
   ii. Yeasts and molds; and
   iii. Other microbiological contaminants.
4. Whether the testing was conducted by the cultivation or processing operation, or by an external laboratory.

**Subpart H – Recalls**

**Section 8  Recall plan**

(a) Each cultivation operation and processing operation must develop and implement a recall plan addressing at a minimum:

1. Factors which necessitate a recall procedure;
2. Personnel responsible for a recall; and

(b) Each cultivation operation and processing operation must establish a policy for communicating a recall of cannabis that has been shown to present a reasonable or a remote probability that the use of or exposure to the product will cause serious adverse health consequences, or could cause temporary or medically reversible adverse health consequences. This policy should include:

1. A mechanism to contact all customers who have, or could have, obtained the cannabis from the cultivation operation or processing operation;
2. Information on the return or destruction of any recalled product;
3. A mechanism to contact the cultivation operation; and
(4) Communication and outreach via media, as necessary and appropriate.
(c) Any recalled cannabis that is returned to a cultivation operation or processing operation must be disposed of in a manner that ensures that it cannot be salvaged and will not be used by a compliant individual or by any other person.
To Whom It May Concern:

Attached hereto are the comments of the California Department of Forestry and Fire Protection (CAL FIRE) on the Notice of Preparation for the Medical Cannabis Cultivation Program.

If you have any questions or wish to discuss these comments further, please do not hesitate to contact me so I can either provide the information or direct you to the right person to do so.

Very Truly Yours,

_______________________
Staff Counsel

CAL FIRE

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September 30, 2016

California Dept. of Food and Agriculture  
Attn: Amber Morris  
Medical Cannabis Cultivation Comments  
1220 N Street, Suite 400  
Sacramento, CA 95814  
Email: mccp.peir@cdfa.ca.gov

Re: Notice of Preparation for Medical Cannabis Cultivation Program

Dear Ms. Morris,

The California Department of Forestry and Fire Protection (CAL FIRE) received the Notice of Preparation dated September 1, 2016 from the Department of Food and Agriculture (CDFA) for its Medical Cannabis Cultivation Program (the NOP). CAL FIRE appreciates the opportunity to comment on the NOP and provides the following response to the NOP.

CAL FIRE is tasked with providing fire protection and fire prevention services and enforcing the State’s forest and fire laws, including without limitation the Z’berg-Nejedly Forest Practice Act. (Pub. Resources Code § 714.) In addition, the Office of the State Fire Marshal, a program within CAL FIRE, is responsible for adopting and enforcing building standards related to fire prevention and other standards as provided for in the Health and Safety Code. The following comments are submitted jointly on behalf of all CAL FIRE programs and reflect CAL FIRE’s combined experience in fire protection, fire prevention, and resource management.

Concerns Related to Indoor Cultivation of Cannabis

Indoor cultivation of cannabis presents numerous challenges for fire prevention and protection. Indoor cultivation using artificial light often requires electricity in excess of what the structure was originally intended to handle, leading to the potential for electrical fire. In a similar vein, faulty wiring or electrical equipment also have the potential to cause electrical fires. The production of cannabis extracts often involves chemicals and processes that pose a significant threat of explosion or ignition. These fires threaten human life and property and cause other potentially significant impacts to the human environment. More numerous fires tax the fire protection capabilities of CAL FIRE and other fire departments, which may lead to increased response times and/or costs of fire protection, a potentially significant impact per item XIV(a) of the CEQA Checklist. The PEIR should consider what mitigations are available to reduce the threat of fire or explosion at indoor cultivation operations. The regulations could also include a
requirement that all such indoor cultivation operations be in compliance with California’s fire, electrical, and building regulations.

Concerns Related to the Outdoor Cultivation of Cannabis

Outdoor cultivation of cannabis presents further challenges to CAL FIRE’s fire prevention and protection missions, as well as for its enforcement of the Forest Practice Act. Fire prevention and protection concerns include:

1. Over 90% of all wildfires occurring within CAL FIRE’s jurisdiction are caused by humans, and the presence of humans greatly increases the risk of wildfire. Many outdoor grow operations occur in wildlands that are otherwise sparsely populated, and the increase in human activity increases the risk of wildfire. The PEIR should consider the potentially significant impacts arising from increased potential for wildfires, which threaten life and property, habitat for animals, water and air quality, and other significant environmental values, and should analyze mitigations to those impacts, including restrictions on siting and increased fire prevention measures for cultivation sites.

2. Whereas unpopulated timberland or other lands present a relatively low occurrence for fire protection, cannabis cultivation introduces people, structures, and valuable property into these lands, leading to increased need for fire protection from CAL FIRE and other agencies. The PEIR should consider the impacts to fire protection services from outdoor cultivation and propose mitigations for such impacts pursuant to item VIII(h) of the CEQA Checklist.

3. Outdoor cultivation is often conducted on land that was principally used for timber harvesting and is serviced only by roads intended for logging. These roads often do not meet the standards of inhabited areas for ingress for firefighting apparatus and egress for evacuating civilians. The PEIR should consider these potential impacts and mitigations, including requiring that all outdoor cultivation sites be serviced by roads meeting the ingress and egress standards for residential dwellings, regardless of whether a residential dwelling is present on the property.

4. Outdoor cultivation sites often have travel trailers and other non-permanent structures that are not required to maintain defensible space pursuant to the regulations adopted by the State Board of Forestry and Fire Protection pursuant to section 4290 of the Public Resources Code and the requirements imposed by the Legislature in section 4291. However, these trailers have similar potential for the ignition of fires as other structures. Without defensible space, a fire originating in a travel trailer or other non-permanent structure has a greater potential to spread to the wildlands surrounding the structure. CDFA should consider requiring defensible space around outdoor cultivation sites and related structures that would otherwise not be subject to those requirements but present similar ignition potential.

5. Outdoor cultivation often involves the use of generators, pumps, and other gas-operated equipment subject to the fire prevention requirements in section 4427 of the Public Resources Code, including that the ground be cleared of flammable vegetation around the equipment and that fire suppression tools be maintained near the equipment to allow personnel to suppress fires in their incipient phase.
6. Outdoor cultivation requires significant amounts of water, generally during a cannabis growing season that largely coincides with fire season. Over-drafting of water from watercourses could potentially limit water available for fire suppression.

CAL FIRE’s concerns regarding outdoor cultivation’s impacts to timberland resources regulated by CAL FIRE pursuant to the Forest Practice Act include:

1. The conversion of timberland, as defined in section 4526 of the Public Resources Code, to a use other than growing timber requires a timberland conversion permit (or its equivalent) to be approved by CAL FIRE prior to conversion. (Pub. Resources Code § 4621.) However, CAL FIRE has observed that many outdoor cultivation sites were the result of unlawful and unpermitted conversion of timberlands. This failure to secure the required permits (and undergo their associated CEQA review) not only undermines CAL FIRE’s protection of timber resources but also the ability of other agencies to protect resources for which they are the trustee (e.g., tribal representatives as to archaeological resources, CDFW as to wildlife, the Water Boards as to water quality and allocation, etc.). The illegal conversion of timberland for cannabis cultivation has had immeasurable negative impacts to California’s environment. The PEIR should analyze the potential significance of conversion of forestland to non-forest use per item II(d) of the CEQA Checklist, including environmental impacts of illegally converted cultivation sites, and consider mitigations including without limitation requiring that all cultivation sites located on timberlands demonstrate compliance with the Forest Practice Act.

Again, outdoor cultivation sites are often located on lands that have historically been used for timber harvesting and that are serviced only by logging roads that are intended and engineered only for limited, intermittent use. Outdoor cannabis cultivation often involves trucking in water and other supplies, increased motor traffic from workers and visitors, and other uses that tax logging roads not intended for that use. In addition, while the Forest Practice Act and Rules limit use of roads during wet conditions, there are no such restrictions on other uses of those roads during wet conditions. This expanded use and use during wet conditions often damages or destroys the road’s erosion and sediment control facilities designed to limit water quality impacts during rain events, potentially increasing sediment delivery from the roads to watercourses. The PEIR should consider this potentially significant impact and analyze mitigations including standards for the construction and maintenance of roads servicing outdoor cultivation sites.

3. The conversion of timberlands to other uses often results in conflicts with timber harvesting on the neighboring timberlands, including but not limited to noise complaints, traffic, road maintenance disputes, aesthetics concerns, trespass, etc. These land use conflicts may represent a significant impact under item II(c) of the CEQA Checklist.

4. Growing trees are a valuable carbon sink that sequester carbon and thereby reduce atmospheric carbon that causes global climate change. The conversion of timberlands to cannabis cultivation removes those trees’ ability to sequester carbon while resulting in an increase in atmospheric carbon due to the decay or open burning of the removed trees and the cannabis vegetation that has no value (i.e., plants stems, leaves, root systems, and male cannabis plants). Additionally, the
California Dept. of Food and Agriculture
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conversion of timberlands to cannabis cultivation results in increased emissions from equipment and vehicular traffic related to the cultivation. Given this disparity between the carbon sequestering timber uses and the carbon intensive cannabis cultivation, the PEIR should consider the greenhouse gas impacts related to outdoor cannabis cultivation on timberlands.

*   *   *

CAL FIRE commends CDFA on its comprehensive outreach and approach to the evaluation of the regulations for the medical cannabis cultivation program. CAL FIRE appreciates the opportunity to comment on these proposed regulations and is eager to provide to CDFA any information or assistance that CDFA desires in completing this important endeavor.

Very Truly Yours,

[Redacted]

[Redacted]

Staff Attorney
Greetings,

Please accept the following comments, a copy of which is attached as a .pdf file. Thank you,

CDFA’s rationale for considering a firearms ban at cultivation sites is ostensibly based on the agency’s desire to “protect State enforcement personnel.”

This is a wrongheaded proposition based on dated misconceptions and prejudices that the MCRSA should put to rest once and for all by clearly designating medical cannabis as an “agricultural product.” Licensed medical cannabis farmers pose no greater threat to State enforcement personnel than any other purveyors of agriculture.

While there is no question that cartels and other criminals, organized and otherwise, cultivate cannabis in California, MCRSA is designed to bring otherwise law-abiding cultivators into state sanctioned compliance. The path to licensure is a long and complex process involving registration with numerous state and local agencies and in most cases requires hiring private consultants and contractors. Nowhere on the list of steps to successful licensure is “threatening State enforcement personnel” let alone “assault with a deadly weapon, murder or attempted murder of State enforcement personnel.”

Even assuming the Program’s ban on firearms at cultivation sites was a legally tenable position, the reasons why it is not will follow, there are numerous policy considerations that militate against such a ban.

Foremost among these reasons is public safety. Imposing a ban on firearms at licensed cultivation sites exposes everyone at those sites to unreasonable risk of criminal predation. The most opportune locations for cultivating medical cannabis are in the most rural regions of the State, where law enforcement protections are minimal.

In Trinity County, many properties are off the grid and lack any telephone service, including 911. In the best case scenario, where telephone service is available and a deputy is available when the call comes in, response times are frequently measured in hours due to the extreme distances and mountainous terrain. Coupling this logistical challenge with public knowledge that licensed cultivation sites are gun free zones invites the criminal element to abandon their own cultivation activities in favor of home invasion robberies. There are already numerous instances of such home invasions, often with fatal results, in the region when the general perception, as evidenced by the Program’s proposal, is that growers are armed and dangerous.

The undisputed need for security at licensed cultivation sites raises an additional policy concern related to operational costs. A ban on firearms at licensed cultivation sites would
necessitate out-sourcing armed security to third parties, presumably stationed immediately adjacent to licensed cultivation sites. This would add to the already significant costs associated with compliance and imposes economic inefficiency on licensed cultivators.

Another concern relates to property, specifically livestock. While firearms are frequently thought of only in terms of personal protection, they are also necessary tools in agricultural operations. Most rural cultivation operations have some of the other attributes of rural farms including chickens, goats, pigs, horses and cattle. All of which are subject to predation. Trinity County farmers routinely encounter bears, mountain lions, bobcats, coyotes, raccoons and wild boar on their properties. In the normal course of any agricultural operation, livestock are also injured, sometimes beyond recovery. Firearms have long proven an effective and compassionate means of dispatching downed animals.

Many potential licensees, like their fellow rural inhabitants, hunt for sport and/or subsistence. A firearms ban at licensed cultivation sites would prohibit or significantly curtail this legitimate American pastime by law-abiding citizens.

A final lingering policy concern involves the lack of parity between this and other similar situations. One of the most welcomed results of the MCRSA is the recognition that medical cannabis cultivation is a legitimate agricultural activity in California. The Program’s proposal to ban firearms at licensed cultivation sites flies in the face of the State’s historic recognition and perpetuates the notion that medical cannabis cultivators, despite State licensure, are second class citizens or otherwise not to be afforded the rights of other law-abiding citizens.

Twice in recent years, gangs of armed cattle ranchers have faced off against state and federal employees in neighboring states. Is CDFA considering a ban on firearms on cattle ranches to protect State enforcement personnel?

Based on valid current and historic data, traffic stops account for most self-initiated officer contact fatalities among police officers statewide and nationwide. Is the DMV considering a ban on firearms by licensed drivers to protect State enforcement personnel?

There is already, under existing California law, a whole suite of criminal offenses that address potential dangers to State enforcement personnel from brandishing up to and including capital murder. During inspections of licensed, or licensable, medical cannabis cultivation sites State enforcement personnel are protected by the authority of their office and by the very same protections afforded Board of Equalization or Franchise Tax Board employees in the course of their unenviable tasks.

The legal considerations against the Program adopting a ban on firearms at licensed cultivation sites are even stronger than the numerous policy considerations discussed above.

The Program’s own handouts titled, “Statute vs. Regulation” and “Summary of the CDFA’s Role in Implementing the MCRSA” both highlight the absence of any reference to a firearms prohibition in the Program’s enabling legislation. Imposing a firearms ban with its obvious concomitant implications for both state and federal constitutional protections is a dramatic over reach on the part of the Program. The California state legislature has been neither neutral, nor silent in its approach to restrictions on private firearms ownership. Had the legislature intended to allow the Program to impose such a complete ban on firearms, it would have articulated such in the MCRSA.
In Trinity County, and other jurisdictions, local rules require a permanent residence on the legal parcel where commercial medical cannabis cultivation takes place. In most cases, these permanent residences are occupied by families and may include people unaffiliated with the licensed cultivation activity. In an instance where only one family member is a licensed cultivator, the Program’s proposal would impose a ban on persons who are otherwise not subject to its jurisdiction.

While sovereign immunity generally protects State agencies from suits for negligence, a review of cases involving California’s many agencies finds numerous examples where agencies were found liable for creating or maintaining dangerous conditions. There is no question that if the Program’s proposed ban were to be adopted every incident at a licensed cultivation site involving injury or death that could have been prevented by firearms ownership will result in litigation against the Program.

For the foregoing reasons, we, the undersigned, request the Program abandon its proposed ban on firearms at licensed commercial cannabis cultivation sites.

Sincerely,

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.
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For the foregoing reasons, we, the undersigned, request the Program abandon its proposed ban on firearms at licensed commercial cannabis cultivation sites.

Sincerely,
Attached please find comments on behalf of the Environmental Protection Information Center (EPIC).

--
Program Director
Environmental Protection Information Center
145 G Street Suite A
Arcata, CA 95521
Office: (707) 822-7711
www.wildcalifornia.org
Dear CDFA and MCCP,

EPIC supports the goals and objectives of the Medical Cannabis Regulation and Control Act (MCRCA) and believes that regulations are necessary to effectuate these goals and objectives. The environmental harms associated with cannabis production have been associated primarily with the history of prohibition and the subsequent lack of clear regulations for the industry.

The Emerald Triangle of California, commonly defined as Mendocino, Trinity, and Humboldt County, is the heart of the cannabis industry and is the area of concern for EPIC. The cannabis industry is a significant contributor to the local economies of the area. The local cannabis industry is also one of the most significant impacts to the local environment, with impacts ranging from light pollution to the taking of endangered species. Looking forward, EPIC envisions a future where cannabis production remains a strong part of the local economy while not contributing to the environmental degradation that has marked the industry in recent years.

The issues identified in the Notice of Preparation of Draft Environmental Impact Report are a strong-start. EPIC concurs with the issues identified and offers the additional issues for consideration.

To achieve this vision, one of a sound economy and environment, the PEIR should address the following considerations:

1. Forest Fragmentation:
Many cannabis operations are located in timberlands. Clearings for grow sites and associated dwellings are prevalent and have increased dramatically in the past five years. Forest fragmentation is an issue for forest health and wildlife. The forthcoming regulation should address forest fragmentation and include measures to minimize and mitigate forest fragmentation.

2. Exurban development:

Related to but distinct from forest fragmentation is exurban development. Exurban development is low density development, the fastest growing sector of development in the United States. Exurban development increases fire danger and cost and negatively affects biodiversity.

3. Impacts to Water Quality:
   a. Water Pollution:

Like any other form of industrial agriculture, cannabis production has the potential to discharge pollution, including sediment and nutrient pollution. In the Emerald Triangle, much of the cannabis production has occurred on former timber lands. Sediment pollution from poorly graded roads is common as is runoff of high-strength fertilizers, resulting in eutrophication in local waterways. Other pollution, such as from pesticides, human and animal waste, and

   b. Water withdrawals from surface flows:

Diversion of surface flows has been identified as one of the most significant impacts of cannabis cultivation. Water withdrawals have been shown to cumulatively impact salmonid-bearing streams in the North Coast. Because of broad concern over water withdrawals, there has been development of local protections for water withdrawals, such as Humboldt County’s Commercial Medical Marijuana Land Use Ordinance.

   c. Groundwater withdrawals:

Concurrent with increased attention to and enforcement of existing and new regulations addressing surface water withdrawals, there is an increased development of wells. Groundwater is often hydrologically connected to surface water flows and groundwater withdrawals can affect surface water flows. Where groundwater is hydrologically disconnected from surface water flows, groundwater withdrawals for cannabis production can impact domestic water usage. The forthcoming regulation should address groundwater withdrawals.

4. Greenhouse Gas and Energy Use:

Indoor and mixed-light operations require substantial energy use, sometimes from the energy grid and other times from on-site generations. This energy use has been
identified as a contributor to greenhouse gas emission. The forthcoming regulation should set a zero-net carbon target for the industry, requiring mandatory carbon offset purchases for anticipated carbon emissions.

5. Other Pollution:
   a. Noise Pollution:

Noise associated with cannabis grow generators can affect both the human and natural environment. Future regulations should minimize and mitigate noise pollution to a level that would not bother adjacent landowners or wildlife.

   b. Light Pollution:

Cannabis production is often reliant on artificial lighting. The use of artificial lights in greenhouses is an issue in many areas. Future regulations should minimize and mitigate light pollution and adhere to the standards developed by the International Dark-Sky Association.

   c. Human Waste:

Many existing operations are not on a municipal sewer system and have inadequate or non-existent septic systems. As a result, human waste is a common pollutant in waterways and human waste can impact the health and safety of workers and cannabis consumers.

   d. Air Pollution:

Sincerely,

[Signature]

Program Director and Staff Attorney
California Department of Food and Agriculture
1220 N Street
Sacramento, California, U.S.A. 95814

Dear: Adrienne

It was truly a pleasure speaking with you this morning. Adrienne as mentioned I am forwarding to you and Lindsey our presentation material, please see attachment(s).
Let’s start with these documents, each geared toward their respective customer, dispensary and a bank.
Adrienne, could you please forward this to Lindsey, I received a return on the email address.
I may have written it incorrectly.

My contact information is below.

Best Regards,

Vice President
of Research & Special Initiatives
“Greeniosk®” A Division Of
Integrated Commerce Technology

www.greeniosk.com
www.icommercetech.com
11700 W. Charleston Blvd Suite 170
Las Vegas, Nevada, 89135 USA
Office 702-664-6500
Toll Free 888-643-6665

Conference Call
Conference Dial-in Number: (641) 715-3200
Participant Access Code: 876834#
"Success always looks easy to those who weren't around when it was being earned"

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This email has been checked for viruses by Avast antivirus software.
www.avast.com
Integrated Commerce Technology

Introducing: Greeniosk®

By reaching out to you it is our intent to share and discuss how the program processes, equipment and services (Greeniosk®) provided by Integrated Commerce Technology can be of benefit and value to our State Legal Cannabis Industry (SLCI). We are huge on Compliance with our Track, Trace / Seed to Bank Technology as we feel our nation should err on the side of more restrictive regulation while providing law enforcement agencies with the tools needed to regulate the industry throughout the entire spectrum, this is why we are offering what is believed to be the most robust system to date. (Greeniosk®) will bring true real time transparency throughout the entire spectrum of the cannabis industry. Our business program model has several unique attributes. The Greeniosk® System is an integrated software, Point of Sale (POS) and kiosk platform built on the framework of Nevada's Gaming Control Ethics preventing organized crime. Yet it provides the state with an eye toward flexibility.

Greeniosk has a highly qualified, well-experienced and multi-disciplinary management team with the necessary skill sets required to apply the strategic principles and achieve business objectives. Importantly, Greeniosk brings experience and key expertise from a number of regulated industries in the use of technology strategies to avoid the loss of property and monetary assets, while maintaining full regulatory compliance; and therefore has a unique perspective regarding specific tracking and audit issues in an industry now confronted with the lawful implementation of Medical Marijuana (MMJ) and Recreational Marijuana (MJ) sales. Our business model enables us to provide our technology at no cost to the legal dispensaries and stores therefore we have no desire to sell anything.

Greeniosk® traceability capability is unequaled in the industry and is the first of its kind with built in capabilities to track and trace while following the seed to payment and seed to bank processes. The program not only manages “seeds to sale,” but also the last mile tracking and tracing for “seeds to payment” and “seeds to bank” solutions for medicinal and recreational dispensaries, growers, processors and wholesalers and banks. The program system provides
tracking of Cultivation, Production, Sales, Taxes, Finance, Public Health and Safety while providing the banking industry and regulatory agencies with an audit trail process that addresses governance, risk management and compliance issues. Greeniosk® program provides a secure, auditable trail of cash payments to the State legalized cannabis industry allowing financial institutions and law enforcement abilities to trace payments back to clients. Greeniosk® keeps records of every currency bill used for product payment including bill serial numbers.

Please review the attached presentation(s), we would appreciate the opportunity to meet with you in the very near future to discuss Greeniosk and other aspects of the Cannabis industry and its regulation. Please let us know when a meeting is convenient and we will coordinate.

Ref material
http://web.oregonbankers.com/Associate-Members/Integrated-Commerce-Technology-Inc-906

Best Regards,

Vice President
of Research & Special Initiatives
“Greeniosk” A Division Of
Integrated Commerce Technology

www.greeniosk.com
www.icommercetech.com
11700 W. Charleston Blvd Suite 170
Las Vegas, Nevada, 89135 USA
Office 702-664-6500
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Conference Dial-in Number: (641) 715-3200
Participant Access Code: 876834#

"Success always looks easy to those who weren't around when it was being earned"
The Greeniosk Tool Kit: Indispensable to Cannabusiness

What is Greeniosk?

Greeniosk is a Full Platform Suite for Cannabis Operations
All the Necessary Hardware and Software Tools
A Focus on Cash, Compliance, and Auditability
Addressing Dispensary and Retail Sales
Security

Installs Securely and Provides a Working Safe

The Greeniosk platform hardware provides security and safety for money, business investment, and employees.
Bankable Solution

Transparency and Visibility

Using the entire platform not only provides security, but also allows a cannabis business to leverage banking options.

Greeniosk provides a cannabis business with the necessary tools for transparency, internal accountability, and transaction visibility.
Compliance

Auditing and Traceability

The Greeniosk platform is designed putting compliance first.

Each cannabusiness owner has gone through great lengths to obtain licensing and the Greeniosk Management Suite can assist in ensuring that the license is kept through use of the platform tools.
Tracking Extreme

Tracks all Facets of Business Flow

Owners can gain insights from every part of their cannabis business from patient wait times to customer interaction, to product inventory ... all through use of the platform tools
No Investment Required

Owners Get Started For FREE

Qualifying cannabusiness owners can receive a Greeniosk full platform installation at no upfront cost ... with the customer effectively paying a small compliance fee.

All Hardware and Software are included ... 2 Greeniosk, 2 POS systems (including printers and barcode readers) and all required software.
The 4 Pillars of Compliance

The innovative Greeniosk component platform approach provides an audit and compliance information and reporting package that supports retail sellers and dispensaries, and complies with regulatory requirements for the marijuana industry.

Marijuana retail clients or dispensary patients can only purchase marijuana products that have been cultivated by a state licensed grower and deemed fit for consumption by state approved laboratory testing.

On marijuana product purchases, identification and proof of age is required, along with meeting state requirements that the purchase will not exceed the quantity that is allowed to be purchased by a client over a designated period of time. Cash or electronic payments can only be processed when these requirements are met.

Product intake, client and patient verification, regulatory compliance and transaction traceability is accomplished through the use of Greeniosk’s effectively tamperproof mechanical, electronic device and software components.

Importantly, Greeniosk removes human interaction and the resulting errors for compliance with the state banking regulations as well as the requirements in the Cole and FinCEN memos.
State licensed dispensaries can only purchase marijuana related products such as flowers, edible, oil extract and other similar products that contain more than 1% of THC from state licensed growers, processors, and wholesalers. THC (or tetrahydrocannabinol) is a crystalline compound that is the main active ingredient of cannabis and possess psychoactive ingredients recognized for their effects.

Most states that have legalized medical or recreational marijuana require that licensed providers register products and provide conclusive test results from licensed testing laboratories.

Most states also require use of a web based portal referred to as “Seed-to-Sale” software or an API (Application Program Interface) for the registration of marijuana products.

While each state has its unique set of rules and regulations, Greeniosk is fully compatible with various state regulation requirements by utilizing a proprietary API that is capable of reading product intake utilizing barcode and RFID tags.
Verification: Client Identity Verification

Each state licensed dispensary is required to verify proof of age and in some states also proof of residency. That verification is accomplished by Greeniosk through either a State issued ID or a State issued driver’s license.

Every State DMV (department of Motor Vehicles) utilizes a form of visual information that also can be read by an electronic device. The technology used is typically: 1D and 2D barcode, magnetic stripe and contact and contactless smart chips (also known as smartcards).

Greeniosk through its device component, reads the state issued ID or driver license and can immediately verify the age of clients and residency (when required).
Each state that has legalized marijuana limits the quantity of marijuana product that an individual can purchase over a designated period of time.

Greeniosk monitors the amount purchased by an individual and will not allow a transaction to be concluded that is more than the limit permitted over the period of time prescribed by law.
Greeniosk traceability capability is unequaled in the industry. This allows financial institutions to trace payments back to clients, dispensaries, wholesalers, processors and growers. In particular, Greeniosk keeps records of every currency bill used for marijuana product payment, including bill serial numbers. If the payment is accomplished through a credit card or debit card, the transaction unique identifier number is also archived as with currency usage.

This component platform allows Greeniosk to establish a comprehensive reporting and traceability trail for retail sellers and dispensaries when Marijuana Limited Suspicious Activity Reports are required from Financial Institutions.
The Greeniosk Tool Kit: Indispensable to Cannabusiness

Why Greeniosk?
Greeniosk Provides all Needed Tools for a Cannabusiness in ONE KIT
The Cannabusiness Receives Cash, Compliance, and Auditability Capabilities
The Greeniosk Platform is Effectively Provided at NO COST to the Cannabusiness
Financial Institution Access Becomes Possible for the Cannabusiness
The Greeniosk Tool Kit: Indispensable to Cannabusiness

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All the Necessary Hardware and Software Tools
A Focus on Cash, Compliance, and Auditability
Addressing Dispensary and Retail Sales
Why Greeniosk?

Security and Safety
Compliance for banking purposes
Credit/Debit card acceptance
Improve productivity by automating process
Improve client experience and satisfaction
Reduce cost of operation and reduce taxation impact in the business
Increase sales and revenues
Bigger reach to the growers and processors community
No upfront cost for all required hardware and software
Security & Safety

Installs Securely & Provides a Working Safe

The Greeniosk platform hardware provides security and safety for money, business investment and employees
Using the entire platform not only provides security, it also allows a cannabusiness business to leverage banking options.

Greeniosk provides cannabusiness' with the necessary tools for transparency, internal accountability, and transaction visibility.
Credit and Debit Card Acceptance

Credit and Debit Cards

We are offering a fully integrated credit and debit card acceptance solution for those that qualify.

The Greeniosk solution is fully integrated with this compliance tool kit.
Improve Client Experience & Satisfaction

“Bud Tender Assist” helps clients to receive information based on their needs and product availability in real-time at the dispensary.

Greenline tool measures time spent and tells the participating dispensary when to open up a fast-lane checkout process.

Greeniosk signage helps clients to view available products and daily specials.
Reduce Cost of Operation & Taxation Impact

The Greeniosk automated tool kit saves time and money

Reporting is made easy and thorough with Greeniosk

Addresses certain tax burdens created by 280E

Intake of product and process is made simple, fast, and not a redundant task.
Increase Sales and Revenues

Make More Sales and Produce New Revenues

Qualifying cannabis business owners can receive a Greeniosk full platform installation at no upfront cost ... with the customer effectively paying a small compliance fee.

All Hardware and Software are included ... 2 Greeniosks, 2 POS systems (including printers and barcode readers) and all required software.
Bigger Reach to Growers and Processors

The Greeniosk diversified platform reaches out to all industry providers.

The Greeniosk Software platform for Growers and Processors offers a unique link through Greeniosk Cannabis-Xchange as a reach and sales tool.

Growers can now have access to dispensaries which they did not have any relationship or introduction to before.
No Investment Required

Owners Can Get Started For FREE

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All Hardware and Software are included ... 2 Greeniosks, 2 POS systems (including printers and barcode readers) and all required software.
Att: Amber Morris  
Medical Cannabis Cultivation Program Comments

Hello, my name is [Redacted] and I live in Railroad Flat, CA. I have noticed the offer to give comments Concerning Cannabis Regulations in the Calaveras Enterprise, Dated Tuesday, September 20th, 2016. Great offer and subject, this should have been Closer to the Front Page.

My Topic is WATER. I believe there is a "Rush" on this Very Precious Resource. The Cannabis Farmer Requires A Lot of Water. Here in Railroad Flat, pop. 560, there are 2 Hydrants in the "Downtown" area. 1 next to the Post Office, and 1 across the street near the Community Center. These 2 Water Hydrants are the most Popular Watering "Holes" in town. I've traded Messages on Facebook with Calaveras County Supervisor District # 2, (My District) Chris Wright, and he is Obliviously Overwhelmed, and as you may know, just trying to get through his first and only term as Supervisor, apparently Politic's isn't for him. All Good. I traded FB messaging with #1 Supervisor, Chairman Cliff Edson, a Newark High School Alumni like myself, from NHS in Newark, CA...

There are "At Least 5" Water Tankers "Filling Up" at these 2 Hydrants All Day, Everyday...They carry either 2500, 3000, or 4000 Gallons of Water Each Load, Depending on Truck Size. One of the Drivers, and these
are all Owner-Operator, No "Cal-T Numbers" Visible on some of them, and these Trucks are Completely "Unmarked" Tankers...this Owner-Operator I was Chatting with (see picture and business card) tells me he Charges $260. a Load for "4000 Gallons", 6 runs a day, or 24,000 Gallons of Water ! a day...and that's just 1 Tanker..I see at least 5 different Tankers everyday coming by my house to Various Cannabis Farms, and this Driver said he "PAYS THE COUNTY ONLY $10. A LOAD !!!.....

[Redacted] told me the CCWD DOES NOT CHARGE FOR THE WATER FROM THESE HYDRANTS!!!!...He said it is consistent with their "Fee". He said the "Farmers must have their "Own" independent Water Source, a.k.a. "Well"..... What the Hell does that mean?? These "Farmers" Can Not Water 400 plants a day off their wells, Maybe I'm Wrong, But does Anybody Take "Notes" on this Obviously Basically "Free" Water ?? How About They Water Some Tree's Instead ??.. Just 1 Tanker Delivers over "100,000 Gallons of Water" A Week, Easily Over 100,000 Gallons...they were out there today, and it's Sunday the 25th....

THANK GOD THE DROUGHT IS OVER!!...or is it??...Any Comments From Your Office to Clarify Any Mis-information I received is Surely Welcome, I Just Had No Idea We Had This Much Water Available for "Commercial Cannabis Cultivation".... Thank You for your time, [Redacted], RRF Resident
4000 GALLON Bulk Water Delivery
Storage Tank Farming
Pool Filling
SEPTEMBER 10th, 2016, THE MOST VISIBLE TRUCK IN THE COMMUNITY...6 RUNS A DAY...4000 GALLONS X’s 6 = 24,000 GALLONS of WATER....WOW....
YOU’D NEVER KNOW, RIGHT ??
OVER 100,000 GALLONS A DAY
I know this is arriving after the 9/30 cut-off date but unfortunately, I have been on vacation and just now found out about the comment period. Many areas have already been covered but one concern I have is: if marijuana grows are allowed, how will the state or county control their expansion once they have passed their preliminary permit inspections? There should be some method that ensures that more canopy and clear-cutting doesn’t occur after the initial inspection. Were this to be discovered, the damage would already be done, perhaps irreparably. If there is a mechanism to prevent this, such as a heavy fine or revocation of the permit, perhaps that might make growers think twice about illegal expansion.
To whom it may concern:

I would like to suggest the following in regards to developing medical cannabis cultivation regulations:

1) **More specifically define grow site parameters for cultivation licences.** I would like to suggest that the definition for canopy square footage be only for mature flowering plants. And that immature plants in their vegetative state be allowed to be grown in the same or less than the amount of space allowed for a specific license.

   a. Example: **Type 2a: 5001-10,000 sqft.** This should allow the cultivator 5001-10,000 sqft of canopy space for mature plants only. The cultivator could also have 5001-10,000 of space used for immature plants in their vegetative state as well. The cultivator should also have additional space used for drying, trimming, storage, etc. and not have that space counted against the cultivator square footage limitations. If a cultivator occupies a 20,000 sqft building and applies for a Type 2a license, their limitation for canopy size would be limited to 5001-10,000 sqft of mature plants in their flowering state. They could use their remaining 10,000 sqft of free space for their vegetative (immature) plants or any additional space requirements for their operation (trimming, drying, storage, etc).

2) **Clearly define nursery.**

   a. Are these for immature plants only or a mixture of immature and mature plants?

Thank you for your consideration of my comments. If there are any questions regarding these comments, please feel free to contact me directly.

Sincerely,
Dear Amber,

My name is Elisabeth McIntosh. I live in Junction City which is in Trinity County. My husband, Duncan, and I will be seeking licensure to cultivate cannabis and we wanted to give you our input on the requirements you have laid out in your Notice of Program.

Specifically, on page 8 there is a section that says all cultivators must comply with a firearms prohibition at the cultivations site. This is very problematic for me personally and I believe I can speak for most farmers in Trinity County - maybe even Humboldt and Mendocino. I am sure you will have hunters up in arms on this one so I'm not going to even go down that path. My main concern is safety. Trinity is one of the most rural counties in all of the state and as such we have lots wildlife including mountain lions and bears. This is important because many cultivators here do not only grow cannabis. For instance, I grow a large food garden that includes fruit which is attractive to bears. I also raise chickens, pigs and goats which attract these predators as well. While I have a fence and a couple of dogs a gun is a necessary tool out here to keep these predators from killing my livestock and pets.

Also, you will have no trouble finding news stories about home invasions over the last few years where robbers are coming onto farms and holding hostage the operators and employees for product and/or money. Until we have a bank that accepts monies from cultivators we are targets for real criminals. Many people I know are very concerned that this suspension of our 2nd amendment rights may only exasperate these invasions in the short term. In my case, my farm is my home where I live with my 3 daughters. Again, we are rural, it's not so easy for neighbors to see that something bad could be happening at my home. Allowing this requirement advertises that we have valuables and we are unarmed - this is a scary prospect for a parent.

We understand that it is a monumental task you are trying to tackle here and we thank you for your efforts. We see the good intentions behind it, but we strongly urge you rescind this provision to prohibit guns from law abiding citizen's operating regulated farms.

Thank you,
Amber,

It was my pleasure to meet you at Loyola Marymount University, I am very thankful for the information you shared with me. It is ok to ask follow up questions at this email?

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Dear Ms. Morris and D'Souza,

It was a pleasure meeting you in the Scoping Workshop held on Sept. 28th, 2016 in Desert Hot Springs (DHS). I take this first line, to also express our gratitude for all the professional attention and information given during the workshop.

After reading the documents provided by the MCCP, I have a small question:

If I own 16 acres of land in DHS, how many licenses do I need to be a cultivator for my 16 acres?

I'm asking because, it seems that the maximum site dimension for a cultivator is 1 acre allowed by the MCCP.

Looking forward to hear from you.

Best regards,
Hi Amber and Team,

It was a pleasure to meet you this week in Pasadena. Thank you for the amazing and probably mostly thankless job you are doing. Below is the best summary I can provide to the questions listed. I would be happy to offer any further detail as needed.

Regulatory Goal #1 DEFINE TERMS USED IN CANNABIS CULTIVATION

The Program will need to define terms not defined by the MCRSA such as canopy, flowering, immature, mixed light cultivation, premises and propagate to ensure regulations are implemented uniformly across the state. **What do these terms mean to you?**

**Canopy:** Cultivation space it will vary by type but for the logic of any regulation has to be easily measurable and enforceable.

- Outdoor - The square footage of the total possible growing space. Given every space will have to have an exterior fence it should be the space within that fenced in area.
- Indoor - Total space of your "growing" space. This is best measured as the exterior square footage of a building. There doesn't seem to be an easy way to do this and completely understandable someone will say "but I have office space" for simplicity the square footage of the building makes the most sense.
- Mixed Light/ greenhouse- Square footage of the total possible growing space. As this is difficult to assess from a type to type simply a measurement of the footprint of greenhouse structure is the most reasonable way to do so.

**Flowering:** Plants that have a bud of any sort on them.

**Immature:** Plants with no buds

**Mixed light cultivation:** Greenhouse

**Premises:** Secured space of your property.

**Propagate:** Immature plants used to create clones or prepare for veg

Regulatory Goal #2 DEFINE THE APPLICATION PROCESS AND REQUIREMENTS FOR LICENSING

- The Program is considering using an online application process, as well as a traditional paper method. **Which application method would you prefer?**
  - **Online**
- The Program is considering a weapons and firearm ban at cultivation sites to protect State enforcement staff. **How will that affect you?**
  - Completely makes sense for regulators safety. But given this is a very high-value crop and inviting to robbery feels like weapons on site for personal security makes more sense.

- The Program is planning to charge a non-refundable application processing fee to cover resources required to review the application components. In order to determine the application fee, the Program will need good estimates on how many cultivation applications are expected.
How many applications do you anticipate submitting?
Plan to submit only 3 applications. 1b, 2b, and 3b

Regulatory Goal #3 IDENTIFY THE CULTIVATOR LICENSE TYPES BY LIGHT SOURCE AND SITE SIZE; CLARIFY ALLOWABLE LICENSE COMBINATIONS; OUTLINE RENEWAL PROCESS AND SET LICENSING FEES

Licensees are prohibited from obtaining licenses from more than two license categories. For example, a licensed manufacturer of cannabis products may also hold a cultivator license, but would not be allowed to then obtain a dispensary license. Additionally, the Program is considering issuing the same applicant several cultivator licenses as long as the total canopy does not exceed four acres.

What is the acreage you feel is reasonable for the cap?
4 is too large, I believe 2 acreage cap makes more sense.

How about for indoor and mixed light?
I believe the same limitations should be put on all forms of cultivation. Delineating between just doesn’t make sense.

How will this impact your business model?
Enabling up to 4 acres will enable very large companies and dramatically drive down pricing and likely product quality.

When does a cultivator also need a manufacturing license?
Whenever preparing anything for end consumption. Meaning if someone is assembling product into patient quantities they are doing some manufacturing. Similarly putting product into joints, extraction, or anything beyond wholesale packaging is manufacturing.

Are joints, dry sieving, and water concentrating a form of manufacturing or within the scope of cultivation?
All would be outside cultivation and are forms of manufacturing.

• The Program is required to fully cover its operational costs through licensing and application fees. The Program anticipates analyzing and updating the licensing fees frequently as the industry changes over the next several years. What size cultivation site(s) do you anticipate applying for initially? How many separately licensed cultivation sites would you like to apply for?
Plan to submit only 3 applications. 1b, 2b, and 3b for only one site.
• The Program is responsible for establishing the amount of artificial light units considered reasonable for a mixed light/light deprivation cultivation sites. What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site?
It should not be the number of lights but rather that sunlight is used at least for the plants during a minimum of 4 hours a day.
• The Program is required to limit the number of Type 3 (largest license type) licenses issued. What method do you consider fair for establishing these limits?
There is going to be no way to equitably split these up. These are the holy grail of this entire process. Putting a low limit on the Type 3 license would be best, keep production to smaller scales which is more manageable for enforcement and cultivation. I think a first in/ first reviewed/ first issued is the best way to do so.
Regulatory Goal #4 SPECIFY REQUIREMENTS TO MITIGATE ENVIRONMENTAL HEALTH AND PUBLIC SAFETY ISSUES

The Program will require licensees to enter into a compliance agreement to reduce environmental impacts. How do you currently address potential environmental impacts at a cultivation site?

- No water run off.
- Do you conduct targeted pesticide use? No
- Do you use optimal watering times? Absolutely
- Do you recycle water and/or cultivation materials? Yes

• The compliance agreement will also require the licensee to have specific security measures in place. How do you currently secure your cultivation site? Alarm system? Fencing? Security guard?
  - Alarm to gate entry at site. Fencing around structures. Fully enclosed greenhouses with no access without secured and alarmed door.

• The Program will also have specific requirements for cannabis nurseries. Do you sell plants to a dispensary for sale to patients? Or do you sell plants to cultivators for flower production? How much research and development goes on at a nursery site? Do you regularly propagate from seed?
  - Almost exclusively from clone. No plant sales.

Regulatory Goal #5 OUTLINE CULTIVATOR RESPONSIBILITIES FOR COMPLIANCE INSPECTION

The Program will specify when licensees must make their site available for inspection and require that the cultivation site be safe for inspection. What measures do you currently take to make your site safe for inspection?

- Not applicable

• The Program will require retention of specific records and that they be made available upon request. What type of records do you currently retain?
  - Not applicable

Regulatory Goal #6 SPECIFY TRACK AND TRACE REQUIREMENTS

Licensees will be required to provide the Program with information about the movement of cannabis. This information will be used to protect the public if there is a safety or health concern, to ensure legally grown product does not get diverted, to ensure illegal product does not end up in the regulated marketplace, and to prioritize inspections by Program inspectors and law enforcement. What is the current flow of cultivation at your site? At what points in the cultivation process do you think movement tracking would be valuable (planting, moving from veg area to flowering area, harvest, etc.)? The Program anticipates this will be different for indoor vs outdoor cultivation.

  - Propagation in one space. Move to a Veg room, then move to greenhouse for flower.

Regulatory Goal #7 STATE LICENSE VIOLATIONS AND APPROPRIATE PENALTIES
The Program will inspect licensed cultivation sites to ensure compliance with license requirements. If an inspection reveals non-compliance or a local authority informs the Program of a non-compliance issue, the Program will proceed with an investigation. If the investigation determines that a violation occurred, the Program can revoke a license and/or may assess fines. What would a reasonable time-frame for conducting a hearing regarding a violation?

One month

The Program will also be defining minor, moderate and serious violations and corresponding penalties. What type of license violation would you consider minor? Moderate? Serious?

Fines for minor revoking license for anything moderate or serious violation
Good Day Amber,

Please be aware of C3 International Inc, manufacturers of [www.IdrasilRx.com](http://www.IdrasilRx.com) 
The first titratable, active, Rx only Cannabis Pill. 
Please add C3 to your list of California Cannabis Cultivators and feel free to contact me, should you have any questions. 
Thank you. 
Best, 

CEO 
C3 International Inc
[www.IdrasilRx.com](http://www.IdrasilRx.com)
I am the vice chair of the Cannabis Committee for the CA Association of Treasurers & Tax Collectors (CACTTC). We received information on your cannabis cultivation workshops regarding environmental issues. The dates in your press release conflict with the email information we received as follows. Are the meetings listed in your press release correct with a time of 4pm – 7pm?

Any additional information is helpful.

### Meeting Announcements - Medical Marijuana

Dates for the Bureau of Medical Cannabis Regulation and the Department of Public Health's Office of Medical Cannabis Safety's Pre-Regulatory Stakeholder Meetings are set. This is an opportunity to provide feedback on regulations when they are in your town.

- Monday, September 19  Redding
- Tuesday, September 20  Sacramento
- Thursday, September 22  Santa Rosa
- Monday, September 26  Oakland
- Tuesday, September 27  Fresno
- Tuesday, October 4  Los Angeles
- Wednesday, October 5  San Diego

California Department of Food and Agriculture Pre-Regulatory Meeting Dates

The California Department of Food and Agriculture will be conducting eight public scoping workshops throughout the State in September to provide the public an opportunity to learn more about the environmental impact review process and regulations developed for the Medical Cannabis Cultivation Program (MCCP), and to gather public comments on the Program. The workshops are intended to gather valuable feedback from the public to help shape the environmental impact review and regulations for MCCP.

For details regarding the MCCP meetings on medical cannabis cultivation only, please use [this link](#).

- Tuesday, September 13  Sacramento
- Wednesday, September 14  Redding
- Thursday, September 15  Eureka
- Tuesday, September 20  Oakland
- Wednesday, September 21  San Luis Obispo
- Thursday, September 22  Coalinga
- Tuesday, September 27  Pasadena
- Wednesday, September 28  Desert Hot Springs
Hi my name is [redacted] and I would like to turn in my comments on the upcoming regulations. First off I would like to thank you for this opportunity and feel like this is the best move for our industry. I have taken my time to give the questions thought and not rush to judgment. Questions 1 canopy size is the size of bedding a plant would be in 4 x 4 8 x 8. Flowering is plants in the flower development stage where buds /cola are present. Immature would be a plant that is in growth or no flower stage. Mixed light is using sun and artificial lights. Usually in a green house.

#2 I would prefer online do to my location but would not be opposed to either. As far as guns onsite the problem I see is as of now I am not suppose to have gun on site but I have had many run INS with pigs coyotes bears n mountain lions over the years and it would also take the county I live in a hour to provide help. Also we have livestock and run a real farm so at times it feels unsafe but we follow all rules to best of our ability I also understand the problems with firearms onsite but rarely that is a problem on family farms. I have had a collective since 07 and have seen many changes good and bad.

#3 the number of applications would depend on the regulation we currently have members who need relief from their alignments sometimes specific strains effect differently as the grow style changes. I would like to apply for 1 acre which seems plenty for the start but have realistically set sights on 10-20k square feet. I would like to note adequate spacing significantly reduces need for pesticides or treatments. I also hope to be able to keep doing what I currently do for my patients we grow on unique peaks and our meds bare different I would hate to be forced to a distribute.

#4 as for environmental we use 0 pesticides that are non organic and the last 3 years have been able to go sprayless due to wind and ridgetop. We also grow vegetables around the base of plant to help use any run off. Also the garden size is very small compared to the amount of empty acreage. For security we have them fenced behind many locked driving gates sites are also in rural private locations not accessible to public. I also believe nursery's need to be able to go direct. #5 we are working on fire clean up ad well as rerocking some of the roads. We also have just begun a property go and come log but we are mostly private. We have also made sure to learn and get familiar with ago labor laws and best management practices.

#6 the current flow for our practice is to try to track in trace individuals strain and type of seed when possible. We have direct to patient but also work with 3 reputable dispensary because they are in need of clean organic medication foe the people.

#7 i think a reasonable time frame would be 1 month depending on the emergency of the violation. I really think butane labs and things of that need to be in the proper zoning and should not be given ample time. I would think a small fine should be in order for days late on fixes follower by a termination if continued. I really am excited to be able to start living a more normal life their are some great people who will be good 4 the community's here. I am so greatful to be able to participate and adjust with the times. I really thought about a few of the issues because the effect me more. Thank you for your time I also am signed up for the newsletter. If their is any other questions I could assist with let me no thank you from [redacted]
My husband and I live in Calaveras County and have had daily contact with our many new neighbors that are growing marijuana. While we continue to try to conserve water, these neighbors pump and haul thousands of gallons every day for their plants. Now that the plants are large, the odor is overwhelming. I would never have believed the smell could be so strong and spread over such a wide area. But now I know. The crime has also increased and even our sheriff admits he cannot protect us. At a local town hall meeting the sheriff said that a response time for help would be a minimum of 40 minutes. When a crop is so valuable it seems it must be pampered and protected at all costs.

Thank you for letting us share our concerns,
I am writing to let you know that there are a lot of people in our neighborhood opposed to the cultivation of cannabis close to residential areas. Many people have complained about the skunk smell and about having headaches or stinging eyes or other health issues.

I feel that the cultivation of marijuana should move to places far away from residences or schools. These rules should be adopted immediately, because many nurseries in our area have started to grow it. These problems will only be more complicated when more nurseries start up after we legalize marijuana for recreational use.

So, please, take steps to move ALL cultivation to areas far from where people live and work and go to school.

Thank you,
California Department of Food and Agriculture (CDFA)
Medical Cannabis Cultivation Program (MCCP)
1220 N Street, Suite 400
Sacramento, CA 95814

Re: Comments on Regulations for Medical Cannabis Regulation and Safety Act (MCRSA), and Comments on Scoping Process under California Environmental Quality Act (CEQA)

Northcoast Environmental Center

Please address all of these important issues in your analysis for constructing an effective and fair MCRSA/PEIR.

Thank you,

Energy consumption, footprint, and sourcing
Impacts on social services, infrastructure, real estate gentrification
Carbon footprint of industry: imported soils, fertilizers, plastics
Soil degradation due to lack of knowledge biological (regenerative) agriculture vs chemical agricultural
Runoff into our waterways with increased deforestation, over tillage, bulldozing, and external inputs
Traffic increases
Housing shortages and more development.
External opportunism that has no regard for tribal, environmental, social and community concerns
Rapid development without regard to sustainable planning, engineering and construction approaches

Unforeseen and unknown impact of AUMA, Prop 64

Excessive use of County tax money: mental health, homelessness, soil restoration, youth education and safety, watershed and marine protections, energy sourcing, sustainable/affordable housing, job training for failing resource-based industries

Corporate/big business takeover of ag land here for high-footprint operations

Conversion of food crop producing land to non food

Consideration of wildlife habitat, corridors, ecological hotspots

More pressure on our fisheries and other resources due to increased rural population

Parking lot increases, waste management, old structures overloaded, such as septic systems, which will pollute waterways

Increased coastal development, erosion, and beach pollution

Outsiders flooding in who don't have any knowledge or interest about California ecosystems, native plants and people

Strict environmental protections being softened by influence of outside money and development interests

Loss or damaging of critical spawning habitat for the endangered Coho Salmon same for all species of salmon and steelhead. Also otters, beaver, waterdogs, crawfish, salamanders, a huge number of bird species, aquatic species.

Unregulated logging, land grading and fertilizer usage contributed significantly to reduced water quality in the form of silting and algae blooms.

The use of pesticides and herbicides has already impacted wildlife by poisoning the prey and disbursing toxicants up the food chain.
In addition to the issues described above, the Programmatic Environmental Impact Report (PEIR) should address the following:

The PEIR should include a range of alternatives that meets the stated purpose of the state statute and federal environmental laws, and responds to issues identified during the scoping process. The alternatives analysis should compare alternatives with respect to how well they respond to state statute and federal environmental laws. All reasonable alternatives should be considered, even if some of them could be outside the capability of the jurisdiction of the specific state agencies preparing the PEIR. Consistent with the purpose of the PEIR and CEQA, we encourage the selection of alternatives that protect, restore, and enhance the environment. We support efforts to identify and select alternatives which maximize environmental benefits, and, avoid, minimize, and/or otherwise mitigate environmental impacts. If a preferred alternative is identified, it should be included in the PEIR.

The PEIR should evaluate in detail the potential direct, indirect, and cumulative impacts of the proposed alternative on all aquatic, riparian, and terrestrial species that are listed as sensitive, threatened, and/or endangered. CDFA and other state agencies should include in the PEIR the results of comprehensive biological surveys of Humboldt, Trinity, Mendocino, and Santa Cruz counties, as they counties appear to include the most prevalent outdoor forested cultivation sites. Without such surveys, it would be difficult to accurately evaluate the environmental impacts of the proposed action. The PEIR section on environmental impacts ought to also include evaluations of: air quality, water quality, climate change, and noxious weeds, as well as impacts involving roads and landings.

The PEIR should include a systematic and comprehensive discussion of the impacts of climate change in sensitive environmental areas where cannabis cultivation is prevalent. The PEIR should consider climate change adaptation measures where appropriate. For example, adding a discussion of the increased vulnerability of specific species under a reasonably anticipated climate change scenario, and an explanation of
the projected shift of forest species to more suitable range elevations. The PEIR should discuss measures to improve forest adaptation to climate change, such as the selection of certain species for replanting on cultivation sites where environmental restoration is needed.

The PEIR should consider the impact of noxious weed species within cultivation sites, as well as possible mitigation measures, such as: clean all off-road logging and construction equipment prior to entering sensitive natural areas to remove dirt, plant parts and material that may carry weed seeds; include equipment cleaning in the environmental plan for cultivation sites; and require equipment to avoid weed infested areas.

Chemicals on Cultivation Sites: All Pesticides including herbicides, and rodenticides, as well as other chemicals that may be used in cultivation, have a serious impact on water quality and wildlife due to runoff into streams and rivers, as well as introduction of rodenticides into the wildlife food chain (for example large birds and mammals may eat rats that have ingested rodenticides). The state, counties, and license holders should comply with federal Clean Water, Clean Air, and Endangered Species Act provisions that may apply in relation to the use of chemicals. Further, local ordinances regarding pesticide and herbicide use that are more restrictive than state or federal requirements must take precedence. The use of chemicals on cultivation sites needs to be addressed in the PEIR.

Agriculture and Forestry Resources: The preservation of existing timber stands helps to offset erosion by cooling soils and absorbing runoff, improves air quality by , and offsets greenhouse gases through carbon sequestration. As such, the PEIR should address the impact to timber stands of any new logging that would result from the issuance of permits for cannabis cultivation. In particular the PEIR should address the impact of TPZ conversions.
Further, the PEIR should address the preservation of natural ecological processes to maintain the current balance of species populations and diversity.

Air Quality: Cultivation and transportation of cannabis results in air pollution due to diesel and non-diesel gas powered cars, trucks, and generators. These impacts should be addressed in the PEIR.

Greenhouse Gas Emissions and Climate Change: The significant electricity used for artificial light in indoor and mixed-light cultivations results in greenhouse gas emissions by utility companies, and this impact needs to be addressed in the PEIR. We recommend that the state use the Council on Environmental Quality's December 18, 2014 revised draft guidance for greenhouse gas emissions and climate change impacts in the PEIR, as it outlines a reasonable approach to outline the framework for its analysis of these issues. Accordingly, we recommend the PEIR qualitatively describe relevant climate change impacts from the project and analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related greenhouse gas emissions.

Hydrology and Water Quality: Water from rivers and streams is frequently diverted for cannabis cultivation sites, often in violation of state and federal rules, and to the detriment of fish and aquatic species. Further, the sediment from bulldozing, garbage and chemicals is often running into streams and rivers in the form of excess water use or runoff from melting winter snow. Serious environmental consequences can occur, and the PEIR should address these impacts.

Cumulative Impacts: Sensitive natural areas and watersheds are less able to absorb or recover from the negative environmental impacts of cannabis cultivation as currently practiced by most growers. The PEIR needs to evaluate the cumulative impacts, and the number of licenses and total cultivation acreage for a specific watershed or natural area should be based on the combined past, present and future impacts of cannabis and other agricultural cultivation.
The PEIR should address robust road, landing maintenance and restoration programs that fully offset adverse effects of cultivation sites, such as reduction of sediment sources to benefit fish and aquatic systems. The PEIR should consider alternatives which avoid or minimize extensive roadwork in watersheds that exceed the Threshold of Concern for cumulative watershed effects.

Similarly, the aggregate number of indoor cultivation permits will affect the cumulative impact on greenhouse gas emissions, and the PEIR needs to evaluate the cumulative impacts in this area as well.

President of the Board of Directors
Northcoast Environmental Center
The most serious impact that must be addressed is water. Thousands of acres newly devoted to the cultivation of marijuana has drawn down the underground aquifers across the northern part of the state. Combine this with expected changes to rainfall coming with Climate Change [less rainfall during the critical spring months] means the state should err on the side of caution when limiting the industrialization of pristine forests and meadows here.

Wildlife is negatively impacted with increase industrial size grow plantations. Less water in streams and creeks means less vegetation in late summer/early fall rendering animals with ribs showing easily seen at a distance. Nocturnal animals feeding later into the mornings and earlier in the evening means they are exposed to harmful sun rays with skins vulnerable to burns. Local regulations of high fences near roads means animals are on the roads themselves longer looking for a route into old feeding areas.

Rodenticides should be banned that are harmful to native species of wildlife. Just like many products have been banned for use around human habitations, so too there must be regulations about harmful products that leech into creeks and streams when the rains come. Fertilizers that contain copper and other harmful ingredients must be closely regulated for use near streams and creeks, even Class II creeks that run only during the rainy season. Perhaps industrial grows should have wire fencing requirements that would make rodenticides
unnecessary if these are banned altogether. And fertilizers should be natural. Polluting the earth should not be allowed as humans, wildlife and ocean life alike need more responsibility exercised when using poisons and salts.

If studies are planned, these should be carried out before the product is deemed safe for use by the public on a grand scale. Agricultural products and substances should be banned until studies show them to be safe on the broad landscape scale that will be implemented by growers just the way the Food and Drug Administration reviews are required before not after public use. Farming practices like bringing in bags of commercial soil every single year and disposal of the previous year's imported soil must be banned until shown to be safe.

The pollution in the Central Valley aquifers due to decades of fertilizers seeping down deep into the earth must be heeded where bedrock is so much closer to the surface in the Coastal Mountains of Northern California. Dire pollution of aquifers will come in a much shorter period of time where topsoil is infinitely thinner than what was farmed and destroyed in the Central Valley. carried out before the product is released for use by the public.

In short the last bastion of pristine environment should be recognized and protected from the virtually unrestricted resource extraction that has been going on for the past 20 years. Water and soil have been degraded dramatically for the financial gain of a few at the expense of humans and wildlife and ocean life. The planet needs areas that are not polluted so
that it can regenerate the the biological diversity being hammered elsewhere. The long view must be taken and protected. California can take action and lead in this regard for the planet with strong regulations for the kind of impact industrial growing of marijuana has on a landscape as a whole.

Submitted by
To those reading this,

   My concern is that the taxes are going to drive the growers into the hill. Remove the taxes as you would on squash if you do not want to have the problems of a Black Market. Thank you.

Comment 122
I would like to see the issue of LIGHT POLLUTION or LIGHT TRESPASS addressed in any new marijuana regulations.

Greenhouses and even greenhouse complexes are spreading huge amounts of unwanted light into the night sky. It causes the sky to glow around a greenhouse. Large numbers of greenhouses further the problem, making it a landscape phenomenon. This is a serious environmental concern. Light pollution has numerous well documented harmful effects on wildlife and human health. It seriously disrupts bird and other animal migration and has been implicated in contributing to human cancers and heart conditions. It is also extremely intrusive and unsightly, insinuating itself on all for miles around. This situation should be nipped in the bud immediately.

Light trespass or light pollution is becoming so prominent and alarming that there is even a growing group of concerned citizens who promote regulating it: The International Dark Sky Association.

Please make sure this I'd included in any marijuana grow regulations. It is a serious and largely unrecognized environmental concern.

Thank you.
Dear State of California,

How can I get my proposed cannabis regulations directly to the person(s) in charge of compiling and determining the regulations to add to the new cannabis laws that're being drafted?

I feel that my proposed legal requirements will benefit the State of California, and must keenly be recommended for lawmaker review. Please email or call me at [redacted] to let me know how my suggestions can be seen by a California Department of Food and Agriculture lawmaker or regulator.

Bureau of Medical Cannabis - Regulation (BMCR)

No foreign citizens or businesses can attain a California cannabis transportation, cultivation, manufacturing or dispensary license. This must be regulated to prevent foreign drug Cartel control and business opportunities in the State of California

- No foreign country, citizen or business can own or control any cannabis regulated land/water usage in the state of California
- No cannabis can be exported to a foreign country. No cannabis can be transported out of California to be sold in another state, Indian Reservation or to be used recreationally while operating a watercraft in any body of water, including the ocean
- No out-of-state drivers can bring cannabis into California. This means, no truck, rail, boat or airplane deliveries into California from other states and countries
- GPS tracking and tracing of all pickup/delivery vehicle movements
- Driver check in/reporting: Strict fines and jail time for drivers switching duties/vehicles with other drivers or changing their reported delivery routes
- Cannabis Transportation Insurance under the California Department of Insurance
- Limited number of trips per day that’s pre-planned – each trip must be
logged with law enforcement (This process is identical to how pilots report their flight path)

- Set pickup/delivery operational hours [Daylight only deliveries] – small package deliveries 7am to 5pm: Commercial transportation operational hours 6 am to 6pm. (Follows CA DOT hours of service guidelines)(write specific rules for cannabis commercial deliveries)

- Driver Hours of Service –
  - 15 minute Pre-trip inspection (need guidelines written)
  - 15 minute Post-trip inspection (need guidelines written)
  - 4 hours of driving and then a 30 minute break
  - 4 hours of driving and then one final 30 minute break for a maximum total of 8 hours of on-duty driving
  - Every driver must have 10 straight hours of off-duty time that’s away from any cannabis related job functions or other driving related jobs with different companies

- Driver Compliance – Special California DMV endorsement for each registered driver. Every driver must take a physical cannabis class rules, regulations course and then pass a state exam to receive the DMV transportation endorsement

- Law Enforcement Notification of Departure/Arrivals

- Accidents/Robbery - reporting/law enforcement response

All drivers must pass a background test and random drug/alcohol tests to continue to hold their cannabis transportation endorsement license.

Cannabis transportation can only be transported by licensed drivers, while on-duty, in a State of California regulated vehicle. Personal vehicle transport of cannabis while on-duty or off-duty will be subject to fines and jail time

California Department of Consumer Affairs - Oversight of Bureau of Medical Cannabis Regulation (BMCR)

No foreign citizens or businesses can attain a California cannabis transportation, cultivation, manufacturing or dispensary license. This must be regulated to
prevent foreign drug Cartel control and business opportunities in the State of California

California Department of Food & Agriculture
Cultivation/Track & Trace Program

- Each plant must be bar-coded/scanned upon segmented growth stages
- Each plant must be scanned during flowering stage
- Each plant crop, volume, weight, time must be recorded
- Each plant’s destruction must be reported along with its tag number
- Each plant that is cloned must be reported
- Each plant that produces seeds must be reported. Each seed must be registered for germination with State required tags
Hi,

We are super glad to share with you that your event Cannabis scoping sesh is now listed among the best events on allevents.in.

Below are details of your event that have been shared with us by one of your happy attendees:

**Cannabis scoping sesh**

**Time:** Thu Sep 22 2016 at 04:00 pm

**Venue:** Harris Ranch Inn & Restaurant, 24505 W Dorris Ave, Coalinga, United States

We advise you to have a look at the event page and ensure that all the provided information is correct. You can edit your event using this [link](#).

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Happy to help,

---

Customer Happiness Manager
PS: If the event was intended to be private and not supposed to be shared to the public, you can report it by hitting this link. We will remove it within 24 hours.
Amber,

I’m looking for information on tonight’s Cannabis scoping sesh in Coalinga and Fresno. Do you have information or a local contact for these two events.

Thanks,

[Contact Information]
How does one discover how to partake in the Cannabis Track 'n Trace Program?
Is attendance at one of the eight Scoping Workshops beneficial at this early stage?

Pacific Bancnote is a provider of intaglio documents of high negotiable value; Birth Death certificates. Stamps and other documents that require security.

Thank you.
You should not prohibit licensees from possessing firearms. Making sites "gun-free zones" will invite armed robbery by thieves. State inspectors are not at risk from growers. They at least need to be able to hire armed security at times when buds are present.

Sent from my iPad
Good evening –

On behalf of [Redacted], I appreciate the opportunity to provide our comments on the CDFA Pre-Regulation Workshop Survey. As a company with years of experience in the regulated cannabis industry, [Redacted] recognizes and appreciates the extensive work the CDFA has undertaken to develop a comprehensive regulatory structure to safeguard patient, public, and environmental safety. We believe California's program is poised to be the model for other states and nations and are pleased to provide input for your consideration.

**Regulatory Goal #1 – Define terms used in cannabis cultivation.**

*The Program will need to define terms not defined by the MCRSA such as canopy, flowering, immature, mixed light cultivation, premises and propagate to ensure regulations are implemented uniformly across the state. What do these terms mean to you?*

- **Canopy**
  Canopy can either be defined in a manner that includes or excludes spaces in between plants. We suggest the former approach because it is easier to calculate for cultivators as well as regulators. Oregon’s definition is useful:

  OAR 845-025-2000(1) “Canopy” means the surface area utilized to produce mature marijuana plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants including all of the space within the boundaries.

- **Flowering**
  We suggest modeling your definition off of Colorado’s:

  R103 “Flowering” means the reproductive state of Cannabis in which the plant is in a light cycle intended to stimulate production of flowers, trichromes, and cannabinoids characteristic of marijuana.

  You may also want to add a definition of “vegetative” to clarify that both vegetative and flowering are categories of mature plants. Here’s an example from Colorado:

  R103 “Vegetative” means the state of the Cannabis plant during which plants do not produce resin or flowers and are bulking up to a desired production size for Flowering.

- **Immature**
  We recommend using something similar to Colorado’s definition, especially because CDFA is already considering eight inches as the height at which plants must have a unique identifier. However, “and is in a cultivating container” may not be appropriate.

  C.R.S. 12-43.4-103(2) “Immature plant” means a nonflowering marijuana plant that is no taller
than eight inches and no wider than eight inches, is produced from a cutting, clipping, or seedling, and is in a cultivating container.

Oregon’s definition is much more simple:

OAR 845-025-1015(22) "Immature marijuana plant" means a marijuana plant that is not flowering.

Mixed light cultivation
We are not aware of any suitable existing definition. CDFA’s definition of mixed light cultivation should reference the use of natural and supplemental artificial lighting in order to be consistent with the existing description of mixed-light licenses in MRCSA (19332(g)). The definition should also clarify whether mixed-light cultivation refers to concurrent indoor and outdoor cultivation, to greenhouse cultivation with supplemental artificial light, or both.

Premises
Colorado’s definitions have worked for several years without issue. The following definitions from Colorado are good options and address two different uses of the term:

C.R.S. 12-43.4-103 (14) "Premises" means a distinctly identified, as required by the state licensing authority, and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area.

C.R.S. 12-43.4-103(2) "Licensed premises" means the premises specified in an application for a license under this article, which are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, or test retail marijuana and retail marijuana products in accordance with this article.

Propagate
Oregon
OAR 845-025-1015(54) “Propagate” means to grow immature marijuana plants or to breed or produce the seeds of the plant Cannabis family Cannabaceae.

Colorado
R103 “Propagation” means the reproduction of Retail Marijuana plants by seeds, cuttings or grafting.

We also think outdoor cultivation should be defined to include greenhouses.

**Regulatory Goal #3 – Identify the cultivator license types by light source and site size; Clarify allowable license combinations; Outline renewal process and set licensing fees.**
Licensees are prohibited from obtaining licenses from more than two license categories. For example, a licensed manufacturer of cannabis products may also hold a cultivator license, but would not be allowed to then obtain a dispensary license. Additionally, the Program is considering issuing the same applicant several cultivator licenses as long as the total canopy does not exceed four acres. What is the acreage you feel is reasonable for the cap? How about for indoor and mixed light?

We have no issue with the four-acre cumulative canopy cap established in Cal Bus. & Prof. Code §19328(a)(9) but think the award of multiple cultivation licenses to single entities should be controlled in order to protect small business and prevent overproduction. Colorado currently has all new cultivation licensees start at the same cultivation tier and requires proof that they sell 85% of their product in order to move up to the next cultivation tier with a higher plant count. Though we don’t recommend precisely the same model for California, we think it would be wise to require California cultivation licensees to demonstrate that they are consistently able to sell the medical cannabis currently produced before issuing an additional cultivation license.

When does a cultivator also need a manufacturing license? Are joints, dry sieving, and water concentrating a form of manufacturing or within the scope of cultivation?

In our opinion, joints and dry sieving are clearly within the scope of cultivation because these processes do not introduce any new substance and involve physical changes only. Some states allow cultivators to produce water-based concentrates while others do not. We don’t have a strong opinion either way, but think CDFA should consider the prevalence of water-based concentrate production among current California cultivators and how shifting this activity to manufacturing would impact cultivators, especially those with small operations. Either way, the activities authorized under each license type must be very clear in regulation. Colorado initially struggled with a lack of clarity on solventless concentrate production.

The Program is responsible for establishing the amount of artificial light units considered reasonable for a mixed light/light deprivation cultivation sites. What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site?

Oregon has established a 4:1 outdoor to indoor ratio as shown in (c) below.

OAR 845-025-2040(3) Mixed cultivation methods.
(a) A producer may produce marijuana indoors and outdoors at the same time on the same licensed premises. The Commission must be notified of a producer’s plan to engage in the indoor and outdoor production of marijuana at the time of initial licensure or at renewal, and not at any other time. A producer who utilizes mixed production may only change designated canopy areas from one production type to another at the time the producer submits a renewal application.
(b) The Commission must approve the canopy size applicable to each method.
(c) The Commission will use a 4:1 ratio, for outdoor and indoor respectively, to allocate canopy size limits under this section, not to exceed the sum canopy size limits set forth in section (1) of this rule. For example, if a Tier II producer in the first year of licensure has 5,000 square feet of indoor canopy space, then the producer may have up to 20,000 square feet of outdoor canopy space at the same time.

**The Program is required to limit the number of Type 3 (largest license type) licenses issued. What method do you consider fair for establishing these limits?**

We recommend that CDFA commission a study to quantify medical cannabis demand and expected specialty and small cultivator production, then use this information to determine the number of Type 3 licenses needed to meet, but not exceed, any remaining demand. Once the program is up and running, the statewide track and trace data can be used to monitor production and determine if and when more Type 3 licenses are needed. Colorado contracted with an economics firm, Marijuana Policy Group, for similar research and the findings helped the state develop perhaps the most successful production control policy in the nation.

**Regulatory Goal #4 – Specify requirements to mitigate environmental health and public safety issues.**

The Program will require licensees to enter into a compliance agreement to reduce environmental impacts. How do you currently address potential environmental impacts at a cultivation site? Do you conduct targeted pesticide use? Do you use optimal watering times? Do you recycle water and/or cultivation materials?

California’s statewide track and trace system could be used to monitor activities that have the potential to negatively impact the environment, thereby assisting the CDFA and other agencies in fulfilling their mandate to mitigate the environmental impacts of cannabis cultivation. Statewide track and trace systems are capable of doing so much more to help regulators and environmental monitoring is one of the key areas that we see great potential. Most licensee-facing cannabis tracking software collects information about plant inputs, environmental conditions, and pest monitoring and treatment. If similar records were built into California's statewide track and trace system, state regulators would be able to remotely monitor a variety of activities that have potential for environmental harm. For example, the statewide track and trace system could require cultivators to report things like fertilizers and soil amendments (including N-P-K ratio), water quality, water use, timing of light cycles (for indoor), application of pesticides, herbicides, and fungicides (by plant, section, area, or square footage), and safe disposal of liquid waste and hazardous chemicals. The system could be set up to alert state agencies about non-compliance or potentially harmful activity, thereby allowing targeted and efficient enforcement. We think building environmental monitoring features into the system could also reduce the burden of frequent on-site compliance inspections on limited agency resources.
Regulatory Goal #5 – Outline cultivator responsibilities for compliance inspection.

The Program will require retention of specific records and that they be made available upon request. What type of records do you currently retain?

We recommend requiring that records be kept electronically whenever possible and backed up remotely so that records are still available in the event that anything happens to the site. Most licensee-facing cannabis tracking software collects detailed information about plant inputs, environmental conditions, pest monitoring and treatment, plant/product movement (both internal and external), testing results, inventory and sales information.

Regulatory Goal #6 – Specify track and trace requirements.

Licensees will be required to provide the Program with information about the movement of cannabis. This information will be used to protect the public if there is a safety or health concern, to ensure legally grown product does not get diverted, to ensure illegal product does not end up in the regulated marketplace, and to prioritize inspections by Program inspectors and law enforcement.

What is the current flow of cultivation at your site?

We are familiar with a variety of approaches to cultivation workflow as a result of providing tracking software for thousands of state-licensed cannabis cultivators. The flow of cultivation varies some between operations, especially when different light sources are used, but the major phases are generally the same.

1) Receipt (and quarantine) of new genetics, when applicable
2) Seed germination and propagation, if using seeds.
   a. Seeds are placed in dark, moist, warm conditions (often between moist paper towels on a heat mat) for at least one day to germinate. Those that open and reveal taproots are planted in growing medium (varies) while those that fail to sprout are discarded. The planted seeds are then placed in a humidity dome or propagation room or area until they have sprouted and have established roots.
3) Cuttings
   a. Cuttings are taken from vegetative mother plants, dipped in rooting solution, then set in media (often rockwool cubes) and placed in a warm, humid environment until ready to be transplanted. Some cultivators use humidity domes or have specific climate-controlled rooms for clones while others don’t, so whether clones have to be physically moved varies. Clones are not transplanted until they are sufficiently rooted.
4) Transplanting
   a. Seedling or cuttings are generally transplanted into a larger container or
sometimes directly into the ground once roots are established. Transplanting may be carried out right before new seedlings are transferred to the vegetative growth area or outdoors. Some plants may die and have to be disposed of after transplant.

5) Vegetative
   a. Plants receive 18-24 hours of light in the vegetative phase and consequently grow rapidly. Some cultivators choose to transplant and change the physical location of plants or their containers during the vegetative phase while others may not. During the vegetative phase, plants may be moved from one room to another indoors or may be rotated on tables or in containers. Those who choose to plant cannabis directly in the ground likely will not move the plants at all.
   b. If growing from seed, male plants are destroyed as soon as the plants are sexed.

6) Flowering
   a. During flower, plants receive about 12 hours of light per day, whether artificial or from the sun. In flower, plants are trained, pruned, fed, and usually flushed about a week prior to harvest. Plants generally are not moved much during flower, but this can vary for indoor cultivators.

7) Harvest
   a. Plants are cut from their base then a wet weight of the full plant is taken, typically using a fish scale.

8) Trimming, Drying, and Curing (sequence varies)
   a. Option 1- Wet Trim: After the full wet plant weight is taken, the plants are generally moved to a different area (trim room) where they are broken down into manageable pieces before fan leaf removal and trimming. Trim is typically kept to be used for other products or sold to other operators for their use. The following must be weighed: waste material (fan leaves and stalks), by-product (trim), and finished product (flower on branches). Then the plants are moved to a drying and curing area where they hang for a number of days before buds are cut off the stem and the remaining flower is put in tubs to cure.
   b. Option 2- Dry Trim: After the full wet plant weight is taken, the plants are moved to a different location to dry. The plants are cut into manageable sections and some cultivators choose to remove fan leaves and unnecessary stalks before drying. The wet sections of plant hang, often on racks, string, or hangers. Once the plants are dry, they are further broken down and trimmed before they are placed in containers to cure. Just like Option 1, waste material, by-product, and finished product must be weighed.

9) Packaging (and Storage)
   a. Must cultivators then package the cured buds and trim into bulk packages to await transport to another licensed location.

At what points in the cultivation process do you think movement tracking would be valuable (planting, moving from veg area to flowering area, harvest, etc.)? The Program anticipates this will be different for indoor vs outdoor cultivation.

We agree that movement tracking is important but think there are a number of other critical tracking points during cultivation that are not necessarily movement-related. Some outdoor cultivators may rarely move plants while some indoor cultivators may move plants multiple times within a single phase of growth. This natural variation in cultivation procedures could create a situation in which regulators have access to more information about some licensees
than others. On the other hand, if data is only collected at a limited number of transition or phase-related points that all operations share, the tracking system is less capable of helping regulators prevent diversion and identify non-compliance efficiently.

At a minimum, the following items should be tracked to prevent diversion, ensure product safety issues can be investigated and handled efficiently, and facilitate compliance and enforcement efforts.

Movement Between Physical Locations

All plant movement from one distinct room or cultivation area to another must be tracked, meaning the tracking system would have records of each plant’s physical location in real time. For outdoor cultivation sites, distinct cultivation areas would have to be identified and recorded for ease of inspection and enforcement. The tracking system should also be capable of recording the transition from artificial light to natural light for mixed-light cultivation licensees. Because indoor and outdoor operations will often vary in terms of amount of plant movement, we also recommend tracking phases of growth. Plants that remain in the vegetative phase longer should be larger, which affects yield expectations. Phase data would help regulators identify anomalies in yield.

Acquisition of New Genetics

When receiving new genetics, the cultivator should record, at minimum, the source, strain, quantity, and form. Genetics received from other licensees, like nurseries, should be recorded as such. The tracking system should be capable of recording genetic material in a variety of different forms, including tissue cultures and immature plants in addition to seeds and clones. It’s very important that the tracking system allows licensees to enter new strains in order to accommodate development of new genetics.

Seed Germination and Planting

The system should record information about seed germination, including the number of seeds attempted and their identity. Not all seeds sprout, so it’s also important to have records of the number of seeds planted (seedlings) and all unsuccessful seeds disposed of as waste to account for the disposition of all seed inventory. This information will help prevent diversion from the very beginning of the cultivation process, before unique identifiers are assigned.

Taking Cuttings

All cuttings (clones) taken from mother plants should be recorded and tracked. At a minimum, clone records should include the number of cuttings taken from each mother plant, the unique identifier of the mother plant, the source and genetics of the mother, the date and time, and any information used by the cultivator to identify cuttings by strain and date. Clones that are destroyed must be recorded and tracked as waste.

Unique Identifiers

Once a unique identifier is assigned to each plant in a group, the tracking system must continue to track the plants individually but connect the unique identifiers back to the group’s propagation and genetic records. We see no issue with requiring that plants be assigned unique identifiers by the time they reach eight inches, as suggested in the CDFA’s Outline of Draft Regulations. However, it is important to consider whether the unique identifier could easily be removed from small plants when selecting an attachment mechanism.
Harvest
At the time of harvest, each plant should be cut off at its base and weighed on an integrated scale. Time and date of harvest should be recorded as well. This wet weight of plants helps regulators identify potential diversion as described in the following section. The tracking system should be set up to identify regulators if the difference between the weight of the whole wet plant and the waste, trim, and flower weights recorded during post-harvest processing exceeds a pre-established acceptable level of variance.

Trimming, Drying and Curing (Post-Harvest Processing)
All plants of the same strain that were cultivated under the same conditions and harvested at the same time will become a harvest batch. In the tracking system, this means a new batch must be created, all individual plant records are attached to the batch, and the plant material will be tracked using the new batch identifier.

The definition of "harvest batch" in Cal. Bus. and Prof. Code § 19300.5(c)(1) is similar to the definition in Colorado's retail marijuana regulations. Like Colorado's definition, California's requires that the plants be "harvested at the same time." In Colorado, licensees generally take the conservative route of interpreting "at the same time" to mean on the same day. This means that, when time runs out and harvest of a strain carries over into the next work day, cultivators create two separate harvest batches instead of one simply because of the difference in date. Many licensees complain about the additional cost and administrative burden of tracking and testing two batches, although Colorado does allow cultivators to combine two harvest batches into a single test batch, thereby eliminating the additional testing costs. We suggest that CDFA consider solutions that are appropriate for California in advance. Our immediate thoughts are to allow combined test batches like Colorado does or to clarify the meaning of "at the same time." If CDFA decides to clarify in regulation, we recommend that the agency affords flexibility in harvest timing, perhaps by establishing a maximum time window for a harvest batch that exceeds a single work day. Finally, the phrase "harvested at the same time" is included twice in California's statutory definition of "harvest batch" [Cal. Bus. and Prof. Code § 19300.5(c)(1)]. We assume this is a simple clerical error on behalf of legislative staff but thought the agency should be aware either way.

The CA definition implies that a harvest batch is either flower or trim, leaves and other plant matter. Juicing raw cannabis leaves and flowers is increasing in popularity so CDFA may want to consider this in the definition of harvest batch.

The cumulative wet weight of all plants in a new harvest batch is the starting weight for post-harvest processing and will be compared to the waste, trim, and flower weights during post-harvest processing. The tracking system should compare these values and notify regulators if there is a discrepancy that exceeds a pre-established acceptable level of variance. Wet trimming and dry trimming are both options, so the tracking system must have the flexibility to accommodate differences in sequence and be able to identify unreasonable variance in weight regardless of sequence. Movement of harvested plants into a different area or room for trimming, drying, and/or curing must be tracked. During the trimming, drying, and curing process, cultivators must record the weight of all waste material (i.e., fan leaves and stalks), trim, and flower. Recording the weight of dried trim and flower after curing is necessary, but it is helpful if cultivators are required to record weight before the drying and curing process as well. Cultivators could divert some of each batch during this process as moisture loss provides a good explanation for decreases in weight, so the tracking system should alert CDFA to investigate when the difference in weight falls outside of an acceptable range of moisture loss.
Packaging and Storage
Cannabis packaged in bulk and retail packaging should be recorded as such in the tracking system, and any movement of plant material into and out of the packaging area and storage space should be recorded. Each package should be weighed immediately then again before transport, and the tracking system should be capable of notifying regulators when there is a change in weight that exceeds a normal range of moisture loss.

Sales and Transfers
The track and trace system should record all sales transactions between licensees, including information about the sending and receiving licensees, the products, the time and date of delivery, and transportation details (see below). The system should also capture transfers between licenses under the same ownership.

Quarantine
Any time a plant or plant material is moved into or out of quarantine, it should be recorded in the tracking system. The statewide tracking system should prevent the sale or movement of quarantined cannabis as an additional protective measure if physical quarantine procedures fail. CDFA and other agencies must be able to access this information in real time and place a hold on products remotely when the need to investigate potentially unsafe product or execute a recall arises.

We recommend that laboratories and distributors use the statewide track and trace system to securely transmit test results so CDFA, CDPH, and other agencies are notified of a failed batch immediately. For distributors, the tracking system should quarantine a finished batch from the time samples are taken until results are received showing that the batch passes all mandatory tests. The system could also prohibit the transfer of medical cannabis from cultivators to other license types, like dispensaries, to ensure that no quality and safety checks can be missed.

Transportation
The statewide track and trace system should have access to licensee transportation records. At a minimum, transportation records should identify the licensee where the product originated, the licensee receiving the product, the date, estimated departure and arrival times, and product details, like the quantity, weight, variety, form, and any tracking identifier. CDFA could also consider requiring the use of tamper-resistant tape or seals on packages out for transport, which would have a code that is recorded on the transportation manifest.

Waste
In the interest of preventing diversion, it is critical that licensees track all medical cannabis waste and that CDFA has access to waste records in real time. Cultivators should be required to weigh all waste on a scale integrated with the track and trace system so that precise weights are automatically recorded. Any genetic material, live or dead plants, plant material, and finished product that cannot be used must be weighed using an integrated scale that automatically enters data in the tracking system, physically segregated, and recorded as waste awaiting disposal. At a minimum, the time, date, and person responsible for destruction should be recorded, and the process should be carried out under video surveillance. These measures help prevent cultivators from recording usable genetics, plants, or products as waste then diverting those plants into the illicit market. In general, comprehensive waste tracking helps regulators easily identify inventory discrepancies that should be investigated.
Other Recommendations
All mandatory tracking records should be available as printable spreadsheets to accommodate a need or preference for manual data entry.

Though the tracking of medical cannabis after leaving a licensed cultivation site may be beyond CDFA’s scope, we feel it is advantageous to have all regulatory agencies use the statewide track and trace system. Licensees would have access to all product records electronically and could coordinate inter-licensee transactions through the system, while the other regulatory agencies could achieve greater efficiency and inter-agency-coordination in monitoring and enforcement. Further, it is critical to be able to trace from the point of sale back to propagation when a product safety issue arises. We plan to recommend a coordinated tracking effort to the other agencies as well and would be happy to provide additional detail if desired.

Please let me know if you have questions or require any additional information.

Thanks,

[Redacted]
Director, Regulatory Systems and Compliance

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CONFIDENTIAL DISCLOSURE STATEMENT
This communication and any documents accompanying this statement contain information from [redacted] and are confidential. The information provided is intended to be for the use of the individual that it addresses. If you are not the intended recipient, be aware that the review, disclosure, copying, or use of the contents of this information is prohibited.
Hello,

I am writing today with a list of questions and concerns I would like addressed during the process of developing the details of the MCRSA recently enacted:

1) Mixed-Light currently has a definition that is problematic for the following reasons:
   a) Operators that use minimal light for maintaining genetics, acclimation, or early growth stages should not be considered mixed light. Only if light are used for flower stages should be considered mixed light.
   b) Possibly consider a threshold of light watts per ??/area of cultivation. Also, consider mixed light only when artificial lighting is used for flowering stages.
   c) This also trickles down to the local level when taxes are being based on permit type and sq ft. Regulators are assuming that if you use mixed light you are producing more product. This is simply not true and not right to assume.

2) Proper (dis)allowable levels of Pesticide and Fungicide levels need to be determined PRIOR to enactment of the section that requires any product be destroyed due to the presence of such. Not all cannabis products are unsafe for production just because there is presence of certain molds, yeasts, microbials, etc. There are processing methods that could destroy certain molds, yeast, microbials, etc.

3) I don't see 'processing' anywhere in the definition of allowed activities. Some of the activities associated with processing appear as part of manufacturing and distribution, but not as part of processing activities that usually occur in a cultivation site. Please make sure it is clear that cultivation permits may allow for processing. Processing should include: Drying, curing, trimming, sorting, packaging, warehousing where local land use permits.

4) Does the designation of Cannabis as an agricultural crop extend for the purposes of business formation? Not as a defense but to form a traditional Agricultural Cooperative?

5) Please specify how ownership applies to members of an agricultural cooperative.

6) If the 5% rule of ownership applies to an agricultural cooperative: Can a co-op of 20 permitted cultivators hold a distribution permit.

7) Does a cultivator need to apply for a separate transporters license Or is transport (To processing, manufacturing, or distribution) an allowable activity under a cultivation permit?

8) When will dispensaries be mandated to purchase from licensed distributors and cultivators?

9) When will cultivators be required to pass products through a distributor.

10) Can a currently permitted operation (locally) be operating in a for profit manner prior to state licenses being approved?

11) I am concerned about which program the state will choose as the mandated mechanism for track and trace. Please consider batch and lot. Also, the thought of having several different programs (Internal controls, local requirements, and State requirements) may be
too much of a burden on small businesses.

12) Will the state allow for on-site consumption /sales. (i.e. farm tours, bed & Breakfast, events, specialty markets). And will this also require prior pass thru distribution?

13) Can a product produced on a farm be maintained in a secure location on-site once a ample has been taken for testing by the distributor? Or does an entire batch have to be transferred to distribution and held off-site until transferred to a purchaser? (I.e. dispensary)

14) If a cultivator or manufacturer can't submit a sample to a lab and receive a certified test result this will be problematic with liability when selling cannabis for further processing. (i.e. A manufacturer WILL NOT be willing to purchase a product that does not have a certified test. And, the product does not yet go through distribution at this point until it is done being manufactured and packaged prior to retail)

15) Will there be another opportunity to have clarification and submit further questions?

Sorry for the late submission of these concerns. Thank you so much for all your hard work. It is truly a blessing to be on this curve in history. Please don't hesitate to contact me for clarification of any of these thoughts.

STATEMENT OF CONFIDENTIALITY
The information contained in this electronic message and any attachments may contain confidential or privileged information intended for the exclusive use of the addressee(s). Do not re-post this document anywhere. If you are not the intended recipient, please notify the sender by reply e-mail and destroy all copies of the original message and any attachments. In accordance with Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521."
Hi,
I would just like to express my concern for the requirement to sell Cannabis product to a distributor. It just doesn't make sense for collectives that have been cultivating for their members to have to sell to a distributor only to repurchase at a higher price. It is a little known fact, known only to dispensary operators, that the profit margins are extremely slim. Dispensaries cannot compete with the streets in the current business climate much less under an added burden of additional taxation by municipalities looking to reap additional funds and mark ups by middle men.
Best,
With this email I declare to be against your proposed point: *Comply with prohibition of weapons and firearm at the cultivation site*

This point is not included in the MCRSA regulation.

Weapons and Marijuana are two different topics that should be handled separately.

Each person should be able to choose their form of protection.

Thank you!
Hello my name is [REDACTED], the use of nasty chemicals is not necessary to grow this plant. For thousands of years our plants had their own defense system. Us humans have messed that all up. The soil is not even a fraction as good as even 150 years ago. With healthy soil, predator bugs, and natural pesticides, like neem oil from the neem tree, plant onions and garlic. Marigolds help keep bugs away also. So does liquid earthworm casings in your soil and foliar feed. If it gets really bad there is always diatomaceous earth. Me personally getting cancer buy spraying the plants with unnatural pesticides is not what this plant is mentioned for. Organic farming is the best way to get all of the proper nutrition from food and medican. In the same breath, If no one is selling their medican; what does it matter what they put in there own body. Nobody is telling me not to spray my tomatoes??? Even know everyone knows is bad for you. A person should have the right to put whatever is legal for pesticides on their crop. I'm not condoning this activity by any means. I just think we are in each other's lives too much. I can ask how was that grown? Then decide if I want to consume it or not. Again ROUND UP READY CORN!!!!!

Thank you

Sent from my Verizon Wireless 4G LTE Droid
Hi there,

I hope that this is the proper channel for public comment on the MCCP requirements if not please let me know the right email to contact them.

Under the requirements there is a clause for a $25,000.00 bond to be held, this is a ridiculous thing to ask and needs to be removed. With all the fees, licenses, permits, and setting up a farm to be compliant asking for $25k to be kept in limbo is just cruel and locks out virtually every small farmer. Please for the love of God change this!

Under "attest to" you have mentioned that there are no "weapons or firearms" on the farm. I understand firearms as that is also restricted by the federal govt. but the term weapons is incredibly vague. Does this cover bows? Knives? If so which knives? Swords? What about movie replicas? Black powder? Slingshots? Pointy Sticks? It's vague and ridiculous. Please change that to simply state firearms as that is the only thing the feds care to control there is no reason to to be vague and insanely over-reaching.

Thanks for your time.
Sincerely
Dear CDFA:

I am responding to your request for comments.

I think it is supremely ridiculous to over regulate cannabis farmers unless you hold all other farmers to the same standards. I am pretty sure you will be sued and you will be faced with the choice of de-regulating cannabis crippling California Ag with similar over-restrictive regulations.

You are surely aware that cannabis uses less water and fewer chemical inputs than most row crops, even "organic" row crops. Cannabis definitely uses much less water than wine grapes or nuts.

Why fence cannabis more excessively than say wine grapes? Thieves aren't deterred by fences. Determined teenagers can steal grapes and make wine just like they could steal, dry and smoke cannabis. Again, don't over regulate one crop while not doing the same with other ag crops.

Sincerely,
(You are expected to get a number of these letters most importantly from the lead persons for the Sierra Club to which I am a member. I am in strong support of the positions outlined below.)

September 27, 2016

California Department of Food and Agriculture (CDFA)
Medical Cannabis Cultivation Program (MCCP)
1220 N Street, Suite 400
Sacramento, CA  95814

Re: Comments on Regulations for Medical Cannabis Regulation and Safety Act (MCRSA), and Comments on Scoping Process under California Environmental Quality Act (CEQA)

Dear CDFA,

By some estimates, 60 to 70% of all marijuana consumed in the US is grown in California. The environmental harm and consequences of cannabis cultivation in forested and sensitive natural areas of California has been well-documented by researchers, state and federal agencies, and the media, and is becoming more severe each growing season.

Regulations and more stringent enforcement must be implemented as soon as possible to address the serious impact of toxics, pesticides, and herbicides used on grow sites, as well as road construction, land-terracing, forest clearing, soil runoff, water pollution, and wildlife stress occurring in sensitive natural areas and watersheds. Because of the dramatic increase in grow sites in recent years, and lack of state regulations, some county Boards of Supervisors have issued local ordinances for cultivation, in some cases without adequate environmental protections. Further, indoor cultivation relies on high levels of electricity use, which results in significant greenhouse gas emissions. MCCP should promulgate regulations that protect sensitive natural areas, and promote the restoration of areas damaged by cannabis cultivation.

State agencies and cannabis cultivation licensees must comply with state environmental requirements, as well as federal environmental protections under the federal Clean Air Act, Endangered Species Act, and Clean Water Act.

MCCP Should Establish a Certification Program for Sustainably Grown Cannabis
MCCP should develop a statewide certification program for sustainably grown cannabis that does not harm sensitive natural areas and watersheds, or rely on power from greenhouse gas production sources. California Business and Professions Code Section 19332.5 requires, by January 1, 2020, the MCCP to develop a certified organic designation and organic certification program for medical cannabis cultivation, if permitted under federal and state law and regulation. MCCP should implement such a program sooner than 2020, and also work with other state agencies to implement a sustainably grown certification. This would include not only compliance with MCCP minimum regulations, but a higher level of sustainability that includes adherence to principles similar to those used by the Forest Stewardship Council, the “Clean Green Certified” program, and/or the USDA Certified Organic accreditation process.

This program would promote cultivation practices that are consistent with federal and state requirements, and minimize the environmental impact of cultivation. In addition, this program could provide incentives to licensees that meet these requirements, such as a higher limit on the number of licensed sites, within overall limits on the total number of permits.

**Cannabis Cultivation License Requirements**

The new regulations that CDFA is developing should include:

- Cultivation permit applicants must demonstrate how they will comply with all state and federal environmental requirements, including CEQA analysis.
- Permit applicants should be informed of the chemicals that may and may not be used in cultivation sites.
- A moratorium should be issued on any new conversion of Timber Production Zones (TPZs) to cannabis cultivation sites. These conversions have dramatically increased in recent years, are high-risk for environmental impact, and circumvent the intent of TPZs for timber purposes, rather than agricultural purposes.
- To promote safety for state and county enforcement staff, weapons and firearms should be banned from licensed cannabis cultivation sites.
- The application processing fee, and other licensing fees and penalties, should reflect the full cost of environmental protection, monitoring, and restoration.
- MCCP should consider the overall environmental impact of sites in sensitive natural areas, and should limit the number of sites and total acreage in these areas.
- MCCP should deny license applications for individuals with previous violations of state or federal environmental protection laws or regulations, or conviction of a violent crime.
- MCCP should make every effort to complete an on-site inspection prior to or shortly after license approval.
- MCCP should post information online regarding cannabis cultivation license-holders, and any compliance problems. This transparency will help the public understand the extent of permits in a given area, and if compliance problems are more likely in specific areas or certain permit types.
The regulations should include a stringent enforcement process. Penalties for violations in sensitive areas should be higher than for other areas. In the case of serious violations, the license should be revoked.

In the event of violation, penalties should be assessed on property owners, cultivation site caretakers, property residents, and construction contractors.

MCCP should closely coordinate with other local, state, and federal agencies when reviewing permit applications, and when taking action on violations. Agencies should coordinate so that site clean-up efforts can be expedited in sensitive natural areas or watersheds, prior to significant rainfall or runoff events that can damage water quality.

**CEQA PEIR Scoping Comments**

The Programmatic Environmental Impact Report (PEIR) should address all of the issues above, as well as the following:

The PEIR should include a range of alternatives that meets the stated purpose of the state statute and federal environmental laws. Consistent with the purpose of the PEIR and CEQA, the selected alternatives should protect, restore, and enhance the environment.

The PEIR should evaluate in detail the potential direct, indirect, and cumulative impacts of the proposed alternative on all aquatic, riparian, and terrestrial species that are listed as sensitive, threatened, and/or endangered. The PEIR section on environmental impacts should include evaluations of: air quality, water quality, climate change, and noxious weeds, as well as impacts involving roads and landings.

PEIR should address the impact of any new logging from the issuance of permits for cannabis cultivation. The PEIR should particularly address the impact of TPZ conversions. The preservation of existing timber stands helps to offset erosion by cooling soils and absorbing runoff, improves air quality, and offsets greenhouse gases through carbon sequestration.

Water from rivers and streams is frequently diverted for cannabis cultivation sites, often in violation of state and federal rules, and to the detriment of fish and aquatic species. Further, the sediment from bulldozing, garbage and chemicals is often running into streams and rivers in the form of excess water use or runoff from melting winter snow. Serious environmental consequences can occur, and the PEIR should address these impacts.

Cumulative Impacts: Sensitive natural areas and watersheds cannot absorb or recover from the negative environmental impacts of cannabis cultivation as currently practiced by most growers. The PEIR needs to evaluate the cumulative impacts of the cultivation sites. The number of licenses and total cultivation acreage for a specific watershed or natural area should be based on the combined past, present and future impacts of cannabis and other agricultural cultivation. Similarly, the aggregate number of indoor cultivation permits will
affect the cumulative impact on greenhouse gas emissions, and the PEIR needs to evaluate the cumulative impacts in this area as well.

Thank you for your consideration of these comments.

Sincerely,

[Redacted]
Sierra Club member
Re: Concerning the prohibition of weapons and firearms at cannabis cultivation sites

Dear CDFA,

We are writing to comment, and request that you strike from the requirements, the provision to ban fire arms from cannabis cultivation sites. Guns have been utilized on most farms since firearms existed, and are needed for many reasons. A gun is a tool on our farm.

Our family has raised much of our own food. We raised fruits, vegetables and livestock of all sizes and also kept horses. Our daughter was very involved with FAA (Future Farms of America) and was involved in many aspects of our food production.

A gun is very necessary for butchering of livestock, dispatching of injured animals, and also removal of nuisance predators; such as bears in fruit trees or chicken pens (with the proper state predation permits). These are all proper uses of guns that are common on most farms.

We strongly suggest that you do not ban guns from cannabis cultivation sites. It is an unrealistic expectation.

We realize there have been problems with violence in the past but we strongly believe this does not relate to the majority of cannabis cultivation sites.

Sincerely,
To whom it may concern,

Thank you for accepting public input!

My primary concern on cultivation is enforcement. Our County has very specific regulations for cultivation designed to protect the environment and preserve the quality of life in residential neighborhoods. However, our County is overwhelmed with illegal grows and not enough officers or agencies to enforce the regulations before the harvest.

I'd like to see timely enforcement for violators to correct any issues before the damage is done.

Also, I'd like cultivation to stay out of residential zones, including Rural Residential. We cannot escape the smell of neighboring grows even with a five acre lot.

Thanks again,
MCCP,

Get rid of Prop D. It does not benefit patients and only benefits a small group of shops by prohibiting competition. Good people who want to help patients and provide a superior product and experience are being blocked from the market. Prop D violates the spirit of what voters originally voted for statewide to provide safe access to safe products.

Sincerely,
Thank you for providing opportunity for comment.

I, like many people in the community, are concerned about the potential for ‘land grabs’ by people seeking to grow medical marijuana and the resulting impact on real estate costs for undeveloped property. Additionally, I am concerned about the difficulty of establishing security for any outdoor growing area and the real potential for crime. Finally, the environmental impact of outdoor growing areas is a major concern with regard to water use, pesticide use, run-off issues, the potential for wildland fires from such operations, noise, traffic from transportation and employee vehicles, light pollution and the resulting impacts to wildlife.

Medical marijuana cultivation should be confined to indoor growing operations that can be secured and well managed. This is a great source for local jobs in a safer setting than an outdoor growing area and increased revenue for local governments from building rental income.

Thank you,
Here are some responses to your regulatory items listed in the numerical order that was arranged on the questionnaire:

#1)

Canopy- total sq footage of adult plants as measured from above

Premises- Facilities dedicated exclusively to cannabis activity.

Propagate- To grow

Mixed Light Cultivation- Cultivation utilizing both natural sunlight and manmade light to grow.

#2)

I would prefer an online application system, but the devil is in the details. It must be a competent system that is easy to navigate, and stable so documents that are uploaded stay in place and are readily accessible. Also curious as to how priority might work between online and paper submissions? Would there be an advantage in one over the other?

Firearms: I am in support of firearms bans for any urban premises, but feel that there should be some allowances for rural locations. There are legitimate reasons to have a firearm in country settings with or without cannabis being present (wild animal defense, far distances to law enforcement, etc). I wouldn’t want any regulation that completely compromised existing rural culture and norms. Also, I’d like to see an allowance for third party security officers employed by cannabis businesses. It would be hard to ask an armed transport company to carry cash as an example if they weren’t allowed to be armed.
I plan to be a part of entities that submit multiple applications. I would anticipate being a part of three different entities that each submit for a minimum of two licenses. Question pertaining to this aspect: Can an entity submit more than two license applications, anticipating that they may not all get approved? Ex: Can one submit for a 10A license, but also simultaneously submit for a 3B license as well as a manufacturing license to “cover their bets” so to speak?

#3)

Acreage limit per applicant: 4 acres seems good, but I’m interested in how this will be determined. Particularly curious about an “owner” appearing on multiple applications as a % owner. Will the total grow area of each licensee be used, or will it be a percentage of area? Ex: If a 10% owner of a 10,000 sq ft grow will be scored as 10,000 sq ft against the total limit, or just 1,000 sq ft (10% of 10k’).

Cultivator should have to have a manufacturing license if they are doing anything with the raw plant product other than drying/curing/packaging.

I anticipate being a part of at least three entities who each submit for a 3B license.

Artificial light limit: you could utilize existing greenhouse maps to determine sunlight throughout calendar year, and work from that versus light requirements for cannabis to come up with an appropriate formula for light limits. I am most concerned about full-time indoor grows and the power usage of that method. I think the stricter limits need to be put on those operations, as those are the ones that will stress the power grid the most, and earn the industry a reputation as an environmental net-negative.

Type 3 (large type) licenses should be limited by geographic region. Perhaps by population per area, or perhaps by watershed.

#4)

Best practices should include water conservation, limited pesticide and amendment uses, and as much reuse as is prudent. Waste water management practices are also key.

Security plans should include fencing, alarm, child safety protocols, loss prevention, bio-
security, and personal security detail options.

Our plan is to regularly propagate from seed to best assure bio-security, robust plants and controlled yields and plant profiles.

#5)

I am for the full professionalization of this industry. Transparency is crucial, including site inspections. Records concerning finances, transactions, employees, plant data including light/water/amendments should all be part of a functioning operation.

#6)

Movement tracking should occur as plants are brought into flowering stage, including their origin (seed or clone). Any tracking mandated of third party nurseries would assure the necessity of early stage tracking.

#7)

Investigations need to be fast tracked if they are to be effective (to be able to catch a violation in real time versus forensic investigation). Minor would be administrative mistakes. Major would be illegal market sales, illegal pesticide use, hiding true owners (dodging background checks), avoidance of tax payments.
#1 Define cultivation terms

Canopy: Area for flower
Flowering: Increase in pests and diseases. Daylight hours are decreasing from 13 hours of light.
Immature: Nursery tables. Young vulnerable plants.
Mixed Light: Over wintering genetics. Growing mothers and starts for early crop. 18 hours of light.
Premises: Area of SOP's
Propagate: Area for males and seeded females. Climate controlled clone chamber.

#2 Define application process and requirements

I would prefer a paper option I can pick up at the county Ag Dept

#3 Licenses

One acre cap on outdoor cultivation for now. Mixed light use is 1 10th of my total cultivation area of 2500 sf to grow the plants needed for just my farm and uses 1400 watts. A cap on mixed light would apply to being a nursery and growing plants to sell for flower (half acre). Indoor cap at a half acre.

A manufacturing license is needed for extraction that uses volatile solvents.

A farm is mixed light when it exceeds 20% of the cultivation area. A farm that uses 1000 watt bulbs to flower in a greenhouse is indoor.

#4 Environment and public health

I create habitat for beneficial insects and I am careful not to use products harmful to honey bees. I use principles of integrated pest management. I am planted in the ground in clay loam with forest compost that reduces my water use. I am exploring the possibilities of dry farming. I compost used potting soil for reuse.

I have extra plants that I trade or sell to fellow cultivators. I would like to see a number for gross sales of plants that I do before I need a nursery license. I am transitioning from 100% R and D to about 15% with commercial cultivation. I foresee having one third clones and the rest seed plants for my farm.

A quality assurance program would greatly benefit cultivation with education, data collection, and containment of pest and diseases. Crop improvement will bring a more industry wide consistent product to market.

#5 Inspection

I keep some records on dates for planting, harvesting, fertilizers, pesticides, fungicides, recipes for compost tea and fertilizer blends. Plant yields.
#6 Track and trace

Once plants are in their final location for flowering I track individual plants that are a half pound and larger. Smaller plants I track by batch. Before planting for flower I track my germination rate for seeds and my number of males. I track the number of cuttings I need for my forced flowering crop and fall crop. This can be covered with a product declaration.

I would like to see that it is easy for a consumer to know if a product is or contains outdoor or indoor by use of the tracking system. Premium outdoor is often sold as indoor and farmers are not always paid fairly for the difference. Consumers like myself greatly value outdoor over indoor for medicinal use and because it is better for the environment.

#7 Violations

Serious: injection/diversion of product
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
To: MCCP_PEIR, CDFA@CDFA
Subject: FW: Pre-regulation Workshop Survey response
Date: Friday, September 30, 2016 4:04:21 PM

From:  
Sent: Friday, September 30, 2016 12:02 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: Pre-regulation Workshop Survey response

First, I would like to thank you for the opportunity to provide input into the forthcoming state cannabis regulations. My responses to each of the goals are outlined as follows.

Goal #1 Definitions
Canopy-The outer extent of a plants leaf spread or the drip line created by the plants leaf spread
Flowering- When shoot apical meristem begins to visually produce the flowering body of the plant
Immature-not yet in the flowering stage of the plants life cycle
Mixed Light Cultivation- Utilizing both Natural (Sun) and unnatural (electric) lighting to the plants
Premises- Home or dwelling and surrounding property
Propagate- Process of creating new plants from any of a number of methods including seeds, cuttings and tissue culture.

Goal #2
-Online is preferred as it provides easier access for rural applicants as well as those with disabilities
- Not allowing citizens to protect their life and liberty with otherwise legal weapons and/or firearms seems to be a violation of constitutional rights, any honorable citizen would never consider harming State Enforcement Staff and should be allowed to otherwise protect their own life and property from criminals wishing to do them harm. Required background checks would already eliminate unwanted criminals from the industry. A large amount of Cannabis farms are located in very rural areas where response from law enforcement in a reasonable amount of time is highly unlikely. Due to current legal consideration we do not have any firearms on site but would feel safer if it were allowed mostly due to large predatory wildlife such as mountain lion, bear and coyotes prevalent in our area.
-Our collective is considering submitting 1-4 applications dependent on requirements and costs.

Goal #3
Reasonable cap -4 Acres outdoors, 2 Acres mixed light and 1 Acre indoors
business model impacts- Every additional restriction and requirement increases the cost of production and make it more difficult for legitimate businesses to survive and thrive.
Cultivators should be required to obtain an additional manufacturing license when their processes go beyond Joint/Pre-roll production, dry sieving, butter/cooking oil heat infusion for edibles and water concentrate filtering processes. Processes such as super-critical fluid extraction or any process utilizing a compressed gas such as Butane, CO2, Nitrogen, Oxygen, etc. should require a manufacturing license.

We anticipate initially applying for a cultivation site of 1/4 to 1 acre per site and 1-2 license sites, dependent on site requirements

A reasonable amount of light to still be considered a mixed light cultivation site is 600watts per 20 square feet.

Limiting Type 3 licenses- limit by county dependent on the total number of agricultural acres in the county, 1-5 for smaller counties with limited agricultural areas and 15-20 licenses for large rural counties with large amounts of agriculture.

Goal #4
We currently utilize best management practices for sustainable farming, integrated pest management as well as organic fertilizers and pesticides.
We do use targeted pesticide use utilizing organic and natural products.
We do water during optimal times, early in the am and then late in the day when temperatures require a second watering in the same day.
Any supplemental or excess water and fertilizer is utilized in a secondary vegetable and beneficial flower garden.
Soil is reconditioned utilizing on site composting and is reused in future plantings.

Our current security is maintained with an ongoing presence at the cultivation site. Our site is very rural and multiple people live on site with small dogs to alert of possible intrusion. We actually have a greater fear for our security (personal and livestock) from natural predictors such as mountain lions, bears and coyotes then of possible human interaction. We do not currently utilize an electrical alarm system or licensed security guard, I have found electronic sensor based alarms do not work well in the natural rural environment with numerous wild animals to trigger false alarms.

We do currently provide other patients and cultivators with plants in the spring when we are successful at propagation and have a surplus. I have not tracked precisely how much Research and Development goes on at a nursery site but i would assume at least 20-30% of the activity is R&D.

Goal #5
We currently try to follow Cal OSHA regulations for a safe work place.
Records we currently retain include, planting and harvest dates, feeding schedules as well as pesticide application schedules.

Goal #6
Our current collectives flow of products provides the majority, approximately 80% to our collective members with surplus being provided to licensed dispensaries.
Movement tracking starting at harvest would be the most valuable and precise as cannabis is an agricultural crop that is subject to numerous contaminants and ailments that can cause low production and/or crop failure, it is very difficult to approximate the outcome pre harvest.

Goal #7
A reasonable time frame for conducting a violation hearing is 30 days or a month.
Violation considerations
Minor-improper fertilizer/pesticide storage, wrong fence type, or any other easily correctable offense
Moderate-water waste that can be easily corrected, neighbor complaints if found reasonable and are correctable
Serious- black market diversion of product, excessive and unlicensed pesticide and herbicide use causing runoff and environmental contamination, Employees or others on site that are not allowed to work in the cannabis industry (minors,violent felons, etc) that should not be on site or would fail the required background checks.

 Again, I thank you for considering my input.
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA  
To: MCCP_PEIR, CDFA@CDFA  
Subject: FW: Pre-Regulation Workshop Survey  
Date: Friday, September 30, 2016 4:05:03 PM

#1
*Canopy – The total square footage of adult plants.
*Flowering - The process of when a plant blossoms and produces flower.
*Immature - Prior to the flowering process, not fully grown plants.
*Mixed Light Cultivation – The use of natural sunlight as well as man-made light for cultivation.

#2
*An online application process is preferred. In addition, may we consider a 1800 customer service line available 24/7 or online messaging-customer support? For many, the process will be extremely challenging, but online ultimately will prove to be the best process.
*Security on cultivation sites is essential. One reason of many, working in a cash business makes you a target for criminals. The permit to carry firearms on sites for the purpose of security and protection is necessary.
*The intent is to ultimately submit multiple applications. Multiple entities, multiple licenses for each. The process is quite convoluted, to be frank. Is there no way to make this slightly more simple?

#3
*4 acres of canopy space is a reasonable cap, including for indoor and mixed light.
*As of now, there is no foreseeable affect it will have on the business model.
*Ideally, the business owner would like to obtain a manufacturers license at the same time as the cultivators license. Due to the nature of the product, manufacturing must be readily available as soon as the product is ready. Any cultivator should have both,
*As of now, there is are three (3) cultivation sites to apply for. Each will need a 3B license.
*Since there is already a map laid out from the use of greenhouses, you could use it to create your calendar for sunlight. This is a better way to lay out your light limits. An indoor grow house will obviously be utilizing much more power so there should be more eyes on them. Especially, considering the energy (light, water, electricity) that is required to run them. So limit the lighting based on natural sunlight available versus plant needs.
*A Type 3 license – perhaps if there is a limit, it should be limited by geographical region and population or availability of water (or necessity of it by area).

#4
*Addressing potential environmental impacts on a site is absolutely essential. Ideally, everyone practices water conservation, little to no use of pesticides, major recycling system in place, regulations on waste-water management. There should be complete site plans as well to offset the impact.
*Security measures will be taken to ensure the preservation of the site and safety of the employees, including fences, alarms, child safety rules and prevention, loss prevention, and security guards.
Measures taken to ensure safety for inspections is a great concern of mine. I am worried about corruption. I prefer full-transparency. Hopefully, this industry will be created professionally and efficiently.

All documents, files, and business related work is appropriately documented digitally which is readily accessible upon request.

As the plants begin to flower, movement tracking will be necessary. Perhaps that includes logging the origin of the plant.

Whatever the time limit (1 month, 3 months) it must be fast as not to back up the system. A minor violation could be considered something administrative. Major would be something illegal, avoiding taxes, breaking health code/safety, falsifying information or evidence.
-----Original Message-----
From: [Redacted]
Sent: Friday, September 30, 2016 2:02 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: Pre-Regulation Workshop Survey

Goal #1

Goal #2
I would prefer an online application process but paper should be maintained for those without internet access or who simply prefer paper.

I do not, and most likely will not, ever have a firearm at the cultivation site. However, I think a ban is a very bad idea that would have potentially severe negative consequences for me. Many cultivation sites are 30 minutes plus from law enforcement response with limited or no communications services. A published ban on firearms at cultivation sites would be like requiring cultivators to post welcome signs to violent criminals. I respect CDFA’s need to protect State employees but I do not believe a ban would be effective and would actually pose a serious threat to the safety of cultivators. Cultivators who would brandish or use a weapon against a State employee will mostly not be applying for permits and would not be deterred by a law preventing firearm possession. Enforcement staff should be in easily identifiable vehicles and uniforms. Additionally, I would be in favor of additional background checks, mental health screening, registration, and training for cultivators wishing to possess a firearm onsite. I would even be happy with requiring onsite firearms to only be in possession of independently contracted private security. But, please do not enact a blanket ban, this would jeopardize cultivator security while doing little to nothing to protect State enforcement officers.

I anticipate submitting one or two cultivation applications.

Goal #3
Regarding cross licensure, the guide from the BMCR indicates a type 1,1a,1b,2,2a,or 2b cultivation license could combine with both a 10A producing dispensary and a type 6 or 7 manufacturer. This seems Reasonable.

Regarding canopy 1 acre is huge. 4 acres is mega! I believe 1 acre should be an absolute maximum outdoor canopy per individual or entity regardless of the number of licenses obtained. Additionally, the aggregated stake in canopy, based on ownership percentage by an individual or entity in another entity should not exceed 1 acre. Mixed light can Harvest this canopy area 2 times a year so that 1/2 acre or 22,000 square feet is reasonable for this license type. Indoor can harvest 4-6 times a year so 1/4 acre or 10,000 square feet is a reasonable limit.

Based on figures gleaned from the internet, around 13% of the population of California consumes an average of 1/4 pound of cannabis per year. Experienced cultivators achieving maximum production could supply the entire current demand of California on 260 acres. Anyone who does not expect an extreme supply surplus is either in denial or not paying attention. This will significantly reduce the equilibrium price while increasing consumption. While patients will be helped by moderately lower cost of medicine, significant lowering of cost could lead to abuse and definitely lower tax revenues.

The impact to my business model as well as those of thousands of small farmers around California, by allowing multiple permits and anywhere near 4 acres of canopy would be severely negative. It would be both unfair and unfortunate to take the livelihood of small farmers who have been dedicated to their industry for two decades while working to comply with constantly changing regulations and hand that to big money interests who only see a Green
Rush, and scofflaws who have profited handsomely off vague laws and large gray areas. Small farmers who have complied with current non-profit laws don’t have the capital to purchase or farm 4 or 8 different parcels for multiple permits. This will put them at a major disadvantage.

There will be an inevitable oversupply of medical cannabis in California. Allowing multiple cultivation licenses will only exacerbate this problem which could have severe and far reaching consequences. Oversupply and low prices will lead to abuse of cheap medicine and reductions in tax revenue; bankrupt small farmers not able to pay their mortgage or take care of their family stressing public resources. Due to lack or regulation or prohibitions in other states propping prices up this will lead to further diversions to the Black Market as struggling farmers try to maintain. We are probably looking at some of these consequences regardless but the effects can be mitigated by limiting canopy and multiple cultivation license issues.

Manufacturing licensure requirement should be limited to chemical processes whether volatile or nonvolatile in nature. Purely mechanical and easily assessable processing methods such as trimming, rolling, sieving, and ice water concentrating should be considered processing and not manufacturing.

I would like to apply for 1 license for one type 2b site 10,000 sf.

I don’t see any reason to severely restrict light utilization in mixed-light as long as the area restriction is the same as that for indoor. The idea is to use the sun when available and supplement as needed. Obviously lighting would be limited by electrical service size and wiring and breaker capacity. If you absolutely must establish a limit lets say 50 watts / square foot.

I think a fair limit for the number of type 3 licenses issued is 0. We will already have an oversupply problem in California without any type 3 licenses. Issuance of these licenses will only exacerbate the problem and harm a much greater number of Californians than it helps.

Goal #4
To minimize environmental impacts we use natural and organic methods when possible. It would be nice to have an organic certification process available for cannabis. We try to maximize soil and plant health through the use of beneficial organisms rather than synthetic pesticides and fungicides. These organisms also help to reduce the nutrients discharged into the environment as they slowly break down slow release organic nutrients. Cover crops reduce erosion and fix nitrogen from the atmosphere into the soil while adding important organic matter at the same time. We water early to reduce evaporation and collect rainwater over the winter to reduce groundwater extraction. We strive for a sustainable closed loop system with as few off farm inputs as possible. All of these methods are easier and more effective on a small scale family farm.

Our security is based on fences and motion sensing lights along with a presence on site. We have never had any problems. As public records and visibility on satellite imagery become more prevalent our security would probably be augmented by alarm systems and a designated 24h security employee.

We do not buy or sell nursery stock. However we have an onsite seed development program and regularly propagate from seed. R&D does not take a huge amount of time but does require a decent amount of space that is separated from the production environment to eliminate the chance of accidental pollination.

Goal #5
Maintaining the same standards as any other business should ensure the safety of anyone (customer, employee, inspector, regulator, etc.) who enters the site.

We maintain the same records any business would related to financial transactions and employees.

Goal #6
The most useful data would involve the movement of products onto or off the site. Movement within the site would be of limited value to regulators and could be unnecessarily burdensome to cultivators utilizing high plant count cultivation methods. It might be worthwhile to track batch movement within a site but not individual plants. This data would be much more useful to the cultivator than to regulators and any self respecting cultivator is already tracking this at the batch level anyway. Regulators need to know what moves between sites not within a single site.
Goal #7
Minor issues would be those that have limited impact on the safety or health of an individual or the public. Issues not involving malicious intent or gross neglect and small unintentional violations. Moderate issues would involve being significantly over canopy size. Using off label pesticides. Intentional violations of regulations. Serious violations would include diversion, fraud, anticompetitive behavior, and gross neglect.

Thank you for the chance to give my input on this process.
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
To: MCCP_PRER_CDFA@CDFA
Subject: FW: Pre-Regulation Workshop Survey
Date: Friday, September 30, 2016 4:04:11 PM

From: [Redacted]
Sent: Friday, September 30, 2016 11:41 AM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: Pre-Regulation Workshop Survey

Regulatory Goal #1
Canopy = The square feet that the garden utilizes, measured from the outer edge of all plants.
Flowering = Plants that have reached a point in their life cycle when buds, (flowers), have begun to form.
Immature = To me this is plants with roots that have just formed. Because plants in "vegetative growth" are not listed in your terms, I guess plants without buds are considered immature as well. The term seems strange because a plant without buds can be 8 feet tall.
Mixed Light Cultivation = Using any/all forms of artificial light and sunlight.
Premises = The property which garden is installed on.
Propagate = Grow a plant, through any or all of it's stages

Regulatory Goal #2
I would like applications to be online, avoiding the hassle encountered when answering these questions.

Regarding a weapons ban, you kind of have to do that due to federal law which still looms over us. However that is all kind of ridiculous for those of us who live in extremely rural areas. We have a gun because we have animals. There are predators that need to be scared off. Our donkey was sick and the ravens were attacking her. We shot our rifle off and they went away. Eventually she was suffering, the vet couldn't come out for a few days so we had to put her down. A gun was necessary, and any vet would have recommended this. If a mountain lion is attacking me when I am hiking on my property, it is not going to say "well, I'll quit this attack because you grow marijuana so you can't have a gun."

Additionally, if someone does invade our farm, you can bet they're going to have guns. So we run the risk of getting killed. This is very discriminatory.

An application processing fee should be minimal. If it's over $100 I would question the validity of the cost.

As far as how many application we will submit, it will be one. That is only if our county allows us to, which is questionable. It is also dependent on November election results. Legalization of recreational marijuana may take us out of the medical marijuana field all together.

Regulatory Goal #3
I disagree with allowing individuals to possess several cultivator licenses. One should be adequate. Four acres is definitely the cap. The only caveat would be the eventual profit margin. If we stay at current costs and prices, even with state sales taxes and such, one acre provides a generous income. Then again, wineries get to do what ever they want. There is a need to sustain small family farms by not allowing large factory farms. Yet the profit margin has to be considered as well.

As for indoor, I thought there was a cap at 22k square feet? Anything larger than that is obscene. Questions like this lead to a ethical dilemma. Why should anyone be restricted in regards to how much financial success they can achieve when no other industry is restricted? Yet, how do we keep small business safe from corporate takeover of the industry. Better minds than mine are left to figure this out.

Manufacturing is creating anything other than dried and trimmed cannabis. Therefore, anything other than dried plant material is a manufactured product. If a farmer grows a peach and sells it, she is farmer. If she
makes jam out of that peach she has to acquire an additional license to sell food, follow a set of rules that are dictated by food safety laws, etc.

I think that the next set of questions were already asked. Once again, one cultivation license. As for size, at the most we would apply for a license for one acre.

The size of the canopy dictates the amount of lighting. Lights cover a specific footprint. It would be unreasonable to give someone a license for mixed light for a canopy of 1000 sq. feet and then not allow them to use whatever number of lights they need to cover that area. The number of lights used is also dictated by the type of lights. A double ended bulb is going to cover a lot more than a 100 watt light bulb. A 100 watt light bulb is enough light to keep plants within a 12’ x 12’ area from budding.

The final question in this section just goes back to the original question. Personally I’d say no Type 3, but that option is not on the table.

Regulatory Goal #4
I am assuming that the law somehow called upon cannabis farmers to follow stricter rules than other ag industries? If so than I get this. If not, then I feel we are being called upon to follow stricter guidelines than the rest of ag. Personally I don't care because we are pretty organic. We also do not want to do anything that will harm our land. However if wineries are allowed to use anything they want then this issue is discriminatory.

As for our site, we do not have any streams or creeks that run through. There are gullies where it appears water may have once flowed and we make sure no water runs off to those areas, not that we ever have much runoff. We reuse our soil, compost by products from flower production, recycle all nutrient containers, and bring all used light bulbs to a local landfill hazardous waste facility.

I don't know exactly what you mean by targeted pesticide use. If you mean targeted towards specific pests, yes we target them but not with chemical pesticides. We use predatory insects, diatomaceous earth, and OMRI certified organic water soluble, plant derived pesticides. We are concerned that other growers may be using same or chemically derived pesticides that may harm beneficial insects and pollinators. We have been faced with the dilemma of wanting to spray spinosad or neem derived products when lady bugs are present. We plant so many wildflowers we hope we are evening this out. We also think that as far as medical marijuana goes, patients should not be exposed to pesticides or inorganic nutrients. But then again, people are currently manufacturing butane infused medicines? How can this be cool for patients?

We don't recycle water. Are you suggesting we should use our grey water for watering? Because that's not going to happen.

As for optimum watering times, we water when it is best to water for the sake of the plants. Sometimes we don't get out there early enough. If you all think you can dictate when we water, good luck with that. We hope to set up an irrigation system which will address that issue. Until we do, we do the best we can.

All of the above is basically good farming practices. I know there are a lot of idiots in this industry who do not follow good farming guidelines. Then again there are idiots everywhere.

As for security measures, we have fencing, a security gate, alarm trip wires, a video system at the entrance, and a big dog. The dog is really for the protection of our herd animals. She’d probably just want an intruder to pet her. A security guard, who is not armed, is a moot point. If someone comes here with guns, causing our death is bad enough. We don't need to hire someone to put them in a position to be killed.

We do not sell plants to dispensary. We do sell plants to patients, though this is more of a favor for them then a commercial thing for us. It's not worth our time really and we may stop doing this. Farming cannabis is a research and development thing. Especially with all the differing views of how to best farm. Will we ever publish a paper on a specific aspect of cannabis farming? No, so on that level we don't qualify.
We rarely do seeds.

Regulatory Goal #5
Our site is not safe for unscheduled inspections. We have a feral pig who doesn't appreciate strangers. She gets out sometimes. If we had a scheduled inspection, cool. We'll make sure she is contained.

What do you want here? Are we suppose to become ada compliant?

I've watched too many episodes of pot cops to keep any records. How are you going to protect us from federal prosecution if we have detailed records of committing felonies? I'd love to keep records. Records are real asset in farming.

Regulatory Goal #6
Just refer to the last paragraph above. As a farmer, I would like to track all movement. tracking is the same as record keeping. To me tracking would be all the way through the growing process, from taking a cut from a plant to packaging dried, cured flowers and trim. It would include the use of nutrients and pest control. Why would it be different for indoor vs outdoor? There's no difference. Really I would like to know what you think the difference is. But I'm not willing to give you my name so I'll just have to wonder.

Regulatory Goal #7
Years ago, I presented law enforcement with evidence of code violations committed by pet stores in my community. Law enforcement chose to completely ignore almost all violations. They felt it best that they warn the violators. They thought it best to give them a chance to clean up their act and promised to prosecute them if they violated codes in the future. Does this mean that if I rob a bank I get a chance to clean up my act? Law enforcement is always up to the enforcers. If you're Latino and are growing more than the Board of Supervisors decided you could grow in our county, you'll probably loose your garden and go to jail. If you're white, probably not. Unless you're also doing meth. So asking us what is minor, moderate or serious is fruitless. Ask the sheriff departments. When state agencies actually enforce all environmental protection codes, then this will be a valid issue. Until then, make up your rules and some will follow them and some will not. Do what you can. Good luck.

Conclusion
Thank you for doing this work. Thank you for asking for our input. Please forgive our industry for our lack of professionalism. Thanking you for putting us in a position to become better farmers and better business people.
Dear MCCP,

Regarding pre-regulation comments and PEIR scoping for medical cannabis cultivation, I respectfully offer the following comments. I am concerned about the negative environmental impact of cannabis cultivation.

I support the development of a certification program for sustainably grown outdoor cannabis, using principles similar to the Forest Stewardship Council, the “Clean Green Certified” program, or the USDA Certified Organic accreditation program. This would promote sustainable cultivation practices and reduce negative environmental impact. I support the development of a statewide certification program for sustainably grown indoor cannabis, to mitigate greenhouse gas emissions resulting from high electricity use.

To promote safety for state and county enforcement staff, I support the option identified in your scoping materials to ban on weapons and firearms from licensed cannabis cultivation sites.

I support the online posting of information about cannabis cultivation license-holders, to promote reporting, analysis, and research.

I support coordination among local, state, and federal agencies when reviewing permit applications and when violations occur, so that site clean-up efforts can be expedited in sensitive natural areas, prior to significant rainfall or runoff events that can damage water quality.

I support applying the same regulatory framework for cannabis cultivation as is used for other agricultural products. I support the precedence of local ordinances on pesticide use if they are more restrictive than state or federal requirements.

I support the prohibition of cannabis cultivation in timberland and woodland, including in Timber Production Zones. I support consideration of the cumulative environmental impact of sites in sensitive natural areas, and limiting the number and extent of those sites accordingly. The preservation of existing timber stands helps to offset erosion by cooling soils and absorbing runoff, improves air quality, and offsets greenhouse gases through carbon sequestration.

Sincerely,
Regulatory Goal #1
DEFINE TERMS USED IN CANNABIS CULTIVATION
The Program will need to define terms not defined by the MCRSA such as canopy, flowering, immature, mixed light cultivation, premises and propagate to ensure regulations are implemented uniformly across the state. What do these terms mean to you?

A: Canopy, refers to the square footage of plant material covering the ground. Flowering, refers to plants that have began their reproductive stage, for instance when light cycle has been switched to 12/12, or outdoor when plants begin showing signs of bolting, internodal elongation and flower formation. Immature, refers to all plants that do NOT exhibit the previous attributes. Premises, refers to physical structures and improved grounds (i.e. parking lots and walkways), not the property on which they are situated. Propagate, refers to the cloning and breeding of plant specimens from the parent stock.

Regulatory Goal #2
DEFINE THE APPLICATION PROCESS AND REQUIREMENTS FOR LICENSING
• The Program is considering using an online application process, as well as a traditional paper method. Which application method would you prefer?

A: Having the option of both would be preferred.

• The Program is considering a weapons and firearm ban at cultivation sites to protect State enforcement staff. How will that affect you?

A: We believe restricting weapons and firearms at cultivation sites puts an undue security risk on the workers at said facilities. Workers should be allowed to protect themselves as is defined under the Second Amendment to the U.S. constitution. This right may be forfeited or restricted by operators, however the decisions to prevent individuals to work in a safe an secure work environment should not be decided by state or local lawmakers. Protection of state enforcement staff should not be held over the safety of workers.

• The Program is planning to charge a non-refundable application processing fee to cover resources required to review the application components. In order to determine the application fee, the Program will need good estimates on how many cultivation applications are expected. How many applications do you anticipate submitting?

A: This cannot be answered because it is unknown how many license types may be applied for per application.

Regulatory Goal #3
IDENTIFY THE CULTIVATOR LICENSE TYPES BY LIGHT SOURCE AND SITE SIZE; CLARIFY ALLOWABLE LICENSE COMBINATIONS; OUTLINE RENEWAL PROCESS AND SET LICENSING FEES

• Licensees are prohibited from obtaining licenses from more than two license categories. For example, a licensed manufacturer of cannabis products may also hold a cultivator license, but would not be allowed to then obtain a dispensary license. Additionally, the Program is considering issuing the same applicant several cultivator licenses as long as the total canopy does not exceed four acres. What is the acreage you feel is reasonable for the cap?

A: We concede to the wisdom of the Bureau/Program with the proposed cap of 4 acres.
• How about for indoor and mixed light?

A: Same as above.

• How will this impact your business model?

A: It will not.

• When does a cultivator also need a manufacturing license?

A: They do not need to hold a manufacturing license to cultivate, and under MCRSA, it is restricted except in the case of the Type 10 license.

• Are joints, dry sieving, and water concentrating a form of manufacturing or within the scope of cultivation?

A: We concede to wisdom of the Bureau/Program when making this determination, and recommend looking to the state of Colorado’s regulations for guidance.

• The Program is required to fully cover its operational costs through licensing and application fees. The Program anticipates analyzing and updating the licensing fees frequently as the industry changes over the next several years. What size cultivation site(s) do you anticipate applying for initially?

A: Depending on how many license types may be used per property, anywhere from 2-8 Type 2 licenses.

• How many separately licensed cultivation sites would you like to apply for?

A: 1-3.

• The Program is responsible for establishing the amount of artificial light units considered reasonable for a mixed light/light deprivation cultivation sites. What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site?

A: There should not be a minimum or maximum amount of lights per square foot to determine what is considered “mixed light”. We do not understand why MCRSA attempts to separate the license types into multiple categories as it does not make sense from a practical standpoint. If local jurisdiction choose to restrict operations that are not within a permanent (building) or semi-permanent (greenhouse) structure in order to prevent a nuisance or unwanted visual aesthetics, then that should be up to them to determine.

• The Program is required to limit the number of Type 3 (largest license type) licenses issued. What method do you consider fair for establishing these limits?

A: We do not believe there should be a restriction at all on Type 3 licenses. What would be unfair is a lottery.

Regulatory Goal #4

• The Program will require licensees to enter into a compliance agreement to reduce environmental impacts. How do you currently address potential environmental impacts at a cultivation site?

A: We do not currently operate, however we will follow any local and state guidelines, as other agricultural industry operators currently follow.

• Do you conduct targeted pesticide use?
A: Yes, as is used in all agriculture.

• Do you use optimal watering times?

A: When operating, yes, as is used in all agriculture.

• Do you recycle water and/or cultivation materials?

A: When operating, only when feasible and useful for the agricultural production.

• The compliance agreement will also require the licensee to have specific security measures in place. How do you currently secure your cultivation site? Alarm system? Fencing? Security guard?

A: We do not currently operate, however we plan on following the rules and regulations set forth by the State of Colorado's MMED until the state of California finalizes their regulations, at which point we will follow whatever regulations are set forth by the BMCR/CDFA/MCCP.

• The Program will also have specific requirements for cannabis nurseries. Do you sell plants to a dispensary for sale to patients?

A: We do not currently operate nor plan on obtaining a nursery license.

• Or do you sell plants to cultivators for flower production?

A: We do not currently operate nor plan on obtaining a nursery license.

• How much research and development goes on at a nursery site?

A: Cannot answer.

• Do you regularly propagate from seed?

A: When in operation, we will not.

Regulatory Goal #5
OUTLINE CULTIVATOR RESPONSIBILITIES FOR COMPLIANCE INSPECTION

• The Program will specify when licensees must make their site available for inspection and require that the cultivation site be safe for inspection. What measures do you currently take to make your site safe for inspection?

A: We are not currently in operation.

• The Program will require retention of specific records and that they be made available upon request. What type of records do you currently retain?

A: We do not currently operate. However, when state mandated rules and regulations involving track and trace and financial record-keeping are instituted, they will be followed.

Regulatory Goal #6
SPECIFY TRACK AND TRACE REQUIREMENTS

• The Program will require retention of specific records and that they be made available upon request. What type of records do you currently retain?

A: We do not currently operate. However, when state mandated rules and regulations involving track and trace and financial record-keeping are instituted they will be followed.
•Licensees will be required to provide the Program with information about the movement of cannabis. This information will be used to protect the public if there is a safety or health concern, to ensure legally grown product does not get diverted, to ensure illegal product does not end up in the regulated marketplace, and to prioritize inspections by Program inspectors and law enforcement. What is the current flow of cultivation at your site?

A: We are currently not in operation. However, when state mandated rules and regulations are finalized they will be follow. We suggest the program looks to the state of Colorado's regulations for guidance.

•At what points in the cultivation process do you think movement tracking would be valuable (planting, moving from veg area to flowering area, harvest, etc.)? The Program anticipates this will be different for indoor vs outdoor cultivation.

A: We recommend looking to Colorado's regulatory processes for guidance.

Regulatory Goal #7
STATE LICENSE VIOLATIONS AND APPROPRIATE PENALTIES

•The Program will inspect licensed cultivation sites to ensure compliance with license requirements. If an inspection reveals non-compliance or a local authority informs the Program of a non-compliance issue, the Program will proceed with an investigation. If the investigation determines that a violation occurred, the Program can revoke a license and/or may assess fines. What would a reasonable time-frame for conducting a hearing regarding a violation?

A: This should be handled as it is with any other industry, perhaps following how the state currently handles these issues with Pharmaceutical, Alcohol, Tobacco or any other product that is restricted from minors. We recommend looking to Colorado's regulatory processes for guidance.

•The Program will also be defining minor, moderate and serious violations and corresponding penalties. What type of license violation would you consider minor? Moderate? Serious?

A: We recommend looking to Colorado's regulatory processes for guidance.

We would like the thank the program for all of their hard work and hope these comments may be of assistance.

Kind regards,
Good Morning.
I would like to introduce myself. I am a Pest control Advisor (PCA) and a Certified Crop Advisor (CCA). I work mainly with wine grape growers in the following counties: Nevada, Placer, El Dorado, Amador, Calaveras, Sacramento, and San Joaquin. Due to the recent changes in Calaveras County, I have been getting many phone calls on Cannabis questions. I have quickly realized the practices these guys “normally” follow are far from USDA or CDFA standards. I have currently taken a stand where I cannot legally give them any advice on what products to use, because there are no products labeled for the cannabis crop.

There is a trend to over apply fertilizers and pesticides. The pesticides they are using are in most cases intended for horticultural plants, not intended or registered for human consumption. I would like to help the CDFA any way I can to help and make sure proper procedures are followed by these growers, to not harm the environment or consumers.

Please contact me with any questions.

Thank you
Greetings-

One of my main concerns going forward with regulation is how to combat the “black market”. The black market as we know it today has evolved from being the minor nuisance of someone growing plants in their backyard/selling to his friends ................ to what it is today .... thousands of Delivery Services that are rampant in California. Delivery services have exploded throughout the state and in my opinion will increase even more once the State begins issuing licenses and enforces policy due to the increased costs/prices that will take place after 2018.

Customers have begun to get comfortable with the delivery service model and unless something is done to shut them down, this will become a major headache for everyone involved.

I have (2) suggestions on how to deal with this issue:

1. Have delivery services available but ONLY through existing licensed dispensary retail locations. This way the state can continue to track sales just as they would throughout the existing chain.
2. Eliminate the black market’s ability to advertise by forcing WeedMaps to stop listing illegal delivery services. Weedmaps charges companies including delivery services $1,000-$2,000 per month to post their information. If you kill their ability to advertise, you kill the black market.

Thanks for your time .......................
Hello Amber and thank you for hosting the workshops. I learned a lot and appreciate hearing what other people are thinking. I hope that the input I am about to give you is taken seriously because I feel it is one of the biggest problems in the industry but I didn’t hear anyone talk about it.

The huge number of practicing criminals and criminal behavior is of major concern. They are being covered by lawyers who are able to help them swindle, subvert, threaten and create fear because even though you are regulating the industry, you are giving a lot of criminals and bad actors a structure to work within. The lawyers keep them massaged into place when unsuspecting prey become exploited.

I am hoping there will be a criminal justice or complaints bureau that can help support the blindsiding that is inevitable when you are mixing predators with people who want to go by the rules. I hope you know the regulatory process will be the only place to go when the swindlers and rip offs get carte blanche. Typically law enforcement isn’t going to be able to or want to handle most of the white collar crime. I hope there is a mechanism for complaints or even a series of workshops telling people what contracts they need when hiring labor, how farmers can protect themselves from the liability of workers on drugs or people who will realize a threshold that makes theft an option. People should know the ways that they can protect themselves from thieves and swindlers while they are trusting that the regulatory structure will somehow protect them.. I hope you devise a system that has some enforcement with teeth.
Please issue cultivation licenses now and completely get rid of Prop D in Los Angeles. Prop D isn't a law, it's just a written provision and it appears to be designed to create a monopoly. The Prop D shops are in most cases inadequate and lower quality while the non Prop D shops are cleaner, safer, and better for the community. The provision Prop D creates confusion and division in the industry in Los Angeles and gives a few people a pass. Please fix this.

Thank you,
Dear CDFA's Medical Cannabis Cultivation Program,

Please consider regulations for nurseries that will sell plants and seeds only in a retail storefront environment that falls outside of dispensary regulations or as a sub-dispensary classification. Current regulations considered only address nursery operations under cultivation status and not retail sales of plants and seeds only in a retail storefront environment.

By definition a retail nursery is not related to dispensaries as no finished flower products or medicine will be sold therefore a simplified compliance process should be considered that takes into account the need for less security requirements as seeds and clone plants have no monetary street or medicinal value until grown to maturity.

Please feel free to contact us for more clarification or information.

Best regards,

– Executive Director
In the recent scoping meeting CDFA proposed limiting a type 4 license to a maximum of 1 acre of production canopy. This was demonstrated in the print literature.

Several CDFA staff also discussed the possibility of limiting applicants to a maximum of 4 acres of cultivation across license types (if holding more than 1 license, where allowed under the MCRSA).

We feel strongly that these proposals are damaging to the industry, that they are outside the intent of the MCRSA, that such rules would in fact violate the MCRSA as enacted, and we do not believe that implementing these rules will serve any credible public policy interest. An overview of our arguments is listed below.

1. The omission of the proposed size limitations was not an oversight by the authors of MCRSA. We see that the authors included size limitations where they felt that they served an important purpose. The inclusion and exclusion of various size limitations was thoroughly discussed by stakeholders and legislators during the legislative process. Where they are absent, it was the intent of the authors and stakeholders that no limit should be imposed.

2. A type 4 license limits an operator's scope of operations. Type 4 operators are asked to limit their production only to young plant material, whereas other license holders can create young plant material AND finished flowers in unlimited amounts. It was the intent of the authors and stakeholders that the advantage of holding this license type would be to allow operators to achieve unlimited SCALE of operations.

3. Under MCRSA, a type 10A license explicitly allows up to 4 acres of cultivation. This license serves as an exception to MCRSA's rules against vertical integration. The license type allows an operator to hold a variety of licenses that would normally be prohibited. All of the conditions included in this license type are seen as being limitations on scale. For example, the holder of a 10A license can only operate 3 retail dispensaries whereas an operator that holds only dispensary licenses may have as many as they like. By creating a 1-acre cap on nursery production, and certainly by creating a 4-acre aggregate cap, the CDFA would undermine the restrictive nature of the 10A license type. This would effectively undermine MCRSA's license segregation provisions. To illustrate: if CDFA implements a 4-acre aggregate cap, why would any cultivator elect any license type other than 10A? Effectively a 10A license would only grant them MORE privileges. It must be concluded that it was the intent of the authors that licensees outside the 10A type be allowed to cultivate MORE than 4 acres of area. In fact, it was their intent not to limit that cultivation at all.

4. Nurseries fill a critical niche within the cannabis agricultural economy. Cultivators around the state will need healthy, pest and disease free plants of quality lineage. Nurseries will also be playing a key role in the creation of new plant "records" within the track and trace system. Because nursery production is niche, and because cultivators can provide their own propagation services in-house. It is likely that upon maturity there will be comparatively few type 4 operators. If those operators are to be able to meet the demand of the industry at a price that would encourage cultivators to purchase rather than produce plants, nurseries must be able to operate at substantial scale.
5. Type 4 licenses are also envisioned as the license type required for seed production and breeding. This activity is critically lacking from the industry, and the future development of our cannabis agricultural economy likely depends on it. This type of work requires a tremendous amount of space as large test plots are required for varietal assessment. It will be nearly impossible to conduct professional breeding operations with 1 acre of space. In fact, this kind of operation requires such a tremendous amount of R&D investment, the only way we might hope for operators to be economically viable will be to ensure they have access to much greater scale than other cultivation licensees.

6. Nursery production is highly seasonal. Most demand comes during the peak spring months. If nurseries are to be successful in meeting peak demand, they must be able to develop excess space that can be used during the peak months and left fallow during the slow months. As proposed, nurseries will find it impossible to meet this peak spring demand.

7. The current proposals would imply that a 10A licensee (or under, the proposed aggregate rules, a type 4 licensee) seeking to operate a 4 acre nursery should apply for 4 separate nursery licenses. What functional difference or public interest does the department see in requiring operators to manage many small licenses rather than one larger license?

I am available for questions at the department's convenience.

Kind Regards,

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Alchemy vape pens by Dark Heart Nursery combine high quality cannabis oil with other herbal extracts to create the perfect blend for wellness.

Now in a dispensary near you!!!
Dear Amber:

Very nice to meet you yesterday/27 in Pasadena, CA. I (and many others) are grateful for the outreach being orchestrated by the MCCP. Very exciting!

As discussed, I am very interested in the TRACK & TRACE initiative, as it begins with cultivation and ends in the hands of the consumer...with lots of steps (and regulatory licensing issues) in between. Implemented properly, the technology can be a major pillar of support for the entire MCCP.

I have attempted for the past few weeks to make contact with the CDFA and find details with respect to the upcoming TRACK & TRACE initiative. Outside of being guided to qualify as a contractor for the state of California, I can find no details. I am told to wait for the "RFP".

I consult with a major provider of the world's leading tracking and brand protection technology, proven to be superior to any existing anti-counterfeiting technology in the world. All the encrypted data can be encapsulated into the existing tags already used by today's manufacturers (much more complex than simple inventory management via a QR code). The building blocks of our technology can be manipulated to communicate with multiple platforms for seamless integration with existing ERP systems, etc.

Very important we participate as a vendor with the CDFA.

Please direct me to the proper party(s) for immediate follow up.

Much appreciated.
• Does the property have to be commercial land or can it be residential if growing indoors?

• How many plants will I be allowed to grow with a type 3a license?

Sent from my iPhone
The cultivation guidelines for outdoor grows is based on canopy size. As it stands right now, there would be no permit for a half acre outdoor grow. They jump from 10,000 sq. ft. (1/4 acre) to the whole acre size. Since there is a cap on the number of one acre permits being issued, it seems there should be an option for farmers who would like to have more than 1/4 acre but who aren't able to obtain a permit for the full acre. Thank you.
Hi, I have a cultivation project being developed in desert hot springs ca. I would like to attend your workshop in desert hot springs on September 28th with two of my partners. I'm curious on how to register.

Thank you.
I have a question in regards to specifically dessert hot springs laws and the states law. I understand that DHS has no limit to the size of canopy for cultivation and is issuing a sq ft tax on any size cultivation in DHS. This is different to the new state law that takes affect in 2018. Does DHS city follow its own laws that were set by the city council there before the new 2018 regulations were voted on, which doesn’t have a limit on canopy size in 2018? or are all cultivators in DHS going to be required to have a limit of 22,000 sq ft? Thank you very much.
Hi there,

I would like to make a statement in writing about a decision that was made in an attempt to reduce risk. That decision was to ensure the software vendor is prime as she feels that will lower risk.

We had intended to be the prime solution implementer, utilizing the salesforce platform. Salesforce has a proven model of always relying on their certified partners like Cadalys to be prime on implementations. This way, each firm focuses on what it does best. Salesforce is unlikely to break their proven model that has enabled them to become the largest, most widely adopted CRM platform on the planet. So, it seems to me that the best way to reduce risk is to stick with a model that is proven.

We had attempted to look for alternative ways to reduce risk, such as having Salesforce services resources in at least one key role, but this feedback did not seem to be met with open minds. It may be I did not do a great job of articulating this over the phone, but I would have expected solicited feedback to receive a little more respect. Maybe it's because of my crazy eyes during the onsite sessions (recent concussion affected my vision big time.)

I am just afraid that if this decision is not reconsidered, you could be eliminating the most successful platform/solution available, which is the opposite of frequent statements made about wanting to get as many options as possible. Now if a requirement like this forces all the major players to bow out, the only options that are left are mom n pops with limited track record, which can often be risky.

Many of us do not think that the solution vendor being prime inherently reduces risk, and it is certainly not the only way to reduce risk. If you truly do want the maximum amount of options, you should retract this requirement - perhaps incorporate it into scoring if you feel so strongly, but please let us vendors propose our own proven risk mitigation plans. Objectively speaking, this enables CDFA to get the best of both worlds.

Thank you,

Gamification built on Salesforce for Salesforce: Corsica®

Director of Product Development

www.twitter.com/Cadalys
Hello Amber,

I am writing in response to the request for feedback on the Medical Cannabis Cultivation Program. I have a few clients involved in the industry and have two primary concerns with the Outline of Draft Regulations as noted below:

1) In the section on "Applications for Cultivation Licences" you state that "For an applicant with 20 or more employees, the applicant will enter into a Labor Peace Agreement." I have large concerns with companies being forced by the government into labor unions. All though I am very aware that some industries have a tendency to be more union heavy, I do not feel that this is something that should be mandated by a licensing requirement. In most situations, this forces out a majority of smaller business owners who cannot afford the overhead associated with significantly higher burden rates. If this is an important requirement, I would recommend increasing the employee minimum to 50 or more or stating full-time employees. A smaller company might have 25 employees, but some of them might be part-time as they might not have enough work for full-time work. Clarification on this is important.

2) Licensing Types: The minimum license for a "Specialty Cultivator" is "Up to 5,000 sq ft". I am recommending a license that is before that for up to 2,500 sq feet. I believe this also forces out a lot of smaller business owners. The land use ordinances require a significant amount of setbacks and various requirements to make the land or facility "usable." I am concerned about the cost of the first tier of licensing being too high and completely shutting out companies who's owners are heavily involved in their own businesses.

If you have any questions or would like to discuss my concerns further, please do not hesitate to contact me directly at (530) 368-1912.

Thank you,
My name is [redacted], I live in Trinity County. It is rural. We have lots of bears and mountain lions. We have the largest sex offender per person ratio in the state. It would be ridiculous to let everyone else have a gun to protect themselves, but we can’t. The criminals can get a gun and we can’t protect our family. Really? Nonsense. Does any other agriculture industry have this same restriction. No! [redacted]
Sirs,
Let's keep in mind Cannabis was made illegal fairly recently. It is a plant, valuable as a medicine for a host of ailments, and was used as treatment prior to its prohibition.
As a controlled substance, it has garnered an inflated monetary value, and attracted criminals interested in making a fast buck.
Now that we have once again recognized it's medicinal value, and eased restrictions, it's value as an illicit substance has also decreased.
It is time to stop treating cannabis as though it is an illicit drug.
It it also time to stop treating farmers as criminals.
A gun is a tool suited to the hands of a farmer. Predation of crops by birds and mammals can sometimes best be curtailed with a gun.
Cannabis is but one of the crops we grow. We don't need a gun for predation there. For the most part, our fences keep out bears and deer, and our traps, along with our gun keeps squirrels in check. It has another use, without ever using it!
It's very presence acts as a deterrent to the largest predator, humans!
By shoehorning a ban on guns into this ordinance for the sole purpose of the safety of the inspectors, you will remove one useful tool.
For the safety from non-threatening farmers seeking compliance, this ill conceived clause would put those very farmers at risk!
The simple equation being: Compliant cannabis farmers are NOT armed, therefore an easier target for criminals who ARE armed!
While I understand the sentiment to keep inspectors safe, it should not be at the expense of farmers and/or their civil liberties.
Please strike the provision to ban firearms from Cannabis cultivation sites.
Thank you,
Dear cdfa:

Thank you for your consideration of new regulations for medical cannabis. I am glad this is happening. So many people have wanted to participate in the system, with no opportunity to do so.

My hope is that the rules will focus on two main things, preserving and expanding the existing businesses and the environment. With the shift in perception of this very useful herb is the opportunity for California to lead the way in the world to benefit from your decisions.

The emerald triangle and north coast are leaders in the world already for refining the medical and recreational cannabis industry. It is my hope that this important part of our economy continues to grow (pun intended) in this world renowned cannabis area. Within this hope of mine is the concern for the environment of any area in the state that will expand the use of our most valuable natural resource, water.

I believe we need to understand the impact of the cannabis industry as it becomes a larger portion of the states economy and tax base. Making sure that watersheds are protected is an important part of regulating this expanding industry.

I believe an online and paper application should be implemented. If firearms are banned at grow sites I believe it will add more risk for state regulators. People who comply with the law should be allowed to protect their land and crop. I hope to have three applications. It depends on price and limits of each permit. The initial processing fee should be minimal. The watershed that a grow draws from should be considered in any cap on size of grow sites. Four acres is a large grow. I would prefer a smaller cap on size per parcel and a minimum size of land that can be considered a commercial grow.

A mixed light operation could be regulated by wattage. Mixed light should be at least 60% sunlight. Also I believe when lights are on a greenhouse should be required to be covered. Type 3 permits should be issued mostly for outdoor grows and be limited based on the affect on any given watershed.

Our grow is organic. This is no pesticides and fertilizers that have low numbers. We reuse our dirt. Our site is on a ridge far (1/2 mile) from flowing streams and rivers. All of our water is rain capture and storage and a developed spring. There are methods to minimize water and fertilizer usage. I hope these types of operations can become an industry standard. We have minimal security. The gate to our road is seven miles from pavement and 2.5 miles from our grow. I would prefer to have the option of carrying a gun. This could be part of the licensing process.

We mix strains and produce our own seeds. We sometimes sell or purchase plants from others in our area. We rarely use clones.

I have visited the regional water board a few times and made sure whomever I talk to understands that as an inspector they are welcome. Because of past harassment and civil rights violations most growers are more concerned about law enforcement than being held up
by criminals. If a representative is appointed by each grow site that escorts an inspector on to a site I believe this should add protection for state inspectors. Bringing in law enforcement will limit participation by wary growers. I think if you had meetings in an area where a relationship could be established between growers and their state inspector this could substantially protect the inspectors and add to the amount of legal grows. As this program is implemented I suggest that inspectors visit a few sites in an area then allow the growers to talk among themselves about their experience. Whom you pick as site inspectors will have a big influence on how the local farmers will interact with your agency. Establishing trust will be a big job for you. Starting this program properly could mean much better participation by the established community. As a member of the local community in my area I would not be opposed to helping inspectors to have more positive interactions with licensed growers in my area.

I am not able to mail a letter at this point in time. I hope to comment on the rest of your concerns as soon as I am able via US mail.

Regards,
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
To: MCCP_PEIR, CDFA@CDFA
Subject: FW: answers to CDFA survey
Date: Friday, September 30, 2016 4:00:07 PM

From:  
Sent: Wednesday, September 28, 2016 4:16 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: answers to CDFA survey

Goal #1

Canopy = amount of ground shadowed by the canopy - i.e. spread of the plant
Flowering = when plant begins to flower
Immature = before flowering?
mixed light - using a combination of artificial and natural sunlight (Light Deprivation is another term because it can be done without any artificial light)
premises - where cannabis is grown and processed (dried, cured, trimmed, etc)

Goal #2

Online or mail application should be both offered. I’d prefer online, personally, but many small farmers are not computer savvy

Firearms ban has, I believe, been upheld in the Courts already. Therefore we do not possess firearms and therefore will not be affected by a ban. I do, however, think it is highly unfair that, aside from felons, peaceful cannabis farmers are being singled out as the only group of which I am aware who cannot possess firearms.

The number of applications for cultivation I will need is not yet determined, due to the uncertainty of both local and state laws and expenses. I think it will be 2 - one outdoor and one for light deprivation - 10,000 square feet each, if I can afford to.

Goal #3

License size is critical to the survival of the small craft cultivators who are the backbone of the California cannabis industry. I think a 4 acre max is too big, and would say 1 acre is sufficient.

How does all this impact my business model? Quite frankly, I am not at all sure that I will survive at all. When you start doing the math on both federal, state, and local taxes, fees, track and trace expense, and distribution, I think the only option will be to hope the 10,000 square foot micro business license in AUMA remains untouched, assuming AUMA wins in November. I would ideally like to grow 15,000-20,000 square feet, but would compromise some of the crop in order to avoid the distributor expenses. I work solely in the ‘legal’ market with dispensaries, and would like to continue to deal directly with them, as they have become like family over the years. They know and respect my crop, which is particularly important since I devote half of my plants, or more, to CBD strains. I am
70 years old, a cancer survivor, with the BRACA 1 mutation, so I juice as much as I can, given the season. Light Dep would allow me to do this virtually year ‘round. Currently I grow 25 plants, outdoors, with 25 Mendocino County Sheriff’s tags, which is all I am legally allowed to do. Cultivation is 100% organic, and sun grown.

I have been meaning to do the math, on how many plants it will take to just break even, given the expenses of compliance, but have not yet done so.

Because of the economic uncertainty, and the realities of future added costs of regulation, I think joints, dry sieving, and water concentrating should absolutely be part of the scope of cultivation. (I do not think anyone should be allowed to use butane or any other ‘tane’ besides CO2, and this should require a separate manufacturing license.) While I do not relish the thought of the added labor to make something like cold water hash, it might simply be necessary, in order to make enough income to survive.

I do not approve of the largest sites being indoor, due to the carbon footprint and the fact that more chemicals and pesticides are necessary in most instances when growing in an enclosed environment.

Given the feeding frenzy of every local and state agency, it seems that the ‘fairest’ way to limit the the largest sites is to make the fees much much higher. Big business can afford to help support and hopefully reduce the expenses borne by the small farmers by contributing a much larger share in fees.

Goal #4

I have had both a hydrologist and representative of the Eel River Recovery Project inspect my land, and no changes were required. I am signed up with State Water Resources for Riparian rights and storage, and have paid fees to the NorthCoastWater Board, and am in compliance with all their requirements, to my knowledge.

We do not use pesticides, but natural pest controls, such as beneficial insects and enzymes.

We do not recycle water, but avoid techniques that require more water, such as smart pots, and tend to let the plants ‘dry out’ frequently. I am hoping to put in a 40,000 gallon water catchment system this year. I have 3 wells and the Riparian rights.

Watering is done in the early morning or evening, after the sun goes down.

Security measures currently involve simple fencing - both around the entire property, secured with a coded gate, and around the garden with a lockable gate. The plants are not visible from the road or any ‘public’ area, which is simple, since I have 120 acres. The current requirement of Mendocino County for ‘Wildlife Exclusionary Fencing’ is both absurd and clearly prejudicial, since no other agricultural crop in the county has to bury their fencing several feet under the ground to keep out ‘burrowing’ animals. No grape vineyard or pear orchard has to do this.

I buy clones from dispensaries or local nurseries. Once/if there are regulations allowing for me to have greater numbers during the seed propagation times, I would prefer to propagate
from seeds. Currently I cannot remain in compliance and do so. Seed started plants are healthier, and less prone to pest infestation, and often have higher yields.

Goal #5

Site inspection - don’t have a problem, or see any changes needed to make it ‘safe’.

I maintain records to declare income for state and federal tax purposes.

I have heard a rumor that Track and Trace programs will be charging the farmers $12,000.00/year to avail themselves of the software. Please be aware such a cost equates to the income from approximately 4 plants! The cost of these programs should be borne by the agencies requiring their use, not by the licensees. The IRS does not charge me for their accounting programs, and provides their forms free of charge (theoretically). If this is not possible, then the costs of T&T should be commensurate with the size of the operation.

Goal #6

I don’t see the necessity of T&T for every single stage of cultivation. I think plants should be tagged at planting in the ground, or greenhouse, and bills of lading or distributor receipts should take care of the T&T after harvest. I’m not really sure what level of control can be gained by knowing when I harvest, when I cure, etc. It will just be a big pain in the neck and turn more small farmers away from trying to be compliant. As it is, I think there will be much necessary fine and not-so-fine tuning to regulation, before anything close to the majority of small farmers choose to leave the black market.

Goal #7

Frankly, I am so disgusted with the whole idea of penalties, after years of dealing with all the scary and brutal approaches of law enforcement to cannabis farmers in my county, that I cannot answer this. I do not use rat poison, or steal water, or grow hundreds of plants, but nonetheless I was raided in 2014, without a warrant, or an evidence sheet, by unmarked helicopters and men who refused to identify themselves, and a Sheriff who denied knowing anything about it until a reporter caught him and he was forced to admit to his participation. All my years of CBD breeding was destroyed, including plants that were already dedicated to kids for a study to be conducted by The Epilepsy Society.

There are bad perpetrators, who cause environmental damage, steal water, and plant thousands of plants. These folks should, indeed, be cited, fined, and stopped.

But personally, I am sick and tired of being treated like a criminal, or forced to pay off a DA in order to avoid spending years in court. Between the raid in 2014, and a bad attack of Fusarium in 2015, the only reason I have been able to continue in 2016 as a small cannabis farmer is from other income I have saved. Cannabis has fallen in the last decade from $4000.00/# to $1500.00/# on a good day. Most of the farmers I know are not rich, and they deserve some help along the way, not a morass of regulations which become impossible to understand, or pay for.

Perhaps 30-45 days should be allowed for a hearing? Not sure.
Goal #8 is my goal (-: Save the Small Farmers in California!!!

There are multiple rural counties whose citizens rely heavily on cannabis for either their sole or their needed ancillary income. Timber and fishing are all but gone. Industry does not flock to rural places. What else do they have? They are not criminals, nor are they MBA’s who can deal with complicated regulations. Please try to streamline as much of this process as possible, and provide some kind of aid to help those less able to deal with online T&T, etc. etc.

I have been an entrepreneur most of my life, and the amount of regulations I am going to have to deal with to grow my 50 - 100 plants is seriously more onerous than regulations I dealt with when I owned businesses with 25+ employees! I understand the federal illegality and complexity of the individual state’s laws require control and efforts to avoid diversion to the black market, but please please Keep It Simple Stupid and help us with this difficult transition. If California can save small farming, they will have accomplished something no other state has been able to do.

If, however, the small cannabis farmers in California cannot survive, this state will have rural counties to rival the poorest counties in this entire country, including the poorest counties in the poorest Southern states.

There are farmers in my county who have now been growing for three (3!) generations, and they deserve consideration. I already personally know three families who have left California and moved to Oregon to grow Cannabis. I hate to see this happening.

I hope these answers have been helpful. I thank you for taking the time to make this questionnaire and to pay attention to stakeholders. I appreciate all of your hard work! Should you have any further questions, do not hesitate to email me.
This is my survey opinion on what should be a rough format for cultivation in the California area, My name is [redacted] and I am on the state licence application CDFA list.

-----Original Message-----

To who it may concern,

Here are the answers we came up with for the survey:

1) canopy - is the size of the area that is under cultivation
   flowering -is a plan that is producing buds
   immature - is a plant that has not begun to flower and clone material
   mixed light cultivation premises - is a combination of outdoor/indoor grow
   & deprived light areas

2) written vs online application .... neutral on this
   no personal firearms on site
   non-refundable application processing fee .... how much/$250.00
   to keep the riff-raff out
   how many applications are we looking to get - one but I'm looking to
   get on the dispensary list

3) Two license categories only for manufacturers; we should have a choice of
   manufacturing cannabis products or cultivation of cannabis
   a dispensary license should also be available.
   a canopy should be limited to 4 acres or less for both mixed light & indoor to keep out large industrial growing operations.
   our cultivation site is a half acre.
   How many separately licensed sites are we planning to apply for ...? at least one 50;50 mixed light sites; indoor & outdoor
   Limits on Type 3 licenses ...? how many? I feel a raffle could be used for the type 3 licences to determine the limits?
4) Environmental Impact - we use organic only, optimal watering times and we recycle trim & stems as mulch
   Specific security measures: alarm systems, fencing, dogs & security guards
   requirements for cannabis nurseries; ability to sell plants, seeds & clones to
dispensaries & sell plants to cultivators for flower production
   How R&D goes on at the site - it's a constant process/20 hrs.@ per week
   we have a 50:50 seed vs clone propagation for the site

5) Site safe for inspection means to me - no firearms, guard dogs housed and alarms off
   License for cultivation, sales tax records, etc are on the premises

6) We should only allow pickups from the site with licensed dispensaries and/or
   licensed coop brokers and are open to inspection by State inspectors & law
   enforcement officers

7) Violations & Penalties; revocation of license vs fines;
   Time-frame for hearing regarding a violation - i feel it should be 180 days
   Violations;
   Minor - should be for record keeping error, pesticide not licensed
   Moderate - should be the size of canopy
   Serious - should be for firearms, too many licenses
Hello,

It is my opinion that under the Medical Cannabis Regulation and Safety Act licensed transporters ought to be able to transport cannabis between any two license holders. In particular, I believe that it will be important for transporters to be able to move cannabis from the Cultivator to Licensed Testing Labs, Processing Facilities, Manufactures, and Distributors. No just directly to Manufacturers. A transporter must be able to aid the cultivator in quality assurance by moving samples of cannabis to the testing lab.

Thank-you,
"Anyone who can solve the problems of water will be worthy of two Nobel prizes - one for peace and one for science."  John F. Kennedy
I am 50 yr female, registered nurse, I run and grow a cannabis Collective in Butte County with my 21 yr son. Per Butte County we cultivate in a 100 square foot area for roughly 20 medical marijuana patients. I own the 5 acre parcel, zoned agriculture. I also raise chickens for eggs and farm tomatoes. I am on a private well. Goal 1: regulations can not be uniform across the state because growing conditions, climate condition, growing season varies greatly across the state.
I prefer an online application.
We own many firearms that have been past down from generations. We deer hunt. My husband is a medical provider in a high risk area and has a concealed carry permit. I feel a ban on firearms is unconstitutional as we live on the same property that we cultivate on. We do not have firearms in the garden, drying area, or trim area. I feel keeping firearms in a safe is appropriate. All of our guns are kept in a safe especially if law enforcement were to arrive, we are not trying to get shot by police.
We would apply for 2 licenses, we wish to continue to cultivate, but would also like to open up an edibles dispensary off site. 4 acre cap is reasonable.
We need to grow indoor and out door. We have seedlings in a nursery from October to March, then the survivors get planted outside. The heavy rains from November to April require us to cultivate indoors. We have different lighting requirements for each stage of cultivation. We are going solar.
Please do not make the application process cost prohibitive. We would like to grow in a 1000 square foot area and remain a boutique cultivator.
We do not use pesticides. We use diatematus earth, neem oil, rosemary extracts for pest control. If we ever use pesticide on surrounding property it is certified for organic gardening, the same that I use in the vegetable garden. We have all plants on a timer and use optimal watering times like 9 pm 4 Am, or 10 min watering every 6 hours adjusted according to temperature.
We recycle cultivation materials.
We secure our grow site with an opaque fence and locks. All buildings have locks.
We are constantly doing research. I am a Cannabis Nurse. We experiment with seeds, clones. Not all seeds germinate, not all clones survive, not all plants make it to 3 months, not all plants make it to harvest.
Thank you.

Sent from my iPhone
Regulatory Goal #1

Define Terms used in Cannabis cultivation

1. Canopy is the area of square footage of mature cannabis when in flower.
2. Flowering is when the plants have begun to transition from vegetative state to bud, characterized by emerging “hairs”, and trichome production on the leaves. With indoor it would start at the 12 hour light cycle, and for outdoor say approximately September 1st. Light deprivation would also be on the 12 hour light cycle.
3. Immature is any plant still in a vegetative state, lacking any bud or flower development.
4. Premise is the fenced or secure location used to cultivate cannabis. The premise should be larger than the actual licensed grow area. For example a 5000 square foot licensed grow could be within an 8000 square foot fenced or secure premise.
5. Propagate is sexual or asexual plant reproduction; either making seeds with male and female plants, or taking clones or cuttings from a mother plant.

Regulatory Goal #2

Define the Application Process and Requirements for licensing.

1. Online or paper is acceptable to me, although there will be more reluctance among some people with mandatory online filings.
2. A weapons ban will not affect my premise or grow site. But from a constitutional stand point, since licensed cultivation will not be considered criminal, a ban on weapons could create legal challenges. Also I could understand banning weapons at industrial indoor grow sites, but for growers way out in the mountains or remote country it could be more problematic due to potential confrontations with life threatening wild animal populations.
3. I plan initially to submit one application for cultivation at the “microbusiness” or ‘specialty cottage’ Type 1C license level. I will transition to a Type 1 specialty-under 5000 sq ft or Type 2 small-10000 or less license in 2019 or 2020, and may consider a second license at that time depending on many factors.

Regulatory Goal #3

Identify the cultivator license types by light source, size and site size. Clarify allowable license combinations. Outline renewal process and set license fees.

1. A reasonable cap on acreage?, there should be no cap on total acreage. For multi outlet dispensary business the law states 4 acres for a dispensary with three stores maximum. For indoor there should be some sort of cap due to the large carbon footprint. But outdoor grows should be allowed with no cap except on the largest Type 3 license, 1 acre grows. Since I plan to stay small scale, so long as there is no cap on total outdoor cultivation, it will not affect me or my business plan. The strength of the system lies in the rights given to the small scale farmers. Also more small grow licenses mean more license fees to the State.
2. Initially the fees should be low and structured according to volume or size of cultivation site. The smallest grow should pay the least amount and the largest grows the most. Indoor license types should also pay more due to the multiple crop per year. As time goes on, say five years, the fees should incrementally mature with the industry and existing businesses. I will be applying for the 'specialty cottage” license Type 1C the first year and then scale up the next few seasons.
3. I cannot give a fair opinion on the amount of lighting to still be mixed use other than to say less is better. If mixed
lighting is used would it be metered by hours per day used to supplement sunlight or number of lights per sq ft?.

4. Well limits on 1 acre grows should first go to confirmed California residents, residing here for at least the last 5 years. One idea for the cap of total one acre grows could be 2150 licenses in honor of proposition 215, but that is probably too low a number.

Regulatory Goal #4

Specify requirements to mitigate environmental, health and public safety issues.

1. There is no problem with universal compliance agreement. I do not use any pesticides other than an occasional neem oil and soap mixture diluted in water for acute spider mite infestations with young clones. Watering is done through drip irrigation in the late afternoon or early evening. My water comes via a solar powered trickle pump, from a permitted well. The water is stored in tanks, so water waste is avoided. My planting medium is composted, recycled or reused and built up through recognized and established organic soil building practices.

2. Security is a county mandated 6’ tall fence. The proposed grow site/premise has not been constructed yet but will be surrounded with a 6’ tall fence with a locking gate. There is a lockable road gate at the entrance to the parcel, which is at the end of a 2.5 mile long private road for added privacy. There are no signs or indication of a grow visible from the road prior to the locked gate. At the locked road gate only native vegetation is visible. Stealth security or “game” cameras will be used as a deterrent.

3. Not planning to be a nursery so minimal propagation of clones would only occur for the continuation of proprietary strains.

Regulatory Goal #5

Outline Cultivator responsibilities for compliance inspections.

1. To make the site safe for inspection a map would need to be provided to inspectors to find the turn into the parcel. Then the gates would need to be unlocked and that is it. I could tell the neighbors you are coming too. The site will be safe for inspection.

2. Currently I only retain some information about planting dates and harvest time of strains on old calendars. Since I only grow for personal medical use at this time I have no other records in regards to cannabis. Compliance with any mandated record keeping with a license will adapt as needed. I will act as a custodian of records for the license. As far as financial record keeping for other income, I retain all records for a minimum of 7 years.

Regulatory Goal #6

Specify Track and Trace Requirements

1. There is no flow from my cultivation site yet. My scale is too small. But I do have a BOE number in case that changes.

2. In the near future tracking would be valuable at planting time on premise, in the designated cultivation locations, with the following conditions. If planted by seed, tracking would start after sexing of plants has been completed. Clones could be tracked at planting. Then at harvest, after curing, the batch is weighed by strain type and tracked again for distribution. The microbusiness “specialty cottage” designation should have a slightly different solution depending on the evolution of that pending license type.

Regulatory Goal #7

State License violations and appropriate penalties.

1. I believe a fair hearing time is within 30 days or so.

2. Minor violations would be slightly over canopy size, failure to renew license in a timely manner, 1st time track and trace error, out of compliance at the local level.

3. Moderate violations would be 10% or greater over allowed canopy size, failure to renew license, failure to allow timely inspection, Failure to provide records on request, questionable volume per license type, 2nd track and trace error.

4. Serious violations would be stealing water or illegal diversion of water, falsifying records, felony conviction for black market sales while a license holder, 50% or greater over allowed canopy size, Illegal pesticide use, Deliberate track and trace error, refusing access to inspectors.
Immature means not flowering not ready to harvest, canopy vegetative covering, flowering- on its way to maturity not vegetating, mixed lighting low voltage or low voltage solar lights placed between rows 10 feet apart outdoors, premises location location of grow site, propagate start seeds or clones, mixed lighting green house supplement lighting during the winter months. #2 regulatory goal #2 On line Application is good, what does mccp consider a weapon pepper spray, knife, bow and arrow, cross bow, gun. it could be a problem for the safety of employees safety. If we are doing a legal business why would we want to shoot state enforcement staff. vertical integration as many as possible per the law. #3 4 acres is good, indoor should be limited as it would be stressful on are electric grid, we do not need any blackouts, maybe their should be a solar program for indoor. mixed lighting solar powerwd is the way to go greenhouse and outdoor. It won't impact are company were going all solar. cultivators should have manufacturing license when using solvents to extract. Joints, dry sieving and water concentrating should be done by the cultivator. Initially 10a 3 or 4 type 3b,3a,4. We use low voltage 60watt bulbs every 10 feet between rows outdoors and in greenhouse. type 3 should use the lottery system for issuing license. #4 I use organic natural pesticide as little as possible, bate plants, lady bugs. yes i use optimal watering times. we recycle cultivation materials. we currently use drop cams with videos stored on the internet, fencing Security guard. We sell plants to dispensaries, patients and cultivators. Research and Development is very important to us its on are Business Card. we do propagate from seed. #5 We are currently working to have site ready for inspection and safe. we keep all records. #6. Current flow of cultivation fluctuate do to building and expansion, tracking should be done at flowering and or harvest #7 no comment ok one will just do are best to make sure that doe's not Happen.
Hello Amber,

9-18-16

Thank you for taking the time to [discussion] with your team, it was great to meet you all and begin a discussion about MCCP’s work. I greatly appreciate the opportunity to provide feedback and perspective as CDFA works on implementing the MCRSA. I’d also like to reiterate my willingness to provide insight in whatever capacity seems useful to you, regarding the industry as a whole.

I’m using the MCCP pre-regulation workshop survey as an outline, and responding to the regulatory goals (RG’s) detailed in the survey.

RG#1

*Canopy* – The area occupied by cannabis plants, not including aisles or walkways surrounding the plants themselves. For tax and permitting reasons, only the area occupied by cannabis should be considered “canopy”.

*Flowering* – The final stage of the growing process during which the plants’ energy is focused on producing flowers, as opposed to the growth stage when the plants’ energy goes into increasing overall plant size.

*Immature* – Plants that are still in the growth stage or are in the early transition from growing to flowering.

*Mixed light cultivation* – A method that utilizes artificial lighting in the flowering phase (in conjunction with natural light) to actually produce flowers, as opposed to “outdoor cultivation” which may utilize artificial lighting only to extend the plants total daylight (per day) to continue the growth phase and prevent the plants from drifting into the flowering phase too early. The critical differences being the total amount of artificial light required; the amount of artificial lights per square foot required for mixed light cultivation (as defined above) is an order of magnitude greater than the amount required to extend the plants’ daytime period. Compounding the energy consumption of “mixed light cultivation” is the need to operate this 10X number of lights 12 hours per day, as opposed to the 3 to 4 hours per day of artificial light augmentation required for “outdoor cultivation”. It’s the significant difference in energy demand that differentiates these two methods.

*Premises* – “A parcel of land with the buildings thereon,” seems most relevant for the purposes of the MCCP.

*Propagate* – To make new plants from existing plants either by cutting clones (from adult veg-phase females) or combining male pollen with female flowers to make seeds.

RG#2
I have no preference for online vs. paper application as I see pros and cons to each. We never have weapons at our cultivation site and as such this proposed ban would not affect us. I plan to submit 4 license applications.

RG#3
Under the current guidelines 4 acres is a reasonable cap size on a per premise basis for outdoor cultivation. Caps, per license type, should be structured to ensure that the majority of production comes from outdoor or mixed light production since the carbon footprint and overall environmental impact associated with indoor grows is significantly higher than outdoor or mixed light operations.

When a cultivator makes pre-rolled joints, this is not manufacturing, it’s packaging. Manufacturing is any process that concentrates, extracts or distills the flowers or other plant components into a new product. Dry sieving is merely collecting a portion of the plant and is therefore not manufacturing. Ice water extraction (or any extraction, volatile or otherwise) is manufacturing.

I intend to license 4 separate cultivation sites ranging from 10,000 sq./ft. up to 40,000 sq./ft.

The mixed light question is a challenge of semantics and definitions. A cultivator using roughly 1000 watts of lighting per 400 sq./ft. is an outdoor cultivator, and is only extended the daily photoperiod, as opposed to using artificial lighting to actually produce flowers.

Type 3 licenses should be awarded to existing cultivators first, so as to maximize the likelihood of success and ensure that in-state cultivators are prioritized over out of state operators. Additionally, type 3 licenses should be awarded on the basis of location specifications; flat land in an Ag zoning with proper water storage should be awarded the first type 3 permits as this will minimize the environmental impacts of state licensed cultivation operations and simultaneously minimize social concerns associated with this type of activity. Lastly, with an eye to ensuring the economic vitality and brand identity of those counties who have been at the forefront of cultivation innovation for decades and whose economies depend on this revenue, as well as situating larger licensees in rural areas that are more appropriate for cultivation, it is critical that Humboldt, Mendocino, and Trinity counties are awarded a large share of these type 3 licenses. Collectively, the Emerald Triangle produces some 85% of cannabis consumed in California. This means (responsible) cultivators in these counties are better poised to make this successful transition as we’ve already demonstrated a proven track record, and can therefore provide a more dependable source of tax revenue from cultivation.

RG#4
We operate Winterbourne Farms with an overall farm management plan incorporating all of the issues in RG#4. Our cultivation methods minimize water usage and the need for spraying for pest control. We use digital timers to control the application of water and fertilizers to maximize efficiency, minimize water usage, and mitigate any environmental impacts. The wastewater discharge plan we prepared and submitted addresses all of these issues. CDFA can act to minimize environmental impacts by prioritizing cultivation on flat, prime soil, ag zoned land.

For security, we rely on an onsite manager, a four-camera motion activated security system,
locked gates and a perimeter fence. A security guard is not a realistic option for cultivators in rural areas.

We do not sell plants at all. However, we do intensive research and development onsite to continually incorporate new genetics into our operation. This is done using seeds. When we have found something new we like, we make clones to propagate genetically homogenous plants. A successful operation generally propagates from seeds and clones to cover all aspects of cultivation including research and development.

**RG#5**

Our cultivation operation is never unsafe for inspection, and I’m not clear what circumstances would qualify a cultivation operation as “unsafe” for inspection. The safety of our employees and the environment is our highest priority, and as such we operate a safe work-space at all times.

We keep detailed records of all aspects of our cultivation operation, but do not keep those records on site. Rather, we store these records on a computer in town where internet connectivity is more dependable. We are willing and able to share these records with regulatory agencies with a minimum of advance warning so that we can prepare an updated report as requested.

**RG#6**

We cultivate, harvest and dry at our farm location, then move the unprocessed cannabis to town to process the flowers. This reduces our security risks by minimizing the number of employees at the cultivation site. It also greatly reduces the impact on our rural infrastructure (roads) and gives us access to a larger employee base that helps keep processing jobs available to local residents, as opposed to migrant or part-time workers. Tracking cannabis is something we’re already doing through the SICPA program. Put simply, we record harvest totals and then track the products’ movements as we sell flowers and trim to manufacturers, distributors and dispensaries throughout the state.

**RG#7**

Keeping cultivation compliant is critical to the programs’ success, and is something we view as a competitive advantage moving forward. I’m not entirely sure what a “hearing” would entail, but it seems like having two weeks to gather records to address a non-compliance issue is sufficient time from a cultivators’ perspective. A minor violation would be something like a broken security camera or someone spraying chemicals without an appropriate license, a moderate violation would be perhaps an unsafe worksite situation or improperly stored fertilizer, a serious violation would be cultivating in excess of licensed square footage or engaging in diversion to the black market (or inability to prove that one isn’t diverting).

I hope these responses prove useful to the work you are undertaking, and would welcome the opportunity to provide further feedback as necessary.

Sincerely,
From:

Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA

To:

MCCP PEIR, CDFA@CDFA

Subject:

FW: CDFA requests your input on the Medical Cannabis Cultivation Program

Date:

Friday, September 30, 2016 4:02:19 PM

Attachments:

sigimg1

From: 
Sent: Thursday, September 29, 2016 6:48 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: RE: CDFA requests your input on the Medical Cannabis Cultivation Program

Regulatory Goal #5
OUTLINE CULTIVATOR RESPONSIBILITIES FOR COMPLIANCE INSPECTION

• The Program will specify when licensees must make their site available for inspection and require that the cultivation site be safe for inspection. What measures do you currently take to make your site safe for inspection? - Making sure the cultivation site 100% ready for planing and turning on the lights? All electrical has been done by a licensed contractor. All the HVAC has been completed by a licensed contractor. The state should require a "Building Permit" for all the structural and electrical modifications. Licensee should produce a "Floor Plan", showing where emergency exits are located and where all the cameras are located and what areas the cameras cover. The cameras should cover 100% of the cultivation area, including storage and drying rooms.

• The Program will require retention of specific records and that they be made available upon request. What type of records do you currently retain? - Once the state implements a bar code program, each plant should be tagged with the unique identifier tags. On site should be the operating procedures plan of the business, business license, seller's permit and state license. On site should be records of the total plant count. Weight of dry flowers and disposal records. Each cultivation site should keep proper records of all disposed cannabis flowers, plants and dried flowers. The state and law enforcement should also be able to log into the cultivation licensee's track-&-trace program for verification of plant count. The licensee should also have available all contracts with Transporters, Distributors and Retail operations.

Sincerely ,

Comment 172
CDFA needs your input. We are conducting preliminary activities to draft regulations for statewide commercial medical cannabis licensing. There are several areas of the draft regulations that would benefit from industry, public, and government agency input. To help us as we develop regulations, we have put together a number of questions for your valuable input. Please take a moment to review the questions and provide your insights by submitting your written response. Comments can be submitted by email (cdfa.mccp@cdfa.ca.gov) or by mail to:

Department of Food and Agriculture
MCCP
1220 N Street, Suite 400
Sacramento, CA 95814

CDFA will review and consider your comments to help develop the regulations for our Program. Please provide your comments by September 30th to allow the Program ample time to consider them. Comments received after September 30th will be considered as time permits.

If you are interested in learning more about MCCP, please visit our website.

Thank you,
-MCCP team
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA  
To: MCCP_PEIR, CDFA@CDFA  
Subject: FW: CDFA requests your input on the Medical Cannabis Cultivation Program  
Date: Friday, September 30, 2016 4:02:06 PM  
Attachments: sigimg1

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From:  
Sent: Thursday, September 29, 2016 6:34 PM  
To: CDFA Medical Cannabis Cultivation Program@CDFA  
Subject: RE: CDFA requests your input on the Medical Cannabis Cultivation Program

Regulatory Goal #4  
SPECIFY REQUIREMENTS TO MITIGATE ENVIRONMENTAL HEALTH AND PUBLIC SAFETY ISSUES  

• The Program will require licensees to enter into a compliance agreement to reduce environmental impacts. How do you currently address potential environmental impacts at a cultivation site? - Do you conduct targeted pesticide use? Do you use optimal watering times? Do you recycle water and/or cultivation materials?

• The compliance agreement will also require the licensee to have specific security measures in place. How do you currently secure your cultivation site? - Alarm system? - YES. this should be required on all indoor cultivation sites. Fencing? For outdoor cultivation sites, they should use 8-10 foot fencing to prevent easy access from on-lookers. Security guard? - Absolutely. In some areas and cases a 24 hour security guard should be required. Also, consider requiring camera systems with 24 hour recording on a DVR. All recordings should be kept in the DVR for 60 days. Sheriff, law enforcement and the CDFA should have easy access to the camera system at anytime, without a warrant.

• The Program will also have specific requirements for cannabis nurseries. Do you sell plants to a dispensary for sale to patients? - Yes. Or do you sell plants to cultivators for flower production? - We do that as well. How much research and development goes on at a nursery site? - Proper planned nursery can be put together in a matter of weeks, depending on the size and of the cultivation site. Do you regularly propagate from seed? - YES. Depending on the size of the operation, we might have to start from seeds every 3 cycles.

Sincerely ,
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Thank you,
-MCCP team
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
To: MCCP_PEIR, CDFA@CDFA
Subject: FW: CDFA requests your input on the Medical Cannabis Cultivation Program
Date: Friday, September 30, 2016 4:01:28 PM
Attachments: sigimg1

From:Sent: Thursday, September 29, 2016 4:31 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: RE: CDFA requests your input on the Medical Cannabis Cultivation Program

Regulatory Goal #3
IDENTIFY THE CULTIVATOR LICENSE TYPES BY LIGHT SOURCE AND SITE SIZE; CLARIFY ALLOWABLE LICENSE COMBINATIONS; OUTLINE RENEWAL PROCESS AND SET LICENSING FEES

Licensees are prohibited from obtaining licenses from more than two license categories. For example, a licensed manufacturer of cannabis products may also hold a cultivator license, but would not be allowed to then obtain a dispensary license. Additionally, the Program is considering issuing the same applicant several cultivator licenses as long as the total canopy does not exceed four acres. What is the acreage you feel is reasonable for the cap? - To prevent from "Big Cannabis" companies from taking over and monopolizing this industry the state should consider carefully about issuing more then 4 acres.

When does a cultivator also need a manufacturing license? - Cultivator would need a manufacturing license if they want to do the extraction themselves. For example; when, the cultivator is extracting for oils, tinctures or making edibles or preparing pre-rolled cigarettes. This would actually work in reverse. The manufacturing license holders would need to hold their own cultivator license to save money or the products they need to make their products.

Are joints, dry sieving, and water concentrating a form of manufacturing or within the scope of cultivation? - These would fall under manufacturing, NOT cultivation.

- The Program is required to fully cover its operational costs through licensing and application fees. The Program anticipates analyzing and updating the licensing fees frequently as the industry changes over the next several years. What size cultivation site(s) do you anticipate applying for initially? - We see clients that want to apply anywhere from 1,000 square foot indoor to 2 acres. How many separately licensed cultivation sites would you like to apply for? - We at 420 College anticipate at least 25 cultivation cites.

- The Program is responsible for establishing the amount of artificial light units considered reasonable for a mixed light/light deprivation cultivation sites. What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site? - We've met with clients that are looking to install up to 2,000 light projects.

- The Program is required to limit the number of Type 3 (largest license type) licenses issued. What method do you consider fair for establishing these limits? - Be very careful to not push people back in to the black market. "Mom-n-Pop" businesses are the backbone of our economy. The state should not allow 1 business, entity, person, corporation, LLC, etc; including their board members, to hold more then 1 Type 3 license. The state should work with the State Waterboard in establishing these limits. The State Waterboards should be able to clarify the areas where there isn't enough water or resources to accommodate a number of farming sites. That will determine the method of how many Type 3's the State will issue.
CDFA requests your input on the Medical Cannabis Cultivation Program

CDFA needs your input. We are conducting preliminary activities to draft regulations for statewide commercial medical cannabis licensing. There are several areas of the draft regulations that would benefit from industry, public, and government agency input. To help us as we develop regulations, we have put together a number of questions for your valuable input. Please take a moment to review the questions and provide your insights by submitting your written response. Comments can be submitted by email (cdfa.mccp@cdfa.ca.gov) or by mail to:
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Thank you,

-MCCP team
Regulatory Goal #2
DEFINE THE APPLICATION PROCESS AND REQUIREMENTS FOR LICENSING

The Program is considering using an online application process, as well as a traditional paper method. Which application method would you prefer? - For fast processing it would be better to do it online. They have a few different online applications for that. The Washington State Marijuana Control Board were using DocuSign web application.

- The Program is considering a weapons and firearm ban at cultivation sites to protect State enforcement staff. How will that affect you? - The only people allowed to carry firearms, should be licensed security guards.

- The Program is planning to charge a non-refundable application processing fee to cover resources required to review the application components. In order to determine the application fee, the Program will need good estimates on how many cultivation applications are expected. How many applications do you anticipate submitting? The state will not have a shortage of applicants. In my figures, you should expect to handle 6,000-7000 applications. The state of Washington had 2,000 applications the 1st week and Oregon had 3,000 their 1st week. Anticipate many. Keep in mind that many jurisdictions will be charging their own fees. In some cases their fees will be as high as $200,000. To prevent the black market from taking over this industry, the state should consider a low fee for application. Washington was charging $300 and Oregon $400. Once the state creates the application, you should also consider a "checklist" of items needed before submitting the application. This will make sure the applications submitted are complete. Also, consider requiring the applicants go through consultants or for application preparation. Again, this will help in having complete applications, which should help with the processing times and help move things smoothly.

Sincerely,
Subject: CDFA requests your input on the Medical Cannabis Cultivation Program
From: cdfa.mccp@cdfa.ca.gov
Date: Wed, September 07, 2016 12:33 pm
To: CDFA needs your input. We are conducting preliminary activities to draft regulations for statewide commercial medical cannabis licensing. There are several areas of the draft regulations that would benefit from industry, public, and government agency input. To help us as we develop regulations, we have put together a number of questions for your valuable input. Please take a moment to review the questions and provide your insights by submitting your written response. Comments can be submitted by email (cdfa.mccp@cdfa.ca.gov) or by mail to:
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If you are interested in learning more about MCCP, please visit our website.
Thank you,
-MCCP team
Hello,

To whom this may concern:

Regulatory Goal #1 - DEFINE TERMS USED IN CANNABIS CULTIVATION

canopy: The overall area of the plants if you're looking from above. Wherever the plant's branches and leaves extend to.
flowering: when the plants are starting to show flower, usually happens right after the vegetative stage.
immature: This should be the stage right before they start showing flowers. The size of the plants should not matter.
mixed light cultivation: Some farmers like to start outdoor and move the plants indoor when it's time for flowering. Some farmers leave the plants outdoor during the day and move indoor after dark. Any farmer that is using these techniques, should be considered mixed lighting.
promises: Should be the area where cultivation is.

Sincerely,

STATEMENT OF CONFIDENTIALITY: This communication may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient. Unauthorized interception, review, use, or disclosure in any manner is prohibited and may violate applicable laws including the Electronics Communications Privacy Act. If the reader of this
message is not the intended recipient, please contact the sender immediately and delete all copies. Thank you.

EMAIL COMMUNICATIONS: Our office strives to respond to all email communications within 24 hours. However, it is possible that your email was diverted to a spam folder or other filtering service. If you do not receive a follow up communication within 24 hours, please call the office.

-------- Original Message --------
Subject: C DFA requests your input on the Medical Cannabis Cultivation Program
From: cdfa.mccp@cdfa.ca.gov
Date: Wed, September 07, 2016 12:33 pm
To: [mailto]

CDFA needs your input. We are conducting preliminary activities to draft regulations for statewide commercial medical cannabis licensing. There are several areas of the draft regulations that would benefit from industry, public, and government agency input. To help us as we develop regulations, we have put together a number of questions for your valuable input. Please take a moment to review the questions and provide your insights by submitting your written response. Comments can be submitted by email (cdfa.mccp@cdfa.ca.gov) or by mail to:
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Thank you,
-MCCP team
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
To: MCCP_PEIR_CDFA@CDFA
Subject: FW: CDFA requests your input on the Medical Cannabis Cultivation Program
Date: Friday, September 30, 2016 4:01:08 PM

From: Tuesday, September 29, 2016 3:35 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: RE: CDFA requests your input on the Medical Cannabis Cultivation Program

Regulatory Goal #2
DEFINE THE APPLICATION PROCESS AND REQUIREMENTS FOR LICENSING

The Program is considering using an online application process, as well as a traditional paper method. Which application method would you prefer? - For fast processing it would be better to do it online. They have a few different online applications for that. The Washington State Marijuana Control Board were using DocuSign web application.

- The Program is considering a weapons and firearm ban at cultivation sites to protect State enforcement staff. How will that affect you? - Firearms would be ok

- The Program is planning to charge a non-refundable application processing fee to cover resources required to review the application components. In order to determine the application fee, the Program will need good estimates on how many cultivation applications are expected. How many applications do you anticipate submitting?

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Subject: CDFA requests your input on the Medical Cannabis Cultivation Program
From: cdfa.mccp@cdfa.ca.gov
Date: Wed, September 07, 2016 12:33 pm
To: CDFA needs your input.

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-MCCP team
Regulatory Goal #7
STATE LICENSE VIOLATIONS AND APPROPRIATE PENALTIES

The Program will inspect licensed cultivation sites to ensure compliance with license requirements. If an inspection reveals non-compliance or a local authority informs the Program of a non-compliance issue, the Program will proceed with an investigation. If the investigation determines that a violation occurred, the Program can revoke a license and/or may assess fines. What would a reasonable time-frame for conducting a hearing regarding a violation? The Program will also be defining minor, moderate and serious violations and corresponding penalties. What type of license violation would you consider minor? Moderate? Serious? - All licensees should be given the opportunity to correct any violations before any penalties. When identifying violations, the state should take into consideration its severity. Then the state should give a notice of correction and depending on the severity of the violation, a certain amount of time to correct it.

If it is a severe violation, then the state can fine and issue a notice of correction and require 24 hours time to correct. Fines for 1st time minor violations should not exceed $500 and no less the $100. If it is a minor violation, then a 30 day notice of correction should be issued, and a penalty of $100. If the licensee has not corrected the violation within the state's given time frame, then the state should have the option to suspend the license and/or fine $1,000.

The state should allow the licensee to appeal the suspension within 30 days of paying the fine. If a licensee has 2 violations in 18 months, the state should suspend a license and/or fine $1,000, without allowing an appeal.

All fines should not exceed $10,000. The state should revoke a license and fine $10,000, including 5 years in state prison, if found that the licensee has diverted cannabis to an illicit market and/or out of state trafficking.

Sincerely,
-------- Original Message --------
Subject: CDFA requests your input on the Medical Cannabis Cultivation Program
From: cdfa.mccp@cdfa.ca.gov
Date: Wed, September 07, 2016 12:33 pm
To: [Redacted]

CDFA needs your input. We are conducting preliminary activities to draft regulations for statewide commercial medical cannabis licensing. There are several areas of the draft regulations that would benefit from industry, public, and government agency input. To help us as we develop regulations, we have put together a number of questions for your valuable input. Please take a moment to review the questions and provide your insights by submitting your written response. Comments can be submitted by email (cdfa.mccp@cdfa.ca.gov) or by mail to:
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Thank you,
-MCCP team
Goal 1#
Canopy- Is the area covered by plant growth
Flowering- Plants that are showing signs of developing flowers
Immature- Plants that have not reach the age to be flowered
Mixed light cultivation- A mixture of artificial and natural light
Premises- house, building or land in which a business is being operated on
Propagate- The creation of a new plant from and existing plant through the process of “cloning”

Goal 2#
I encourage the use of online application process to ensure ease of accessibility throughout the state. Firearms should only be authorized to licensed and certified security staff on the premises.

Goal 3#
Four acres is more than enough for any cultivator. Lighting should not be based on acreage it should be left in the growers best judgement. A cultivator should require a manufacturing licenses as well because cultivation should only allow for the actual production of the plant and manufacturing should cover the processing of (packaging, weighing, labeling). Joints, dry sieving, and water concentrating fall under the scope of cultivation.

Goal 4#
We currently run a drip system to drastically reduce the amount of water used during cultivation. We also do not use any pesticides are fungicides that do not meet the states environmental standards. We have also started sampling our own drainage with third party labs to keep track of the TDS, PH, and other elements to stay with in the cities guidelines for waste water. When we treat our crops they are treated before they are planted by submerging the plant in a diluted solution to reduce the risk of inspects/funguses. Our secure measures are a mixture of steel double bolted doors, cameras, and a night time security guard to oversee the facility.

Goal 5#
We take safety very serious we comply with all OSHA standards and have hired third party contractors to inspect our facility to ensure we meet all the guidelines. We have kept records of a number of different items, but we are unsure which specific records must be kept on file. We would also hope records could be kept in a digital platform to reduce the need for paper
Goal 6#

Tracking the product from cloning to veg to flower to harvest is something we have discussed, but we are waiting for guidelines to be presented to redesign our facility around.

Goal 7#

A reasonable time frame to hold a hearing would be 30 days. The severity of the violations would vary based on the situation and the individual inspecting. I could be over canopy limit by 1 foot and that could be a minor or someone could be missing proper documentation which would moderate or someone could be dumping chemicals into the sewer which would be server. It just depends on the inspector and situation.

On Sep 7, 2016, at 12:33 PM, cdfa.mccp@cdfa.ca.gov wrote:

CDFA needs your input. We are conducting preliminary activities to draft regulations for statewide commercial medical cannabis licensing. There are several areas of the draft regulations that would benefit from industry, public, and government agency input. To help us as we develop regulations, we have put together a number of questions for your valuable input. Please take a moment to review the questions and provide your insights by submitting your written response. Comments can be submitted by email (cdfa.mccp@cdfa.ca.gov) or by mail to:

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Thank you,

-MCCP team
Good evening,

I very much enjoyed attending your pre-regulatory workshop last week in Oakland and wanted to provide our feedback to your questions. If there is anything we can help you with, please don't hesitate to reach out.

Amber did a fantastic job of fielding a MILLION questions (maybe a million and one) with a very level head and great attitude.

**CDFA/MCCP Pre-Regulatory Workshop Survey**

**Regulatory Goal #1: Define Terms Used in Cannabis Cultivation**

The program needs to define the following terms not identified by MRCSA:

- **Canopy**: The surface area of the top layer of flowering growth of contiguous cannabis plants (canopy does not include non-flowering plants)

- **Flowering**: The plant lifecycle stage where the cannabis plant develops a flower or bud

- **Immature**: Cannabis plants in either seedling, clone or a vegetative state measuring less than 8" in height

- **Mixed light cultivation**: Cultivation practices that use a combination of natural sunlight and supplemental artificial lighting

- **Premises**: A building and/or land, together with its outbuildings, occupied by a business or considered in an official context

- **Propagate**: The process of breeding new plants from it's parent stock, including: seeds, cuttings, clones, grafting, tissue culture, etc.

**Regulatory Goal #2: Define the Application Process and Requirements for Licensing**
The Program is considering using an online application process, as well as a traditional paper method. Which application method would you prefer?

- Online application would be preferable to a traditional paper method.
- Benefits:
  - Can store and catalogue in small amount of space
  - Easy and/or rapid retrieval of information and verification of information
  - Don’t have to hand deliver or mail it
  - Environmentally friendly/consciousness
  - Real time feedback
  - Provides a system to receive updates on progress of application
  - Managing workload for the state
  - Reduced workforce requirements
  - Workload planning for applicants
  - Standardizes the process (levels the playing field for all applicants and makes it easier for the State to process)
  - Version control
  - Provides the ability to pause and resume progress without losing work
  - Makes it easier to compare applications
  - Makes the process more objective
  - Could leverage automation to do part of the evaluation process to reduce effort on state staff

The Program is considering a weapons and firearm ban at cultivation sites to protect State enforcement staff. How will that affect you?

- This provision WILL put the public and operators at risk
- How will this proposition protect State Enforcement staff? What constitutes State Enforcement Staff? By State Enforcement Staff, are these individuals who will be on premise only occasionally? If firearms are allowed, maybe a possible limitation to only outsourced licensed security personnel
Having licensed, armed security could also be seen as a way to protect State Enforcement staff through deterrent effects.

As cannabis is still considered as Schedule 1, and until we have safe and efficient access to banking, there is danger involved, sometimes in very extreme fashion: http://www.reuters.com/article/us-usa-mutilation-california-idUSBRE9A802Q20131109

The Program is planning to charge a non-refundable application processing fee to cover resources required to review the application components. In order to determine the application fee, the Program will need good estimates on how many cultivation applications are expected. How many applications do you anticipate submitting?

As consultants in the space we, ourselves, will not be submitting any applications. We do anticipate supporting clients through this process though. For our own internal resource management we have heard to expect somewhere in the 10,000-14,000 cultivation license applications.

Regulatory Goal #3: Identify the Cultivator License Types by Light Source and Site Size; Clarify Allowable License Combinations; Outline Renewal Process and Set Licensing Fees

Licensees are prohibited from obtaining licenses from more than two license categories. For example, a licensed manufacturer of cannabis products may also hold a cultivator license, but would not be allowed to then obtain a dispensary license. Additionally, the Program is considering issuing the same applicant several cultivator licenses as long as the total canopy does not exceed four acres.

What is the acreage you feel is reasonable for the cap?

We would recommend not setting arbitrary caps for cultivation license sizes. The model needs to be more flexible. There should be some type of cap at some level. Licensees should be able to prove that they can sell 80% of what they cultivate by legal means then they can bump up to the next license level. Licensees would have to prove that the market is able to handle their product. It controls the market through an organic means and limits the level of production without bureaucratic involvement. If you can demonstrate you’ve sold 80% of what you’ve sold in a quarter, without too much in storage, you should be able to move up to the next level. This also allows the licenses to adjust downwards as well if you can’t prove you are legally selling what you are growing.

How about for indoor and mixed light? How will this impact your business model?

Same as above

When does a cultivator also need a manufacturing license?

Any time a manufacturing process includes automated methods, mechanical
methods solvents, heat

Are joints, dry sieving, and water concentrating a form of manufacturing or within the scope of cultivation?

- We believe these methods should fall within the scope of cultivation. Extracts which don’t involve machinery, (manual), use no harmful solvents, and no dangerous processes, should be considered under cultivation

The Program is required to fully cover its operational costs through licensing and application fees. The Program anticipates analyzing and updating the licensing fees frequently as the industry changes over the next several years. What size cultivation site(s) do you anticipate applying for initially? How many separately licensed cultivation sites would you like to apply for?

- As an organization, we will not be applying for any licenses but support clients who are mostly looking to cultivate on a large scale

The Program is responsible for establishing the amount of artificial light units considered reasonable for a mixed light/light deprivation cultivation sites. What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site?

- If any source of lighting for an indoor facility is direct sunlight or if you have a greenhouse facility and use any supplemental artificial light, we would consider this mixed use cultivation

The Program is required to limit the number of Type 3 (largest license type) licenses issued. What method do you consider fair for establishing these limits?

- You should start all licensees at the same level – whoever proves themselves to have the ability to legally sell what they produce at the level they are operating at can then get the bigger license. The State isn’t tasked with arbitrarily picking winners; winners self select by proving themselves capable.

- We would recommend not setting arbitrary caps for cultivation license sizes. The model needs to be more flexible. There should be some type of cap at some level. Licensees should be able to prove that they can sell 80% of what they cultivate by legal means and then they can bump up to the next license level. Licensees would have to prove that the market is able to handle their product. It controls the market through an organic means and limits the level of production without bureaucratic involvement. If you can demonstrate you’ve sold 80% of what you’ve sold in a
quarter, without too much in storage, you should be able to move up to the next level. This also allows the licenses to adjust downwards as well if you can’t prove you are legally selling what you are growing.

**Regulatory Goal #4: Specify Requirements to Mitigate Environmental Health and Public Safety Issues**

The Program will require licensees to enter into a compliance agreement to reduce environmental impacts.

How do you currently address potential environmental impacts at a cultivation site?

- This is an area we could improve upon as an organization

Do you conduct targeted pesticide use?

- In Colorado, we only use approved herbicides or fungicides which are on our State approved list

Do you use optimal watering times?

- No - we are an indoor cultivation facility

Do you recycle water and/or cultivation materials?

- Not currently

The compliance agreement will also require the licensee to have specific security measures in place. How do you currently secure your cultivation site? Alarm system? Fencing? Security guard?

- Full alarm system
- 24 hour video surveillance
- Keypad/biometric entry verification systems

The Program will also have specific requirements for cannabis nurseries. Do you sell plants to a dispensary for sale to patients? Or do you sell plants to cultivators for flower production? How much research and development goes on at a nursery site? Do you regularly propagate from seed?

- Per Colorado law we may sell clones to residents (6 per person)
- We sell all of our plant material, including clones, to our dispensary
- Very rarely do we propagate from seed

**Regulatory Goal #5: Outline Cultivator Responsibilities for Compliance Inspection**
The Program will specify when licensees must make their site available for inspection and require that the cultivation site be safe for inspection. What measures do you currently take to make your site safe for inspection?

- Ensure there has been no recent application of pesticides
- Inspectors go through a sterilization prior to entry into the facility
- Make sure all OSHA protocols are followed

The Program will require retention of specific records and that they be made available upon request. What type of records do you currently retain?

- Compliance binder - Up to date licenses, permits for property, all records files appropriately to show MED officer, visitor logs, employee files up to date on training and certifications

**Regulatory Goal #6: Specify Track andTrace Requirements**

Licensees will be required to provide the Program with information about the movement of cannabis. This information will be used to protect the public if there is a safety or health concern, to ensure legally grown product does not get diverted, to ensure illegal product does not end up in the regulated marketplace, and to prioritize inspections by Program inspectors and law enforcement. What is the current flow of cultivation at your site? At what points in the cultivation process do you think movement tracking would be valuable (planting, moving from veg area to flowering area, harvest, etc.)? The Program anticipates this will be different for indoor vs outdoor cultivation.

Please make sure that the Track and Trace system has a POS interface or an API for it!!! In COlorado, the state system is METRC (Franwell) and we have to double enter EVERYTHING back into BioTrack. This creates duplicity in workloads and one more point for human error to occur. They have been very slow to role out a solution though we do hear one is in the works. **Please make this a requirement of your track and track provider!!**

- **Indoor Cultivation:**
  
  - Current flow: plants move from mother plant, to clone, to veg, to flower, to harvest, to trim, to dry, to cure, to inventory. Cannabis movement is tracked at every phase of this cycle
  
  - 2 wets weights and 1 dry weight are taken from each plant at harvest
  
  - Tracking begins when we have a viable root ball on a clone, typically after two weeks

**Regulatory Goal #7: State License Violations and Appropriate Penalties**

The Program will inspect licensed cultivation sites to ensure compliance with license
requirements. If an inspection reveals non-compliance or a local authority informs the Program of a non-compliance issue, the Program will proceed with an investigation. If the investigation determines that a violation occurred, the Program can revoke a license and/or may assess fines. What would a reasonable time-frame for conducting a hearing regarding a violation? The Program will also be defining minor, moderate and serious violations and corresponding penalties. What type of license violation would you consider minor? Moderate? Serious?

- Overall, you would want a hearing as quickly as possible because generally the accused is unable to operate and just waiting in limbo for their fate to be decided. If the accused happened to be you, you wouldn't want the bills to keep coming in while you're waiting to get back to business.

- As for violations and their severity, refer to Colorado’s rules for a general idea. The R1300 Series (pgs 182-196) for rec, and the M1300 Series (pgs 152-164) for medical, deal with disciplinary actions, but just skimming through the rules will give you an idea of what the State takes to be more important and less important.

- Depending on how well the severity of infractions are outlined, we would suggest that the business can operate on a temporary basis until the hearing is complete and the penalties are assessed.

- In an infraction occurs (ie: underage sale) operators have the ability to pay a penalty equivalent to (two) days of sales and be issued a (5 - 7) day suspension (State, City) of their license which would then be held in abeyance for one year if they did not have any further infractions. Operators should have the ability to pay a fine instead of taking the suspension while it was held in abeyance.

- MED Rules (click on Current Amalgamated Rules):
  https://www.colorado.gov/pacific/enforcement/laws-constitution-statutes-and-regulations-marijuana-enforcement

Best,

[Signature]

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Regulatory Goal #1 - the most important defined term used has to do with real property descriptions and real estate terms (not growing or plant descriptions) like premises, noncontiguous plots (?), and a few you didn't mention - legal parcels, Zoning AG/Comm/residential, and APN's. In Mendocino county the plant limit is determined per APN on a AG zoned legal parcel. How will that be handled in the future? When you refer to one acre Type 3 cultivator is that one acre per APN? If a landowner has a legal parcel with two APN's then could he cultivate two one acre "plots" (is that what you mean when you refer to "plots"?) Is that a "noncontiguous plot" violation if they are not separate plots? This needs to be clarified.

Regulatory Goal #2 - on line and paper both, guns not needed or wanted unless outsourced security. On the question of how many applications I plan to submit, I cannot answer because I do not understand 1) Who is the applicant? Is it the business entity that records revenue, costs, profits or an individual? 2) What if the business is owned my multiple individuals? 3) If the proposed cultivation site is licensed by a business or person (?) can the same site be licensed for extraction (manufacturing license) by the same entity? 4) How would a cultivator licensee obtain a license for up to 4 acres?

Regulatory Goal #3 - 1) under what definition of the real estate could a cultivator get a license for up to 4 acres - 4 acres per premises, plot, canopy, cultivation site? How many plots or premises of what size would a licensee have to occupy to produce as a type 3 cultivator of 4 acres? 4 acres is not that large if the cultivation site is zoned AG 40 acre minimum! 2) a cultivator needs a manufacturer license to extract cannabis. It is vital to the efficiency and operations of a grower to capture the additional revenue that would have otherwise gone onto the compost pile! 3) I am applying for 2 cultivation sites and a manufacturing license at one of the two cultivation sites. 4) You can't limit one license type and make the other license types (for cultivation) unlimited. It's unfair if you are qualified for type 3 but someone who isn't qualified to cultivate type 3 gets an exception to cultivate without the risk of competition - why? Cultivation is cultivation. Size matters. In this case bigger is better for both the regulators and operators. Not to deny people to legally grow cannabis. But the total CA crop production is going to be tightly regulated as to the total acreage/plants. And this practice will cause applicants who don't want to conform to stricter standards try to increase plant count illegally. It's easy to calculate. It's how you slice up the pie proportionally by plant count/acreage and not licencees.

Regulatory Goal #4 - Maintain best cultivation practices per the county ag regulations and water regulations, follow organic cultivation practices because you will want to anyway to compete in the market, approve only the sites where cannabis is one of the highest and best uses of that real property AG land. 2) cultivators should also get nursery licenses and perform
both functions on the same site.

Regulatory Goal #5 - no cultivator is going to be currently maintaining records or product tracking AT THE NEWLY REQUIRED LEVELS since the requirements are in the future.

Regulatory Goal #6 - the MCCP needs to set the protocols for Track & Trace so management systems (software etc) can be developed in the short time frame of Jan 2018 license applications that cultivators can implement and work out the bugs. Harvest to distribution is the heart of the tracking function in terms of value to both the grower and regulators. Permits/inspections cover plant count.

Regulatory Goal #7 - plant count is the most serious violation followed by cultivation site fraud.

Respectfully submitted
In response to your e-mail request, here are some comments related to the series of questions posed in your e-mail:

1. Regardless of whether applications are accepted on-line or on paper, it is important that the State set it up so that the application is reviewed by the local authority to ensure it is consistent with the local application/permit.
2. A weapons ban would be fully supported.
3. The definition of “manufacturing” is very important but you should not in any way over-rise local zoning ordinance definitions (which vary across jurisdictions).
4. A definition of nursery specific to cannabis would be very helpful to local agencies.
5. The state’s track & trace program is an essential element of local permitting as well as the state’s, and the development of that program should be a high priority.
6. When looking at admin policies related to hearings, please be sure to include requirements for notification to local agencies. With respect to noted violations, there is no need to provide longer than 30 days for compliance except in extraordinary circumstances.

Thank you for the opportunity to comment.
Goal #1:

Canopy - The measure of plant area taken from one end to the next (Length x width = area). A canopy is not judged by number of plants. Rather, the space it occupies from one end to the next.

Flowering - The plant needs to fully be displaying the beginnings of the flower/bud. This is more than just when the plant has shown its sex. Also, beyond just showing hairs. From a time perspective, it is safe to say that a plant is more than immature and flowering at about two weeks into 12hrs of light (indoor). Outdoor varies on timing but a good indicator would be when seeing a substantial forming of bud.

Immature - This is a fully rooted clone/seed. It is immature up until the timeline and visual observation I noted in "flowering".

Mixed Light cultivation - supplemental lighting used to make up for the lack of natural sunlight. I see this generally as light deprivation cultivation. *** Outdoor cultivators will need supplemental light to vegetate before putting outside. Mixed lighting should not be defined for outdoor cultivation.

Propagation - The cycle of a plant. This is either from seed or from clone. I see propagation and standardization in knowing specific plant names and/or origins. Always good to know what and where plant is from so you know what you are getting.

Premises - Location of operation.

Goal #2:

Online application is probably preferred. It is more efficient and quicker to notify. Also, you can guarantee the applicant that the application has been confirmed received.

Weapons ban - Really tough to define. There is a right to bear arms for protection/security. A security guard can do nothing with an armed perpetrator. I can see instances where it may be advantageous for protection. Maybe we will get to the point that product can be insured and if State requires ban on weapon, people can pay for the insurance upon loss (just a forward thought). In cultivation, I do think that the premise must fit criteria to limit issues of protection/security. Further away from schools, having agricultural property and zoning, and not among residential neighborhoods.

Depending on cost, I would submit 2 applications (large outdoor cultivation and (large indoor cultivation).

Goal #3:

Capping at 4 acres ensures that larger scale operations will not impact the intent of the bill. 5 years for smaller operations to gain a foothold in the industry. I also think that it allows real players who know what they are doing to supply more quality medicine/product for the public. Dry sieving is within the scope of cultivation as it is still the natural byproduct of the plant. Rolling a joint for consumption to public feels like manufacturing to me. So does water concentrating.
I would apply for as many as allowed. To take full advantage of the infrastructure and systems in place, it makes most sense for cost and labor to maximize what is allowable. A little confused on the allowing multiple licenses to cultivator for one location as long as 4 acres or less. I think this opens up sub-leasing and/or splitting up to multiple cultivators. I think hard for an operator to adhere to policies and regulations that meet state standards with multiple operators at one location.

Whether it is mixed light or not, a plant is really optimized with artificial lighting at one 1000 watt light per 10 sq ft area. Whatever the size is allowable, multiply by this factor.

Large scale type 3 is what I would apply for. - it is necessary for site visits to see what infrastructure is in place. Many people will shoot for the moon and come out with an inferior product. The goal is to provide the best. I have had a visit from CDFA for a previous dairy goat operation. I already know standards and that my property meets Water Quality control standards. We are also zoned Agricultural. Experience is crucial. It is hard to say who has experience for fear of getting into trouble even if you are a legal collective. Also, experience and a network of legal avenues who currently have accounts. This should also be a factor. Anyone can obtain a BOE license. Not anyone has the business and cultivation prowess to make this industry great. I also think by being too tight and stringent on a "#" for licenses could also create more gorilla growing. Beyond that which is currently taking place.

**Goal #4:**

We all know that cannabis is California's #1 cash crop. In actuality, water is our gold and a premium. We have a watering system in place which delivers the right amount of water without waste. We have a lot of land to work with. We are nowhere near an area where water runoff would harm natural resources of any sort. Pesticides used are on an as needed basis within allowable amount. Well under what is allowed by Food and Ag. The ultimate goal is to be completely organic. We use sunshine and soil. We amend our soil and recycle anywhere feasible.

**Goal #5:**

Ease of access is the number one safety measure. We have a clean site and always well maintained. Any inspector would be happy to see the setup.

We keep a calendar record throughout the season. Either timelines and dates that duties need to be performed. And, timelines and dates of when specific duties were performed. We would welcome a system adopted by the state for end-users to know where their product came from.

**Goal #6:**

Regarding track and trace requirements, I am coming from the perspective of outdoor cultivation. I believe it would be best to track within 2 weeks of being planted in permanent medium (ie) no more transplant to larger pot or whatever. Ensures that the plant is strong enough to be handled more than usual. Also, you can track throughout the entire cycle and delivery.

**Goal #7:**

We need to think along the lines of a plant cycle. This will now be a "business" for cultivators to provide medicine to patients in need. Hearings need to not string along a cultivator in a prohibitive way that delays medicine or creates a financial hardship on a cultivator. However, if the violation is MAJOR, chemicals/gasoline/oil leaching or leaking into bodies of water is NOT acceptable. MAJOR grading of land that alters habitats and creates issues for any surface water is NOT acceptable. The use of an illegal/banned pesticide should be a MAJOR infraction.

Bottom line, this is all good conversation. California tends to get things right when we all work together.
Cultivators are feeling a huge weight off our chest by being able to provide natural medicine. To be able to have acceptable guidelines to operate with, it truly will create opportunities for the people and state of California.....jobs, revenue, infrastructure, technology, and back to the true roots of AGRICULTURE.
Regulatory Goal #1

The Plant Canopy is the 3-dimensional space taken up by a growing plant, not a two dimensional space, that would be the ‘area’ that a plant covers. The canopy is cylindrical in nature and calculated as pi X R squared X height. The leaf area of a plant or square footage is different in that it only accounts for a single layer of growth. Plants grow in three dimensions and based on horticultural techniques, dry weights can vary significantly. Grow space is a better calculation of potential yield and one that should be used to determine canopy size for INDOOR and mixed light cultivation. Because outdoor plants have the ability to grow unrestricted in height, they should be regulated by number, not canopy or leaf area.

Flowering is the final growing ‘state’ of the plant when inflorescence or blooms are present whether or not fertilization has occurred.

Immature is a term used for the vegetative ‘state’ of growth, before inflorescence or flowers are present.

mixed light cultivation refers to the use of artificial light used to extend length of light cycle and/or the use of shading to decrease the light cycle during propagation, and is used to either delay or initiate flowering.

premises is the ‘site area’ where plants are grown. Indoors, this would be the building or structure in which the grow area is located. Outdoors, this would be the ‘property’ on which plants are grown.

Propagation is the process of growing Cannabis under the MCCP program.

Regulatory Goal #2

I would prefer to use the online process as it precludes the issues involved with the US mail and provides for a date of receipt and ‘order’ in which received. This process should allow for status verification and notification of a completion status, approved status and an ordering by ‘approved’ number for the state. There should also be a notification to county and city or local entities as to the approved licenses and the order of their approval.
I would think that uniformed officers (regardless of agencies) inspecting sights would not be targeted or otherwise engaged by growers. Due to the rural nature of MMJ grow property, the value of the crop, required zoning regulations, site size requirements and slower than normal response time from Law enforcement would nictitate the possession of firearms to prevent possible loss of property or life. Any firearms kept at a 'grow site' would only be kept as allowed under state law, county and city ordinances and required to be registered with law enforcement. The liquor, tobacco, Pawn industries and other “at risk” industries and other agricultural pursuits are NOT so regulated or required.

I agree, an appropriate document review fee should be assessed for EACH application. All other state agencies fees, site inspections and permits / approvals involved and any additional county or municipality requirements, permits, zoning or fees would have to be completed (and a use permit acquired) and submitted along with the application. The fee should be non-refundable and only used for the review of completeness of the submitted application with incomplete applications rejected and requiring re-submission and requiring a new fee. Once the application document review is completed and the application is approved, the applicant then would pay the State licensing fee and be granted a State license.

I will be requesting the following permits to be used at a single site: a single #4 ‘Nursery’ permit and a 1C ‘cottage’ permit
OR
Both a single 1A and 1B permit and a #4 ‘Nursery’ permit.

**Regulatory Goal #3**

Additionally, the same applicant could have several cultivator licenses as long as the total grow area is less than 1 acre total for indoor, mixed light and outdoor grows. This would allow for my business model and best practices.

A cultivator should not be allowed a manufacturing license. Dry sieving, and water concentrating are a form of manufacturing and made from secondary residue from growing and should be sold to manufacturing entities.

I will be requesting the following permits to be used at a single site: a single #4 ‘Nursery’ permit and a 1C ‘cottage’ permit
OR
Both a single 1A and 1B permit and a #4 ‘Nursery’ permit.

Program is responsible for establishing the amount of artificial light units considered reasonable for a mixed light/light deprivation cultivation sites? This should be up to the grower as it will vary based on location, time of year and need.

The Program is required to limit the number of Type 3 (largest license type) licenses issued. What method do you consider fair for establishing these limits? NO Type 3 licenses should be granted.
Regulatory Goal #4

The Program will require licensees to enter into a compliance agreement to reduce environmental impacts. How do you currently address potential environmental impacts at a cultivation site? *There are currently regulations in place that cover the concerns, the regulations merely need to be enforced.*

Do you conduct targeted pesticide use? Do you use optimal watering times? Do you recycle water and/or cultivation materials? *These are ‘best practice’ initiatives and should be treated like other agricultural activities.*

The Program will also have specific requirements for cannabis nurseries. Do you sell plants to a dispensary for sale to patients or do you sell plants to cultivators for flower production? *Both*

How much research and development goes on at a nursery site? *Most do not or do so on a very limited basis (lack of knowledge or space).*

Do you regularly propagate from seed? *YES*

Regulatory Goal #5

The Program will specify when licensees must make their site available for inspection and require that the cultivation site be safe for inspection. What measures do you currently take to make your site safe for inspection? *By following Cal OSHA regulations and best practices.*

The Program will require retention of specific records and that they be made available upon request. What type of records do you currently retain? *# plants and source, movement of plants from one stage to the next, previous and current plant location, light cycles, dark cycles, chronological age at each movement, activity log (watering, fertilization, pesticide application) harvest, drying losses and packaging number and sale.*

Regulatory Goal #6

What is the current flow of cultivation at your site? At what points in the cultivation process do you think movement tracking would be valuable? *Germination or planting of purchased material, moving from veg area to flowering area (if done), harvest activities.*

Plants are moved from Nursery to indoor grow. Plants are grown to maturity, harvested, cured, dried, trimmed, packaged, analyzed and sold.

Plants are moved from Nursery to outdoor grow. Plants are grown to maturity, harvested, cured, dried, trimmed, packaged, analyzed and sold.
Regulatory Goal #7

What type of license violation would you consider minor? Minor record keeping errors.
Moderate? Inability to show movement or track and trace issues, nonpayment of taxes or fees.
Serious? Any violation of existing environmental regulations of water and / or discharge of pesticides or fertilizers or health violations including Cal OSHA and any black market activities.
Thanks for giving the public the opportunity to comment on your regulatory inquiry and framework. I plan to be at your event in Eureka this Thursday and will hopefully talk to staff about these issues at that time. What follows are issues I see emerging.

I come at this issue from two angles: I am an attorney who has worked with the cannabis industry since 1996 beginning in San Francisco, and later, with cultivators and other cooperatives, and see legal issues emerging in the regulatory rule-making and interpretive process. Also, I founded a political action committee (California Cannabis Voice, www.cannabisvoice.org) in 2014 that worked closely with Fiona Ma and George Runner at the BOE on the MCRSA. Our PAC started a chapter in Humboldt County and we worked closely with the Humboldt County Board of Supervisors, the cannabis cultivating community in Humboldt County, and other stakeholders there to develop that County’s first commercial cultivation ordinance. In my capacity as a policy advisor and advocate, I am interested in seeing good public policies emerge that protect the public and the industry.

In this email, I want to address two areas: environmental protection and the economic viability of this industry.

1. Environment

There is no question that cannabis, like all agricultural activities, impacts the environment. Our organization actively pushed for environmental controls but, I have noticed that many agricultural operations not involving cannabis activities are not subject to the same restrictions that are emerging in cannabis cultivation. I believe that as you develop the environmental rules (and really, all the rules) you should consider that any rules you create will and should eventually be applied to all agricultural operations, based on the bedrock principle that environmental protection is a priority for all agricultural operations, not just cannabis. Of course, the Regional Water Quality Control Boards and the State Water Board are actively engaging in this process as well and I assume the various State agencies will coordinate their various regulations so as not to create confusion and unnecessary overlap. From a legal perspective, any regulations that irrationally target and overly burden cannabis activities without similar restrictions and burdens on other agricultural operations can be subject to legal challenge as violating equal protection principles. The best way to avoid any legal challenges,
in my opinion, is to look solely at environmental and best practices rather than let regulations be influenced by prohibitionist impulses that unnecessarily target cannabis production.

2. Economic Viability and small farm survival

As I am sure the Department is painfully aware, small farmers are generally challenged to remain economically viable due to numerous factors, including farm consolidation. Their inability to achieve the optimal economies of scale, at least in relation to larger farm operations, lies at the heart of the problem but that is by no means the only challenge small farmers face. Being able to upgrade operations with the latest technologies, getting products to market efficiently and inexpensively, and obtaining a sustainable price for their products is essential to their survival. Yet, many of the smaller operations do not have access to capital or even the know-how to survive.

Numerous studies clearly show that the price of cannabis will fall as legalization becomes the reality. Some have suggested that the black market margins are as high as 90%. And clearly, just in the past 20 years that the cannabis marketplace has been legalizing in California, I have seen prices drop from over $3000 per pound (and the price also depends on whether the product is grown indoors or outdoors) to as low as $1000 per pound. That downward trend will continue until “white” market forces create the real market prices based on input costs, operational costs, etc.

What this means for this industry is dramatic. As the auto industry saw in the first decade of the 1900’s, 207 car companies were reduced to 3 by 1910. We expect to see the same forces at work here but, we do see some potential ways to ameliorate that trend.

First and foremost, farmers in cannabis, like farmers in all agricultural sectors, need to be able to join agricultural marketing cooperatives. Those cooperatives are essential for small farm survival.

However, the current language of the MCRSA relating to distribution, a model forced into this legislation by alcohol distributors, does not easily or clearly allow an agricultural cooperative to also distribute cannabis.

Specifically, the MCRSA prohibits a state-licensed cultivator from also obtaining a distributor license. It is possible that this law could be interpreted to prohibit an agricultural cooperative from also obtaining a distributor license.

If that occurs, small farmers will be left to use for-profit distributors instead of having a cooperative, run for the farmers benefit, control their products. Without cooperatives and with the added economic pressure of having to use a distributor, small farmers will face further obstacles to survival.

Treating cannabis like alcohol is the root of this problem. Cannabis is and should be treated as an agricultural crop, and not as a final product like alcohol. While the history of alcohol prohibition and how it ended is instructive to us, it only can provide some of the solutions to moving towards cannabis legalization.

The Department can remedy this through its regulatory rule-making process and can clarify and specify that an agricultural cooperative can obtain a Type 11 distributor license.
I look forward to discussing these issues further with the Department and appreciate the time and energy and effort expended to make this program successful for the State, for the small farmers and for the consumers.

Executive Director
The Program is considering using an online application process, as well as a traditional paper method. Which application method would you prefer? Online

The Program is considering a weapons and firearm ban at cultivation sites to protect State enforcement staff. How will that affect you? A ban would leave people and licensed business at the mercy of criminals. I feel this is inviting crime to the industry.

Licensees are prohibited from obtaining licenses from more than two license categories. For example, a licensed manufacturer of cannabis products may also hold a cultivator license, but would not be allowed to then obtain a dispensary license. Additionally, the Program is considering issuing the same applicant several cultivator licenses as long as the total canopy does not exceed four acres. What is the acreage you feel is reasonable for the cap? No cap, let free market decide. How about for indoor and mixed light? No cap, let free market decide. How will this impact your business model? Not sure. When does a cultivator also need a manufacturing license? They shouldn’t. Are joints, dry sieving, and water concentrating a form of manufacturing or within the scope of cultivation? Cultivation

The Program is responsible for establishing the amount of artificial light units considered reasonable for a mixed light/light deprivation cultivation sites. What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site? 50 watts per square foot.

The Program is required to limit the number of Type 3 (largest license type) licenses issued. What method do you consider fair for establishing these limits? No cap, let free market decide.

Licensees will be required to provide the Program with information about the movement of cannabis. This information will be used to protect the public if there is a safety or health concern, to ensure legally grown product does not get diverted, to ensure illegal product does not end up in the regulated marketplace, and to prioritize inspections by Program inspectors and law enforcement. What is the current flow of cultivation at your site? At what points in the cultivation process do you think movement tracking would be valuable (planting, moving from veg area to flowering area, harvest, etc.)? The Program anticipates this will be different for indoor vs outdoor cultivation. At planting and harvesting.
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Amber--

I attended the session at the Eureka Red Lion and appreciated the atmosphere of give-and-take, the staff's accessible professionalism, and everyone's obvious desire for feedback from potential licensees.

Thanks for your efforts, and I hope you enjoyed your end-of-day flagons at the Lost Coast Brewery.

As to my comments:

Overall, I fear that state regulation is going to drive me into the heretofore highly unlikely arms of both the Republican Party and the National Rifle Association. If legalization brings overly burdensome taxes and fees to growers (especially small ones like me) it will not only inhibit compliance but actually encourage the growth of the black market. Just look to Colorado, where the black market is so strong since "legalization" that more California cannabis goes to that state now than prior to the establishment of its highly regulated and heavily taxed "legal" market.

RG #1--

canopy-- a useless term, only square footage or acreage need be addressed.

flowering-- when recognizable buds appear on the plant.

immature-- when no buds are visible, regardless of plant size.

mixed light-- cultivating under both high wattage artificial and natural light, i.e. indoor and outdoor, as opposed to "light enhancement" where low wattage lights are utilized in greenhouse situations to extend the growing season.

premises-- no opinion out of context.

propagate-- reproduction by seed or clone.

RG #2--

Prefer online application process.
Vehemently opposed to a weapons and firearms ban at LICENSED cultivation sites! Why should licensed, tax and fee paying, good citizen growers be penalized and denied their 2nd Amendment rights? We're not criminals! We're not mentally unbalanced tweakers! The state has no right to make us second class citizens! If you're going to take our money it would be UNCONSCIONABLE to take our guns! State staff has far less to fear from us than we have to fear from the rip-offs and robbers who, thanks to the licensing process, have public access to our names and locations. Absolutely no weapons ban!

I don't think ANY fees should be charged for "processing". And license fees should be minimal. The state is going to reap masses of money from the legal market and it should come from consumption, not production. If fees are going to be charged, they should not be one-size-fits-all and certainly be lower for small growers.

I plan to submit two applications.

RG #3--

Four acres seems a reasonable cap for one applicant, outdoor. 5000 sf for indoor or mixed.

Cultivators should be allowed to manufacture, subject to whatever manufacturing regulations apply.

I plan to apply for two cultivations sites, both under 2000 square feet.

No limit on lights, only on "light pollution", nuisance to neighbors or harmful to wildlife.

The limit on Type 3 licenses needs to be addressed by analyzing the potential and existing California market for both bud and concentrates. Absent that, just pick an arbitrary number and adjust from there as needed.

RG #4--

I grow organic, no chemical pesticides, no over-fertilization.

Run off is negligible due to efficient watering practices and potting methods.

All soils are renewed and reused.

I store water in large tanks sufficient for my growing season.

"Security" is a nonesense issue. My property is field-fenced. Alarms and barrier walls will never discourage any determined thief.

RG #5--
My site is at my home. It is maintained for the safety of my child, my spouse, my pets, myself, and any visitors that might show up, including inspectors.

My records are currently minimal-- yields, expenses, planting and harvesting dates.

RG #6--

Track and trace should start at harvest, in "batches", per individual strain or plot yield. Tracking individual plants is needless, ludicrous, and overly burdensome. Safety and quality are legitimate issues to track, but legally grown product isn't likely to be diverted UNLESS THE STATE MAKES THINGS SO ONEROUS THAT DIVERSION TO THE BLACK MARKET IS PROFITABLE! Instead of making business harder and more complicated for the legal grower the state should use its resources to go after the scofflaws!

RG #7--

I understand the need for compliance inspections and penalties for non-compliance, but again, why focus resources on the growers who are attempting to get legal, at least in the short term. Go after the scofflaws. Protect the market for the "legal" growers, even if some of them are fudging on their licenses, by eliminating as many of the black market grows as possible. Then worry about making the legal growers toe the line.

IN SUMMATION--

The State of California is attempting to wrap its regulatory tentacles over a heretofore underground but huge agricultural, recreational, medicinal, and socially defining phenomenon that by all rights should have been legalized and accepted four decades ago (and would have been, but for Nancy Reagan's "just say no" and the friggin" DARE program turning our kids into snitches). Instead of micro-managing every conceivable aspect it seems much more reasonable to go lighter with regulations rather than heavier, see what works, what more is needed, and proceed in stages. Oregon seems to be doing just that, and the sky hasn't fallen.

Cannabis is just another agricultural product. Not much different than tomatoes. Or wine grapes. It makes no sense, and is counterproductive, to subject it to over-regulation.

The legislature has saddled the MCCP with an impossible task and an unrealistic deadline. Although I'm skeptical of its mandate, I appreciate its efforts and its receptive ear, especially as personalized by meeting those who hosted me at the Eureka event.

My Grandpa sed to tell me that it was every citizen's duty to eat a bureaucrat's liver at every opportunity.

Please don't give me cause...
And yes, please put me on the mailing list!
• Regulatory Goal #1

Canopy- leaf area, combined sq ft of distinct groupings of plants.
Flowering- plant physiological change to reproductive growth
Immature- live plant that is not ready for harvest, and vegetative growth, not sexually mature
Mixed light cultivation- combination of sunlight and artificial light
Premises- areas of cultivation activities
Propagate- breed and create new plants from stock

• Regulatory Goal #2-

Online application- Whichever option that would be most financially economical.

Weapons ban- weapons and firearms should not be banned at cultivation sites. There should be mandated open communication between the government staff and cultivation site. People's/security with weapons should have proper registration and safety measures.
I do not own any weapon/firearms due to the persecution of cannabis patients from law enforcement agencies.

• Regulatory Goal #3-

- Same ac cap for all license types of cultivation.
  Cultivators only- 8 acres (any mixture of license types, 8 acres of canopy)
  Manufacturers/cultivators- 6 ac (any mixture of license types including type 3’s, canopy acreage no more than 6 ac of canopy)
  Dispensary 10a- 4 ac of cultivation (bottom tier of cultivation size)

The cap should allow cultivators to have a market advantage if they will not be allowed to create value added products (manufacture) or retail.
The system should provide a similar market advantage that 10A holders receive, to being a cultivator only or a manufacturer/cultivator.

-This system would require cultivators to operate in the most economical way driven by market demand.

- Mechanical, gravity, and water manipulation to flowers should be allowed under cultivation.

- There should Not be a limit to the amount of artificial light used on the cultivation site, as long as it is safe.

Each variety of plant is different and has unique needs. Secondary compounds are expressed differently under different light conditions and there should not be a limit to fulfill that potential.
Sun quality/quantity is not always suitable for crop growth. Energy suitable to supply growth is always needed to maintain quality. That energy needed is variable and should not be limited, only by crop quality goals, economics
Mixed light operations use a combination of sunlight and supplemental artificial light. The ratio/amount needed should be up the cultivator/plant.

- There should not be a limit to the amount of type 3 (3,3a,3b) licenses issued. I don't believe there is a fair way to establish these limits. Except to limit total cultivation ac from each category, if limits are needed. With license type limits it creates a type of monopoly. No one new can enter a market place once the limits are reached.

• Regulatory Goal #4-

Potential environmental impact are mitigated through best management practices through the CA waterboard. Vegetation barrier, covering/recycle soil, water efficiency, pest IPM practices etc.

- Security measures should be reasonable to implement.

- Nursery's provide plants to the dispensary's and to patient cultivators for flower production. Ideally there would be a good deal of research and development into seed production and health beyond providing plants. Current regulations do not provide adequate support for proper cannabis research and development agriculturally and for medical health. Only for production.

• Regulatory Goal #5

- Adequate notice of 1 week should be given for a site inspection during regular business hours
- Cultivators should always be reachable to the state within 24 hour notice.
- If cultivators are not made available to the state and county to provide updates for pending inspection/documents the license should be revoked for public health and safety concerns. And a probation imposed for 1 year.

• Regulatory Goal #6

- Vegetative plants above 12 in should have an identifier. Lots of plants should be provided to cultivators in which they are tagged soon after planting and survivability is accessed.

- Harvested flowers should be tracked in lots/area of canopy. The size and potential quantity is extremely variable.

- It will be very cumbersome for cultivators who plant high density to keep each plant separate the whole way through the production cycle. Based on this the area of a lot should be imposed for tracking purposes.

-GS1

Regulatory Goal #7

- I believe those who are willing to work with various staff agencies should be given a chance to do business.
- Those who do not follow compliance and repeat habitually should be terminated from the program.
- Violations should be acted on quickly and a resolution established promptly. If the applicant is unwilling to conform to regulation they should not be allowed to do business until they are.
DEFINE TERMS
CANOPY the collective area occupied by the tops of the plants, whether the plants are contiguous or separated. Is likely to be approximately same size as 'footprint' of the growing area only.
FLOWERING the period of time during which a cannabis plant is growing flowering structures. The flowering time varies depending on the type of cannabis, ranging from six to ten weeks.
IMMATURE a cannabis plant is immature until it has completed it's flowering period.
MIXED LIGHT CULTIVATION supplementing sunlight with artificial light to achieve the desired photoperiod, typically in a greenhouse
PREMISES the area described on the deed to the property in question
PROPAGATE to grow plants, and/or cause them to multiply

Would you prefer a paper or online application process? online

How would a weapons or firearm ban at cultivation sites affect you? I do not own or plan to own any firearms. I am concerned about the erosion of rights, however. The cultivation license application could include a section for declaring or registering firearms at grow sites.

How many applications do you anticipate submitting? Two

What is the acreage you feel is reasonable for the cap? Four acres seems reasonable. More, smaller farms will mean more growers. Presumably the question refers to outdoor grows only?

" What is the acreage you feel is reasonable for the cap? How about for indoor and mixed light?" there is no reason to cap the indoor/mixed light operations any differently than the above question.

"How will this impact your business model? " not an issue for me

"When does a cultivator also need a manufacturing license? " I couldn't say
"Are joints, dry sieving, and water concentrating a form of manufacturing or within the scope of cultivation?" I think these are all within the scope of cultivation

"What size cultivation site(s) do you anticipate applying for initially?" the smallest that allows sunlight + artificial light

"How many separately licensed cultivation sites would you like to apply for?" probably no more than two

"What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site?" 250 watts per square foot of canopy

"What method do you consider fair for establishing these limits?" this is a typical amount of artificial light required for full growth; mixed light gardens require full artificial illumination at times.

"How do you currently address potential environmental impacts at a cultivation site?" I use runoff water on the grass

"Do you conduct targeted pesticide use? Do you use optimal watering times? Do you recycle water and/or cultivation materials?" Yes; Yes; Yes

"How do you currently secure your cultivation site? Alarm system? Fencing? Security guard?" currently no garden; in the past they have been in a garage of a house, and/or the backyard.

"Do you sell plants to a dispensary for sale to patients?" no

"Or do you sell plants to cultivators for flower production?" no

"How much research and development goes on at a nursery site?" not sure; probably just crossing plants and growing them

Do you regularly propagate from seed? all cannabis plants were originally propogated from seed

"What measures do you currently take to make your site safe for inspection?" not applicable

"What type of records do you currently retain?" not applicable
What is the current flow of cultivation at your site? very basic veg/flower

"At what points in the cultivation process do you think movement tracking would be valuable (planting, moving from veg area to flowering area, harvest, etc.)?" The plants should only be tracked through flowering and at harvest, at other times (veg) they are not valuable

What would a reasonable time-frame for conducting a hearing regarding a violation? as quickly as possible
Goal # 2
Use both paper and online applications initially.
I don't feel the state should prevent farmers in rural areas from having firearms. Like a rancher or logger, wildlife encounters are part of rural work sites. Knowledge of a firearms ban may inadvertently put cultivators at risk.

Goal # 3
A maximum of one acre per applicant is appropriate to prevent monopolies, low quality (that would negatively impact California's reputation) and pest issues arising from mono-cropping.
Cap indoor at 10,000 sqft as it is unavoidably energy intensive.
A maximum one acre cap will positively impact my business model by encouraging high quality production among many diverse business models.
Dry sieving, etc. falls under the model of value added farm products and should be allowed within a cultivation license. Additionally alcohol tinctures and fat based extractions should be included.
I will apply for one Type 2 license.
Do not issue Type 3 licenses initially and allow small farms to fill the marketplace. Once a need for greater volume than can be filled by these farms is truly proven, then issue larger permits based on appropriate land use and potential environmental impacts.

Goal #4
The NCRWQCB Discharge Waiver has standards and BMP's that outdoor cultivators must comply with, also current DPR guidelines.
Security is fencing and a residence on site.
Among outdoor producers there is a long history of genetic research from seed. It is crucial for that control of genetics to remain. I am very concerned about this and feel there is room to be flexible with on farm nursery exemptions.

Goal #5
I am not currently subject to inspections. I feel what is safe for myself, friends and family would also be safe for an inspector.
I keep records relating to farming conditions, inputs, work schedules and a water resource protection plan per Discharge Waiver requirements.

Thank you for the opportunity.
On the issue of one license per premises:

Webster’s defines “premises” as, 1) land and the buildings on it and 2) a building or a section of a building. If a building is divided into sections with hard partitions, it should be possible to subdivide a building, including a greenhouse, into multiple premises. This is a business model that is being proposed in Monterey County with existing greenhouses. We like multiple licensed premises at one physical location because it simplifies permitting and inspections, and it improves security. Please define “premises” to include a section of a building or a greenhouse that is separated using solid partitions. As for open land, that should not be possible to subdivide in a similar manner. The Monterey County Resource Management Agency (Planning Department) concurs with this recommendation. Thank you.

Assistant Agricultural Commissioner

ag.co.monterey.ca.us
Hello,

I attended the Sacramento Workshop and was handed the flyer to answer some questions on the regulatory processes. Below is my responses. Please contact me if there's anything I can help with! I've been actively helping Yolo County and working close with the Ag. Commissioner to help establish their ordinances out there, so I'd be glad to help with the State also, if needed. My contact number is below at the bottom, or you can always correspond through this email as well!

Regulatory goal #1:

Define:
Canopy: The overall size of plants width and/or length. Including walk ways, not including processing/trimming/curing room. Basically leaf edge of one side to leaf edge of other side.
Flowering: The second half of the plants life, when it is producing its buds
Immature: Small plants that are in the process of rooting, not yet ready for vegetative state.
Step before veg stage.
Mixed light: Using both natural and artificial lighting over the same canopy. Would consider this to be a greenhouse facility with supplemental lighting included (should it be needed due to over cast/short sun days)
Premises: Should be defined as a 3 acre areas (can be multiple 3 acre areas on one parcel) which allow a cultivation. So every 3 acres on one parcel could have a 1 acre cultivation and/or 22k sqft indoor/mixed lighting cultivation.
Propagate to ensure regulations are implemented uniformly across the state line: Well, the product shouldn’t be going across the state line. So I don’t quite get this definition question. To ensure that it doesn’t go across state line, obviously the track and trace is the best option for that. Harsh penalties should be implemented if some ones product is found outside of the State.

Regulatory goal #2:

- Online application as well as a traditional paper method, which application would you prefer:
  - Honestly, both would be fine. I do tend to think people use online more than paper, but to have both is a good option. When people are applying for the application I am assuming that payment would be do along with application. I’m unsure how the State would allow online
payment when any funds from CAN aren’t allowed in banks due to the FDIC.

- Weapons and firearms ban to protect state enforcement staff. How will this affect you?
  
  o Personally, I do not think a weapons and firearm ban is safe. Are other agricultural business allowed to have REGISTERED firearms and weapons? I understand that the thought of the weapons and firearms on the site of a cultivation could seem dangerous, however if the people participating in this program are registered, legal and adhering to all rules, I highly doubt that they will be trying to kill/harm any state enforcement staff. You take out a lot of that stamina when you allow people to obide by the rules and follow state laws, people aren’t going to want to hurt enforcement if they are being ‘100% legal. You will, even with a ban, still get the illegal cultivators still having weapons and firearms on their property no matter what you do. One of the main reasons I DO NOT think a ban is a good idea is that if other people, specifically those in the black market and/or those operating illegally know there are no weapons or firearms on site.. it makes it a MUCH easier target for them to steal from. If they know that the harvest is unable to be protected they are completely able to come in and take the product therefore it likely to end up on the black market, not be regulated, taxed, or tracked. I really think banning any firearms and weapons is NOT a good idea for that fact right there. I do not think it’d be a bad idea to implement that all weapons and firearms need to be registered and state safety classes need to be done. Maybe require that anyone that possess a weapon/firearm on the property must have a concealed carry permit, this way they’ve gone through firearm training and have had a more extensive check.

- Good estimates on how many cultivation applications are expected, how many application do you anticipate submitting?
  
  o I have helped Yolo County, specifically I wrote the fee structure for them and they have accepted it word for word, what I needed from them was the budget. From there we were able to break down the permits expected and the fees for the permit to at least meet the requested funding amount. We actually surpassed it by 1 million+ which I think was very well liked by the County. Personally, my business plans to go for 1 license however we are working alongside another operation under a different business which I know plans to go for 2 licenses, which is currently the cap for number of licenses State allows someone to obtain.

Regulatory goal #3:
What is the acreage you feel is reasonable for the cap? How about indoor and mixed light? How will this impact your business model? When does a cultivator also need a manufacturing license, are joints, dry sieving and water concentrating a form of manufacturing or within the scope of cultivation?

- What acreage do you feel is a reasonable cap? Ok for this one it can get tricky. I am curious if the State plans to implement these laws for the recreation (AUMA) if it passes this year. I think 4 acres, while it could be great, might be too much to start out with for cultivators. IF it’s for recreational, I definitely think 4 acres, with a limited amount of licenses given, wouldn’t be unreasonable, but for medical I do think starting out with allowing people (even dispensary owners) 4 acres of canopy is TOO much. I think the way the system has been laid out with 1 acre max for outdoor is great. I do think that the indoor licenses should be revisited. I feel as though a total amount of 1 acre should be allowed for indoor and/or mixed lighting. I get that 43,560 sqft of indoor/mixed lighting space is highly unlikely but I think that allowing multiple indoor/mixed lighting structures to accumulate to 1 acre is reasonable. Especially if you cap out the size of the buildings at half an acre, therefore there essentially would need to be 2 separate buildings to meet the 1 acre requirement. I feel as though the state should implement the 1 acre max across the board (for indoor, mixed lighting and outdoor) for the first process of this program. If more size is needed, allow the industry to determine that with experience, once they are allowed to operate out in the open and in compliance with State.

- Would this affect my business model? This really wouldn’t change my business model much. Currently we are outdoor cultivating (per Yolo interim ordinance) at the full 1 acre, I do not think we’d go to 4 acres. We do plan to move to mixed lighting, we would eventually like to make it up to 1 acre (if allowed).

- As for the manufacturing license, I would say that any changing of the flower itself would be considered “manufacturing.” I say make it simple. Cultivation is strictly the growing, flowering, curing and drying of the plant in its flowers full form (this would include trimming as the end product needs to be the cannabis “bud” essentially). From there anything to destruct and/or change into a different form the “bud” would be considered manufacturing. How are tomatoes handled (I honestly don’t know)? But if it was the whole tomato sold wouldn’t be considered manufacturing, but if you are slicing up the tomato and making diced canned tomatoes or ketchup, or even tomato soup, wouldn’t that be considered manufacturing? I think the same should go for CAN.

- What size cultivation site(s) do you anticipate applying for initially? How many separately licensed cultivations site would you like to apply for?
o What size cultivation do you anticipate applying for? At this time I know our business and our partner's business we are working with plan to do 1 acre outdoor so the type 3 and the type 3B for our other site. Personally for outdoor, you are going to see A LOT of type 3! Outdoor is relatively inexpensive and the return is good and if someone can do up to an acre outdoor, you will see that quite a bit. Majority of cultivators I know, in Yolo, are all doing the 1 acre outdoor. The type 3A or 3B you won’t see as much of because it isn’t inexpensive to do. Indoor and mixed lighting are expensive, and larger sizes are costly. With these you are looking at $600k+ generally to get you going, most being more than that (not including the land/lease). With the outdoor at 1 acre, you can easily do that for $30k-$40k for startup costs (not including the land/lease).

- What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site?

  o I think to determine this based on the amount of lights would be incorrect. Reason being is because obviously different sites will have different amount of lights just based on the size alone. Also, the lights (in a true mixed lighting/light deprivation) are only use for when extra lighting is needed and not provided by the sun. So essentially I feel it’d be better to determine the mixed lighting based on the type of structure it is. Pretty much ANY mixed lighting I have seen, been a part of etc is a greenhouse with light deprivation. I think THAT’s what you should focus on. That a mixed lighting facility would be a greenhouse with lights and light deprivation included therefore being able to use the sun as much as possible with the backup of the lights if need be. A “hoop house” greenhouse would NOT be considered a mixed lighting. Basically anything mixed lighting, in my mind would be specifically a greenhouse, which has added lights to the facility. If you put a number on lights for what would be considered mixed lighting and what wouldn’t you are going to get people who try to rig their lighting situation to match that of a description of mixed lighting just based on the lighting number. It really needs to be determined on the structure and if it’s using sun through its roof (greenhouse) for majority of its light exposure and using the lights for backup/if needed purposes.

- What method do you consider fair for establishing the limit on type 3 licenses?

  o Personally, I think a percentage would be the most fair. It really all depends on how many Counties'/Cities’ are allowing the size the type 3 allows. I think it’d be extremely beneficial for the State to obtain all the Counties’ and Cities’ information on what they are and aren’t allowing.
From there the best practice for the type 3 would be to either do a percentage per an County/City or a percentage for the entire State, however you’d want to make sure that each County/City has equal OR you could look geographically at the Counties’ and Cities’ allowing that size and determine the percentage amount they should have for type 3. Meaning, a busy city is less likely to have room for an outdoor 1 acre grow while a County with a lot of agricultural land is more likely to have room for that. Really same goes with indoor and especially mixed lighting. Mixed lighting is generally going to be a greenhouse with light deprivation. Those aren’t really up and available, they usually need to be built, so more land for those instances would be required. Indoor type 3A you are likely to see in Cities’ because they can use warehouses, etc.

Regulatory goal #4

- How do you currently address potential environmental impacts at a cultivation site? Do you conduct targeted pesticide use? Do you use optimal watering times? Do you recycle water and/or cultivation materials?
  - Potential environmental impacts are addressed through the County at this time. A list provided by the DPR has been provided to all cultivators. Also, all cultivators must adhere to all agricultural standards that any other agricultural crop does. An operator ID is required. We also adhere the Central Valley Water Board guidelines.
  - Targeted pesticide use
  - Optimal water times
  - Recycle water and/or cultivation materials: Generally I wouldn’t considered water to be wasted. It currently goes into the plants and that’s it. Plants drink it and help itself to grow. As for the cultivation materials, yes they are recycled. Pots that prior harvests have used and are complete are reused until they are unable to be used anymore. Soil is used for 2 harvests. Anything that can be reused is reused, not only for the environment but for the costs associated with the cultivation. We’ve also implemented instead of using fabric pots, we use wood and build it around the plant that way it can be used many more times and last longer than the fabric pots would.

- How do you currently secure your cultivation site?
  - At this time Yolo County has interim ordinance which states we must have a 6 foot + fence around the grow. Additionally there are security cameras and onsite staff that live (away from the grow) on the property. At this time Yolo does not allow guard dogs. On our future grow we will
have all of the above plus an onsite security guard.

- For a nursery do you sell plants to a dispensary for sale to patients? Or do you sell plants to cultivator for flower production? How much research and development goes on at a nursery site? Do you regularly propagate from seed?
  
  o Do you sell to a dispensary for sale to patients? Or do you sell plants to cultivator for flower production? My answer here would be why does it have to be an either/or thing? Why can’t a nursery do both? Patients that prefer to cultivate for themselves personally will need a trusted place to buy from. Unless you’re indicating that the nursery would sell directly to the patient I don’t see why this would even be a question. I feel a nursery would do both. Likely the cultivators will essentially create their own “nursery” within their own cultivation, basically make a room for “mothers” and “clones” and wouldn’t need to buy from a nursery all the time, but if something happened to their crop (pest infestation for example) or they wanted to try a new strain, I don’t see the issue with a nursery selling to them as well. I don’t think this should be something that’s separated out and should be inclusive of both the patient and the cultivator.
  
  o How much research and development go on at a nursery site? Everyone should always be doing research and development. Even cultivators who aren’t doing nurseries should always be researching and developing better practices. If nurseries are specifically designed to do research and find ways to get strains that are dominant in specific cannabinoids I feel like it wouldn’t be bad to require a minimum 50% of their practices be devoted to research and development of this.
  
  o Do they regularly propagate from seed? Yes, but I don’t think this is a restriction that NEEDS to be put into place. If the strain in which they’ve created is good and no issues, why would they need to always create seeds with it to make clones? In this situation a mother would be created (mother never flowers, just remains in veg state) and snipping’s would be taken off of the mother and clones would be created. No point to make it a requirement to create seeds on this again. IF they want to then fine, but I honestly don’t think it should be written in as a requirement. If they are creating a new strain they will already by physics be creating seeds for it as the male (which produces the seeds) will need to be implemented for that.

Regulatory goal #5

- What measure do you currently take to make sure your site is safe for inspection?
  
  o Insure there are walk ways in which inspectors can easily navigate through, no loose wires, no hoses or ropes that someone can trip over.
Water and nutrients are stored out of walk ways, in a closet with a closed door. Any pruning or sharp objects are stored safely out of the way of walkway.

- What type of records do you currently retain?
  - Any legal notices, collective agreements, incorporated documents. Current permits and notices that permits have been awarded. Keep correspondence with County in regards to facility. Also receipts of products bought specifically for the cultivation.

Regulatory goal #6

- What is the current flow of cultivation at your site? At what points in the cultivation process do you think movement tracking would be valuable?
  - Current flow: Current flow of our outdoor cultivation is: Planting Mid-April to early May, they veg until about August-September. They don’t move EVER. They are vegging and building up their stamina to create the flower, they are fed the veg nutrients. Come August/September (depending on the strain and the light change of the sun) they begin to go to flower, once they start to flower (they still don’t move) you begin to feed them flowering nutrients to help them build the flower (“bud”). They stay in this process till October/November. At this point once they are ready you cut them and let them dry. Once dried they are trimmed at which point they are ready to be sold/bought.
  - The best time for the tracking would be after they are dried and trimmed. It would be the easiest and most efficient to group the specific strains together and batch them and at this point you’d track them per the strain essentially. Each “batch” would have its own tracking. A batch, I would define as, each specific strain’s complete flower. So if you have OG kush and cookies. All the OG kush, whether 2lbs or 100lbs, would be 1 tracking, while cookies, whether 2lbs or 100lbs, would be a separate batch. The tracking of the batch whether sold all to one dispensary or another would be tracked in the system.

Regulatory goal #7:

- What would be reasonable time-frame for conducting a hearing regarding a violation? What type of license violation would you consider minor? Moderate? Serious?
  - A reasonable time frame would be within 3 months. Crops don’t stop just because the State has fined them. You potentially are losing someone their income and they’ve put money into this and need to make sure to get something back. There is the likelihood that the cultivator may not
be found guilty, but if you are making them wait too long and the entire crop is damaged and suffers from it, the State isn’t going to pay them back for the wrongful assumption. You’ve now damaged a business and a livelihood. Hearings really should occur as soon as possible therefore to minimize the damage to the crop.

- Minor: Someone who is late on their permit fees/licensing fees. They’ve obtained one before and have remained essentially in line with ordinances but may have failed to pay a renewal of the license on a timely manner. Something along those lines.

Thank you!
1. Define terms:

A. Canopy- The portion of a cultivation that includes the actual planted space. The greenery. This would not include pathways or aisles around the plants. For example, the actual canopy within a cultivation space may only be half the square footage or perhaps even less. This is especially true when considering wheelchair access.

B. Flowering- The developmental phase within the plants life cycle where a plant produces its flower or "bud".

C. Immature- Any plant that has not completed its flowering cycle.

D. Mixed light cultivation- Using a combination of both natural and artificial light sources for cultivation. i.e. greenhouse with supplemental artificial lighting.

E. Premises- The entire parcel of land.

F. Propagate- To reproduce a plant by way of seed, cutting, or tissue sample

2. Application process:

A. I prefer the convenience of online application. However, the option for paper application should always be made available.

B. A weapon and firearms ban is a very sensitive issue. I personally feel that firearms usually escalate problems and I would not choose to have them at my place of business or my home. However, we have the issue of personal safety and protection from armed robbery, I feel that less lethal measures are necessary. For example, I support less harmful weapons such as tasers and pepper spray. I would also support the utilization of a certified armed security officer. However, I believe that if a person is licensed and registered to own a firearm, they should be able to make that choice for themselves.

C. I expect to submit 1 to 3 applications

3. Cultivator license types

A. Total Acreage: I strongly support small business and high quality products for our medical market. I support a cap of 2 acres for medical cannabis cultivation. This will help support smaller "boutique" style growers and ensure a higher quality product for the industry.
control becomes very difficult in larger scale agriculture. We are talking about the cultivation of medicine and quality should remain a top priority.

Indoor and Mixed light: I believe indoor cultivation should never exceed 10,000 sq ft of actual "flowering" canopy space (Vegetative and propagation space should be an additional 2500 sq ft max). Note: it requires a 20,000 sq ft facility to cultivate 10,000 sq ft of "flowering" canopy due to work-space, walkways, aisles, offices, bathrooms, wheelchair access, vegetative space, and propagation space.

When does a cultivator need a manufacturers license? Joints, Dry sieving, and water concentrates are Not manufacturing. A manufacturers license should be required any time the plant is processed in any solvent other than water for commercial sale.

B. I anticipate initially applying for a 5000 sq ft specialty indoor license. I anticipate applying for a second outdoor mixed light license at a second location at a later date.

C. Artificial lighting in mixed lighting outdoor cultivation? 3 kWh per square meter per day for flowering plants.

D. Limits on Type 3 licenses: The only way I feel it remains even across the board is to issue a small number of these licenses per year based on a lottery system. I do not feel it should be based on a particular date that a company was already in business because this closes the door to new companies that have just as much right to those licenses. Also, there are many companies that are holding back and waiting for the political climate to settle down before getting into business. The state and local governments should never close their doors to new companies applying and becoming licensed. The licenses should be offered and distributed slowly rather than giving them all out now and then closing the door to any other businesses coming into the industry.

4. Environmental Health and Safety

A. Pest Control: I support a mandatory certification for pesticide, herbicide, and fungicide application. I have a deep concern for reducing environmental impact. First and foremost, I incorporate sustainable and organic soil building agricultural techniques. Only organic and naturally derived nutrients are used. I utilize preventative pest control to prevent the need of chemical and highly toxic pesticides. When I encounter pest problems that require stronger chemical methods, I prefer to "spot spray" only where the problems are existing. I utilize beneficial microbes and fungi to promote plant health in turn stimulating the plant's ability to resist mold and mildew. I also use potassium bicarbonate sprayed on the surface of the leaves for powdery mildew problems. For indoor applications I also utilize proper climate and humidity control to prevent molds and mildews. For insect pests, I prefer to quarantine infected plants in the vegetative stage and spray with a mild pyrethrum spray. I intend to take a state wide certification course for pesticide, fungicide, and herbicide application.

Water Run-off: As far as watering techniques, I try to never over-water and only water to saturation to prevent run-off. In indoor application, I prefer soil cultivation that holds water for 3 to 4 days between watering. I never accumulate excess run-off from over-watering. I do not support "drain-to-waste" techniques.

Water and Materials Recycling: In indoor cultivation, I collect all my condensate from Air Conditioning condensers and dehumidifiers. All this water is reused for watering plants. This collection recycles approximately 80% of my water use. It is quite substantial. This technique
can also be utilized for climate controlled greenhouse cultivation. I also reuse 90% of the soil used for cultivation. The plant's root-balls are removed and discarded. Then the soil is reamended and remixed for reuse.

Our material waste includes 60% organic material (10% waste soil, plant stems and leaves) 15% recyclable plastic (empty nutrient containers), 15% non-recyclable plastic soil bags, and 10% miscellaneous garbage.

B. Security: I support the use of all security measures to keep the facility and personnel safe from harm. Security has always been a serious reality in this industry. The most important priority is personal safety.

C. Nursery: I currently do not provide nursery plants or seeds to dispensaries or other cultivators. However, I maintain a nursery of seed production and cutting propagation for personal use and research. I have created several of my own genetic varieties that are not currently released to the public. I will be applying for a nursery license when the time comes. Nursery production, hybridization, and maintaining mother plants is very time consuming requiring daily hands-on maintenance.

5. Compliance Inspection:

A. I maintain a clean, safe, and organized facility. All build-out construction, property improvements, and alterations need to be performed to county building codes and fire safety codes. All facilities need to provide employee safety standards such as protective clothing and equipment, eye wash station, and state safety standards. All operations need to be performed following standard employee protocol outlined in writing and clearly posted and available for employees easily follow. A facility and premises should be maintained in such a way that it is open for state and local officials to enter and inspect anytime during regular business hours. It is advisable for the state official to contact the licensee prior to stopping in because of locked gates and security issues. If a licensee does not provide access, they risk losing their license.

B. I currently maintain records of operation. I keep available my contracts for service to the dispensaries that hire my services. I maintain records of daily operations including nutrient use, watering records, garden maintenance records, pest control records, plant species and quantities of plants for each flowering cycle, harvest and yield records, and finally tax records since I've been in business. My company is hired by dispensaries as a private contractor to operate their cultivation facilities and paid for the service of doing so. My company does not distribute, sell, or dispense any cannabis products. All the cannabis cultivated by my company is the possession of the dispensaries that hire me for my services.

6. Track and Trace

Records need to be kept by the licensee for each flowering cycle. It needs to be based on square footage of canopy and not on the number plants grown. In an indoor operation, the number of plants is completely irrelevant to yield per square foot. For example, one growing method may use as many as 36 to perhaps even 64 flowering plants per 4’ x 4’ square (16 square feet) while my growing technique utilizes no more than 6 flowering plants per 4’ X 4’ square. The finished yield on every 4’ X 4’ square is expected to average 1 pound (which is the same as 1 ounce per square foot) regardless of the number of plants. I grow my plants larger and have a more open canopy while some growers utilize a "sea of green" technique with
many plants close together with a thicker canopy. Regardless of technique, the expected 1 lb/4' x 4' square (1 oz/ sq ft) of planted space is standard in the industry. This may not always be achievable depending on growing conditions and genetics. However, on average throughout growroom and greenhouse cycles, total yield should be close to or exceed this standard.

Once the product is harvested, dried, and clipped off the stem, all product should be weighed and documented for gross (untrimmed) weight. Some growers prefer to trim fresh, before the product is dried. I prefer to trim dried. My dried finished product averages 63% of the dried gross weight (untrimmed but clipped off branches). By documenting my dried gross weight, I can calculate an approximate finished trimmed weight. If a cultivator prefers to trim fresh (before drying) they should still be documenting their weights to have traceable records.

For Outdoor cultivation, number of plants and plants per square foot or per acre may be more accurate.

Regardless of how its cultivated, it all comes down to carefully documenting a planting plan for every flowering cycle and comparison yield documentation after the product has been harvested dried and trimmed. With the combination of a planting plan and harvest/ yield documents, audits can be calculated more closely.

7. Compliance Violations:

I do not feel qualified to give input on this subject. Regardless, I intend to do my due diligence to avoid compliance issues.

Thank you for considering my input.

Sincerely,
Dear Ms. Morris or other responsible party:

I am an attorney with clients who will be seeking licenses for cultivation. I respectfully submit the following comments concerning the regulations to be drafted:

1. **Regulatory Goal 1: Defined Terms**
   - The term “owner” should be clarified because it currently includes owners of “proposed premises”, but property owner should be considered differently then the license owner. Typically cultivators will be renting property from someone else. I realize this may require legislative action but it still needs some clarification.

2. **Regulatory Goal 2**
   - **Application Process**: I am concerned that an on-line process will create glitches and delays and fields that do not have sufficient options that would cover all situations. In other words, if it asked for entity type and you have to choose a particular one rather than just write it in, that would be a problem. Also, will you be able to return to your application and fill out it over time. Otherwise on line is probably more efficient and cost effective
   - **Weapons ban**: this is probably required by Federal law, and not to protect inspection officials. But if there is a weapons ban, the cultivation sites, especially outdoors, are at some risk of theft. I would think that this should be left up to municipalities

3. **Regulatory Goal 3**
   - **In terms of application fees**, I urge you to make this affordable, and no more than $2500. As it is, there are many obstacles to small businesses operating in this sector. Local licensing is already going to be costly. As will business start up costs. If you make the application fee any higher, you are encouraging the larger and better funded operations. There needs to be mechanisms in place for smaller operators

4. **Regulatory Goal 7**
   - **In terms of violations and due process**, State inspectors should not become the new cops in terms of unfettered authority and discretion to ruin lives and businesses. There should be generous warnings and compliance periods before dire consequences are imposed, at least for minor violations.
   - **I would think hearings should be conducted within 2 weeks when the business license has been suspended, and otherwise there should be a 30 day window**

5. **Miscellaneous**
a. The 10A license should be severely limited numerically to prevent conglomerates and also concentrated vertically integrated operations from becoming pervasive. This is again a threat to most smaller operators. This should be the exception, not the rule.

Thank you for your consideration.
-----Original Message-----
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
Sent: Tuesday, September 20, 2016 3:45 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: Medical Cannabis Regulations Input

Regulatory Goal #1
Regulations not included in MCRCA:
The program is looking for ways to ensure proper set up to prevent accidents and ensure the safety among those involved in the cultivation process as well as rules to avoid illegal activities in the process. I think that it is necessary to develop such goals and processes to help growers meet those requirements. This is a business and those involved in it must be willing and able to play by the rules just as any other industry currently does.

Regulatory Goal #2
I prefer an online application process, it convenient and friendly to the environment.

The use of fire arms on site. While it is considered to protect law enforcement, the absence of fire arms puts the grow sites in a vulnerable position. Cannabis is one of the agricultural products most attractive to thieves and opens the door to criminals if the sites are not protected just like any other business has the ability to do so. I suggest the prohibition of assault rifles and the like, but suggest allowing the use of hand guns, perhaps even of a lower caliber such as 9mm and below.
Also there should be a close relationship with local and state law enforcement so that both parties create an environment of open door policy and accessibility to officers.

The application fee is necessary and should be implemented within reasonable affordability to the farmer, it has to be cost effective and fair. At this point I don't know how many applications I'll be submitting because I don't know how many I need.

Regulatory Goal #3
I would like to apply for licenses on 4 sites initially, but there should be a possibility growth with limitations to allow for competition and prevent monopoly by those with greater means.
Mixed lighting is necessary during different stages of growth to give the plants the sense of season change in the flowering process. As to the type of lighting, it usually varies from grower to grower. While some type of lighting drains less power and produce less heat, it can be less effective in speeding the process. Metal Halide lighting is more effective but it also presents the danger of fires when the set up is not appropriate and require additional equipment such as fans and coolers to reduce the temperature in grow rooms, therefore wasting more energy. I suggest programs for solar panels to offset the cost and impact to the environment.
Water resources are key for growers, but I'm not familiar about the amount a manufacturer of goods derived from the plant would need. It would be necessary to do some research to determine which method of watering is most effective to provide the plant enough liquid while conserving water.

Regulatory Goal #4
Recycling water and soil for cannabis grow is not advisable within the growing circles because the new plants inherent the nutrients from the previous grow and complicates the food sources and testing for the new batches. It is possible however to implement a process in which the recycled water and soil can be used for other gardening purposes such as grass and bushes in homes and businesses.
Conscientious growers prefer natural and safe pesticides to maintain the quality of the flower and health of those
who consume it and it should be implemented across the board. While it is true that stronger chemicals are more effective in preventing an infestation of bugs, they present a health hazard to the patients and end result of this program is ensure safe consumption of cannabis.

I currently grow an average of 5 plants only at any given time to stay below the limits established by Kern County and prevent legal issues. Since my operation is so small and in my own house, the only alarm system is the one I already have to protect my home. However, once a cultivation site grows and it can be a known facility that attracts criminals and both alarm systems and security must be in place. I suggest that at least part of the working crew should become a licensed security guard and therefore become cost effective to the farmer.

I currently grow strictly from seeds and have not yet implemented the cloning process but it is something I would like to be able to do. Nevertheless, in matters of regulation in might complicate the regulation process for the program. Perhaps it should be allowed a few years after the program is more familiar with the industry. I also plan to provide coops with plants since some members like to try growing their own supply while avoiding the seeding process and believe they should have access to this option.

Sent from my iPhone
CDFA regulations should define “wholesale” and “retail” nurseries separately
CDFA regulations should define “immature plant” as opposed to “production or flowering plant” for the purpose of separating nursery stock production from Type 1-3 cultivation
CDFA regulations should mandate pest detection, prevention and cleanliness standards equivalent to the standard CDFA nursery program
CDFA regulations should mandate that any cannabis nursery stock produced, sold, or distributed must be produced by a Type 4 licensed retail or wholesale nursery
CDFA regulations should mandate that Type 1-3 cultivators who do not produce their own nursery stock (if allowed to do so) shall only purchase nursery stock from licensed Type 4 nurseries
CDFA should develop standard protocol, and provide CAC guidance regarding submission of PDR’s and pest samples related to cannabis production
CDFA regulations should clarify if a Type 1-3 cultivator can produce their own nursery stock for themselves and/or sell live plants
CDFA regulations should clarify whether a Type 10 or 10A Dispensary can hold a Type 4 license and sell immature plants, or alternatively sell (but not produce) live plants under the Type 10 license
CDFA regulations should clarify any production size requirements or limitations on a Type 4 license since the law does not provide any clarification
total canopy means the gross area of cannabis planting on the parcel when plants reach full growth including spaces between plants not including headlands.
brandishing of firearms should be illegal, but possession of firearms should not be illegal.
1/2 acre of cannabis should be max per license to insure that the industry is not taken over by big tobacco companies, if state wants to limit larger grows how will the counties coordinate their registrations?
cultivators should be allowed to produce their own nursery stock
Humboldt’s predictive model is a better means of tracking MJ than tagging individual plant track and trace.
any immediate threat to health or safety, any activity outside the scope of the license, or any leakage of more than a pound of product outside of the legal channels of trade or injection into the legal channels of trade should be a serious violation.
there should be a study or information on the amount of water needed to grow cannabis in the EIR so counties can better decide their land use and zoning options and impacts on ground water on neighboring properties.
Product should be tested for pesticide residues at some point before public consumption, if not by CDFA.

Respectfully submitted,
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
To: MCCP_PEIR_CDFA@CDFA
Subject: FW: Pre Registration Survey
Date: Monday, October 03, 2016 12:42:21 PM

Submitted Sept 30 2016

This email was sent just after midnight EST time on Oct 1 2016 - ...but it is still Sept 30 in California!!

Goal 1
Also need to define when a cutting/clone is considered a plant...when it is cut? Rooted? planted in soil? begins flowering?

If when rooted - how long are the roots?

Flowering - I think that this needs to be a certain size...does a single flower on a bush make the entire plant flowering? I would say when the koala (flower bud) is larger than 1/4 - 1/2 inch, you can safely call it flowering..But the time before that might be a bit harder to detect.

Goal 2.
Firearm ban - How does this protect enforcement staff? Are there bans in liquor stores?
Anyone legal will not hurt enforcement staff, and anyone with bad intentions might have a gun even if you say not too.
The real problem, is if you announce no Firearms can be present at a grow site, you are basically advertising - Come rob me, I have no protection.
Growers are more afraid of the nefarious characters than of enforcement who they are trying to work with.

Application fee - we are planning on cultivating at a few sites, in order to minimize risk of fire, theft, etc, and will need to submit several applications.
Hard to say, but likely 5 applications will be needed.

Goal 3
As a cultivator, we are considering exploring manufacture of medical oils, as well as as possibly creating edibles. Manufacturing should not be hard to obtain, since there are many grey lines between the final product grown and the eventual product being consumed.

Initially, we plan on growing about an acre indoors, in total canopy. over about 5 sites. Initially we plan on using multiple cargo containers, so you can base a lot of rules on that size.

Goal 4
Currently, we plan on reusing all recyclable compostable plant matter. Water, where it can be reused, will be. We are organic and will not use pesticides. We will use natural organic fertilizer as needed.

Security - we use multiple video camaras, locks on all doors, with smoke/fire alarms. All grow areas are additionally behind a surrounding fence.

We currently only plan to grow for medical use only:
clone and sell plants wholesale to other licensed growers, not to dispensaries.

We will grow our own crops to maturity and sell flowers to a lab for production of cannabis oil

We will need to research and cross breed to create better strains for growth - height, speed of growth and flowering, potency of cannibinoids,

We will grow mostly for established clones for the most part, but we will experiment with seeds.

Goal 5
All business records, licenses, and permits, both local and state, are maintained for inspection.
All receipts will be filed and maintained.
We will be implementing seed to sale software, with bar codes and readers, to track all plant movement, plant type, dates, etc.

Safety, we have fire extinguishers, and all sites are in clean grow rooms with room to maneuver. All electrical work is done by licensed electricians.

Goal 6 -
We currently use shipping containers, and the plants stay in this same room for their entire growth cycle. As such, movement tracking is not needed at this time, but could be valuable if we change our process. The tracking software with bar code readers will be very useful for this.

Goal 7
3 to 4 months should be a reasonable time for non compliance hearings and correction of any issues. The entire grow cycle can be concluded in 90 to 120 days. This would allow someone to finish out their grow (if you are shutting them down)

Serious non compliance would include not operating with grow licenses, not allowing inspections, not keeping sale records.

Hopefully some of my answers will help...
Sorry they are not well organized.
Goal#1. I know these terms I grow Cannabis

Goal# 2. Online application as well as paper would work for me. I do not believe in a fire arm ban, I can not own a fire arm because of fear of our local Sheriff and his posse to impose more fines on me if they came to my property, and we raise Sheep for meat and have predators. This is awful and unfair because I would shoot to protect my livestock but do not own a fire arm because if you grow Cannabis and own a firearm you are always penalized more! I anticipate submitting at least two applications.

Goal#3. I think if you cultivate you should be able to apply for a dispensary license as well. I feel 5 acres is reasonable for the cap for me I have 7 acres ,but idf someone owns more acreage why should they be penalized with a 4 acre cap?!
I think indoor is different and there should be a different cap on indoor and mixed light. I do not know how this will impact my business. I hope it doesn’t!
I feel if you are a small "cottage " farmer you should be able to manufacture on your property. Joints are not manufacturing it is a way to administer Cannabis.
Dry Sieve and water processing are also part of cultivation. I am talking small farm not large scale which I will maintain a small farm.
I want to apply for small "Cottage " cultivation,and only one for now.
Reasonable amount of lighting all depends on the square footage of grow site,very hard to answer this question. As far as largest license, I think that it should be allowed where there are no neighbors in visible site,and a very large piece of property, really depends on the terrain.
I have no idea what methods should be used, tho’, I feel the people must be local, and respectful and practice Regenerative Farming and Best Management practices.
Goal#4. We have a small farm and practice Permaculture and Regenerative Farming, we raise Sheep and had chickens but they were picked off by predators. We will have chickens again. We use lots of our composting materials we have developed over the years. We grow lots of food and herbs and we recycle soils and amend them and plant cover crops.
We do not use pesticides. We water early AM or late evening.
I do not believe we need major security, and that should be determined on an individual assessment according to one's property and where it is located. We live on top of the river canyon in the wildlife corridor and do not want to disturb the wildlife that roams freely thru our property. Our Cannabis is fenced and not visible except by air when our local Sheriff and his posse do their fly overs.
I do not sell to nurseries but might if and when this all comes in to play. We have one green house where we grow lots of food and trees. We have another greenhouse we are building which could be used for plants to be cultivated and or for plants to sell.
I usually propagate from mother plants,"clones", and sometimes some seeds.
Goal#5. As of yet I have not made my property ready for inspection but am looking it to that.
I keep mental records, and have kept some written but because of the laws have been reluctant to keep much paperwork.
Goal#6. I do not see the need for tracking plants that are vegin to the ground.When they are ready to go in the ground they do, why so much tracking? It seems a bit obsessive to me. Once harvest is in then tracking would seem more appropriate.
Goal#7. Timing for Hearing upon knowledge of Violation- 6 months?
Minor violation-?
Moderate Violation-?
Serious Violation- Use of Chemical pesticides
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
To: MCCP_PEIR_CDFA@CDFA
Subject: FW: pre regulatory workshop survey
Date: Friday, September 30, 2016 10:50:52 AM

From: Sent: Saturday, September 24, 2016 1:57 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: pre regulatory workshop survey

Goal #1- canopy-area of production, counting plant square footage only, not aisle ways or greenhouse dimensions
   flowering-cannabis plants, that have been naturally or artificially induced by 12 hours of light
   immature- younger plants of smaller size
   mixed light-plants grown in both natural and artificial light conditions ir-greenhouse with HID lights
   propagate-to continue a plants genetics either through cloning or tissue culture
   premises- a house or building, along with land where business is conducted

Goal #2-application-either option, paper or online is fine with me
   firearms-liquor store owners can carry concealed weapons, cannabis business owners deserve the same rights, as long as responsibly used
   application fee- i will be submitting 2 cultivation applications

Goal # 3-License types-I am hoping to apply for 2 Type 3 licenses(10,000-22,000 square feet), one mixed light and one indoor
   License Cap-unless the bottom falls out with cannabis prices, I don't see any reason why any person/business would need a combination of more than 4 cultivation licenses.
   Reasonable amt of Mixed Lights-mixed light should only be used to lengthen veg time or to supplement when very overcast, but a much larger footprint than indoor, which is 5'x5', so track lighting or larger footprint, say 8'x8' would suffice
   # of Type 3-i think it would be fair to issue Type 3 licenses based on a % of total grows in california, divided between counties,cities that have regulations in place & have responded to surveys & have shown some compliance by September 1, 2016. Seems to be the most fair approach

Goal # 4-Environmental Concerns-we grow organically, always water early in the morning with minimal runoff, reuse soil
every year, store insecticides & pesticides/nutrients in a secure building
   Security, etc-we need to put proper fencing, security cameras around grow site, but do not plan on having security guards
   Nurseries- we will not be applying for a nursery license
Goal #5-Compliance Inspection-our site is safe for any worker, inspector to walk through. regular clean up of area/equipment keeps site free fro hazards & sanitary 

Records-we keep all purchase receipts, feeding/spraying schedules, income/expense & budgets, hours worked

Goal # 6-Track and Trace-I think tagging each plant from it first transplant to harvest would be the most simple method, as long as user friendly software was able to support it.

Goal # 7-State Liscense Violations-license revocation should only occur for serious violations or repeated violations for the same thing. Look at organic vegetable farm or vineyard industry for violation severity ideas

Can you please answer my question? Will cultivators, holding a license be able to propagate their own genetics or will they only be able to acquire plants through a nursery? If required to buy thru a nursery, I strongly disagree and feel as though every licensed cultivator deserves the right to propagate their own genetics

Thanks,
Scoping comment letters 200-271 were not provided via email and, therefore, are instead included in Appendices L, M, or N of this Scoping Report.
-----Original Message-----
From: [REDACTED]
Sent: Friday, September 30, 2016 9:55 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: preliminary input

1. Canopy: measurement of AVERAGE outer dimensions (as long as majority of your plant is inside the measured sq footage. Not to be concerned about one branch hanging over as there will be unused spaces inside the square footage). Flowering: a plant in the reproductive phase. Immature: less than mature.
Mixed light cultivation: using natural and artificial lighting. Propagate: to initiate sprouting seeds, rooting clones or tissue cell culture.

2. Cannabis businesses should be able to hire an armed security guard to protect the citizens. Persons being regulated would not be any more likely to be dangerous than a farmer in any other industry. Therefore, I believe it is reasonable for a rural farmer to have a shotgun to protect his family from rabbid animals, bears, rattlesnakes or boar.

I would be applying for 2 permits.

3. One acre maximum. Half acre mixed light. 5,000 soft indoor Joints, dry sieving, and water concentrate is in the scope of cultivation.
600 watts for mixed light max.
No type 3 licenses for post 2016 cultivators.

4. Cultivation site security: fencing and rural location.
Very much R and D goes on at a nursery site.
We use seeds regularly.

7. Minor violation: temporarily over square feet when staging a cycle of plants for new crop while harvesting. No more than 10% over allowed square footage.
   Moderate: inaccurate reporting
   Serious: Dumping fossil fuels or pesticides into a water way.
I attended your workshop in Desert Hot Springs on July 28th, which is when I received your survey. I hope this is submitted in time, and parts are useful. Thanks for all your efforts, and for including the public in your research and decision making...

Goal #1

Canopy – measuring from the tops of the plants, edge to edge, both directions, to determine the existing size of the grow.

Flowering – The state a plant is in when it is producing buds.

Immature – My little brother.

Mixed Light Cultivation – Utilizing a combination of natural sunlight and artificial light (lamps). Most often a greenhouse that has lamps wired in it to supplement sunlight in the winter months.

Premises – A physical location, defined by boundaries. Can include a building, in which entering the premises would be moving through the door (or other opening), or could include walking or driving onto the parking lot, if that is also owned/leased by the occupant. Can also include an outdoor field, in which crossing over the property line would constitute entering on to the premises.

Propagate – To start new plants, either by growing from seeds, or by cutting clones from an existing plant.

Goal #2

Prefer an online application. We would support a weapons ban. This would not affect us, we will not have weapons at our facility. We intend to apply for one indoor growers license, either 1A or 2A, depending in part on what the license fees would be.
Goal #3

Acreage Cap – no opinion, no experience.

For indoor, it seems to me that using a canopy measurement is problematic. Assuming you measure only flowering plants, when they are taller, bushier, and actually form a canopy, when do you measure? The canopy could be quite a bit larger in 14 week old plants vs. 9 week old. And crops will invariably grow to different sizes. So one crop could be acceptable, while another exceeds the maximum canopy size, even though they were both grown in the same square footage, the same building. It also seems like there could be disagreement over where the edges of the canopy are, and what the final measurement should be. It may be easier and “cleaner” to simply use building square footage as the measurement. Office/admin areas could be excluded. All areas where a growing activity happens would be included.

If a cultivator wants to manufacture a finished product, they should be allowed to apply for a manufacturing license. A business should be allowed to hold both of these licenses, if that’s what they want to do. They can be intimately related, especially for someone who has been doing it for many years.

Joints, hash and concentrates are all manufacturing processes, separate from growing/cultivating.

We expect to apply for only one indoor growing license (one site), up to 5,000 square feet, possibly up to 10,000.

Reasonable amount of lighting for a mixed light site – no opinion, no experience.

Method for establishing Type 3 limits? I believe you have a lot of homework to do on this one. Of paramount importance is water usage, source, recycling practices… Location (zoning), interference with an existing natural habitat (I am wholly against that), I don’t think we should be carving up any un-touched land to put in an agricultural operation. Not to mention homes, roads, or anything else that might be needed to support the operation. A demonstration of know-how by the applicant might be good. You may want to consider supply and demand. Issue what you conclude to be a limited number of licenses, and see what the market does. If demand is outstripping supply, you can issue additional licenses. This is not about supporting prices. This is about limiting the amount of land that gets used for this industry to the smallest level possible, while still providing the public with an adequate supply.

Goal #4

We will be growing hydroponically, and will be recycling 100% of our water. New water will be a combination of city water and bottled, such as Sparklets. We have a filter system built to recycle any water not used up in a watering cycle, and the
filtered water will be used in a new cycle. Water used to clean materials will also be recycled. We do not anticipate using pesticides, but will use non-toxic measures such as neem oil, horticultural oils and hydrogen peroxide.

Our building will have security doors/locks, security cameras inside and outside, and an alarm system.

We will not sell plants.

Goal #5
I’m guessing this safety concern relates more to outdoor grows? Our electrical will be up to code. Our building will always be safe, inspections could happen any time.

We will have records detailing every crop/grow, including source of plants, nutrients used, watering cycles, any issues with pests, length and lighting of each phase, etc. Every crop, and plant, will have a unique number assigned to it.

Goal #6
We intend to record the movement of our plants through each phase. When a crop is started (for example, a group of 30 clones we cut), the crop will be given an identifying number, each plant container labeled, and we will document each time one of the plants, or the crop as a whole, is moved. A master log will contain details on the crop (plant strain, mothers it was cloned from, date, size, etc.), and an accompanying running log will include details of the grow. When it’s harvested, the packaging will be labeled with the identifying number and details. When it is sold, we expect the lab testing results will also be added to the packaging. Though we’re not sure who would be responsible for that, us, or the distributor, or the manufacturer?

Goal #7
I imagine the inspections and oversight would operate similar to how restaurants are policed. With minor and moderate violations, the grower would be given time to come into compliance, and failure to do so, or multiple infractions, would result in their license being revoked. This is purely arbitrary, but if it’s possible, I guess a reasonable time-frame for a hearing would be no more than 2 months. And a grower should be allowed to tend to their crops at all times, up until the day a license is revoked.

Thank you again...
Hi-

I am writing in response to your request for comments on implementing the MCRSA. My small collective is in Shasta County, and I have been the grower for the past 2 years.

In order of your Goal list:

Goal #1:

Canopy is the leafy upper part of a plant or plants. Flowering is the stage a female plant is in during reproductive growth. Immature would refer to a young plant, the time between propagation and strong vegetative growth, under 36” tall. Plants grown with more than one light source would be mixed-light cultivation. I would say premises refers to the cultivation site. Propagate is the creation of a new plant by seed or by cuttings.

Goal #2:

I prefer the traditional paper method. I will not be affected by a weapons ban. I will submit an application for 2 cultivation licenses, initially.

Goal #3:

An acre of canopy per outdoor cultivation site with a limit of 4 sites would be reasonable. For indoor and mixed-light, a half acre per cultivation site with a limit of 4 sites would be reasonable. These limits do not affect my small business model. A cultivator would reasonably perform minimal processing such as creams, topical oil, etc. - but no 'manufacturing' with equipment or chemicals. I will apply for 2 indoor sites, under 1/2 acre each. If sunlight is one of the mixed-light sources, no other light units are needed. Same applies for light-dep, only sunlight is needed. For indoor cultivation, I typically use one 1000w light unit for every 36 square feet of canopy. A fair method to limit Type 3 licenses would be to require that they be on large parcels, say 20 to 40 acres, so that there is plenty of buffer. It would be fair to limit them to a certain number per County.
Goal #4:

I grow without chemical fertilizer, without pesticides or fungicides. I don't use targeted pesticides. I follow accepted organic farming methods. I water by hand from a municipal source and collect the runoff for re-use. It is very feasible to recycle the soil, the containers, and to compost the unused plant portions. My compost makes great fertilizer! My security is in the form of an on-site living facility plus a secure building with an alarm, and a secure fence around the property. As an indoor grower, I propagate and sell plants to dispensaries and to other growers - it is a natural offshoot of indoor cultivation, not practical with outdoor cultivation. An indoor nursery is a prefect place for controlled research and development. I propagate from seed roughly half the time.

Goal #5:

My site is indoors, and easy to control safety aspects. Floors are clean, access is safe, area is well-lit. In addition to my member's records, I keep cultivation records such as dates, strains, production results.

Goal #6:

I have 4 stages, all of which would be valuable to track. I propagate from seed or cuttings, then I transplant them and move them into the vegetative stage, then transplant again and move to the flowering stage, then ultimately enter the harvest stage. A fifth stage might be any light processing and curing.

Goal #7:

A fair timeframe for violation processing would be quickly- 2 weeks. I would consider a minor infraction to be failure to keep accurate records, or late payment of fees. I would consider a moderate infraction to be lack of security at a cultivation site. I would consider a serious infraction to be diverting of groundwater, or other environmental damage.

Thank you for the opportunity to provide input. And thank you for your time putting this all together. Please feel free to contact me anytime.
Hello,

Please submit my answers below for the survey.
Please feel free to contact me with any questions.

Thank you,

Regulatory Goals:

1. Canopy is the square footage a plant or plants occupy as seen from above, that does not include walkways nor gaps greater than 6 inches. It should only be comprised of vegetive material. Flowering are plants that are being exposed to 12 hours of darkness and are showing the beginning signs of flower buds or pods but should not include pistils. Pistils are not flowers, and some varieties have pistils in vegetive states. Immature are plants that are less than 20" inches in height. Mixed light cultivation would be either outdoor or greenhouse applications that utilize strong supplemental lights during "daylight hours". Not weak lights that are used to maintain plants in a vegetive state. Premises is the space your entity occupies as in 5000sf of a 12000sf facility. Propagate is to take cuttings of plants to produce new plants by whatever method so that the cutting will produce its own root system. You can also propagate from seed.

2. Prefer paper, otherwise digital encryption. Weapons of firearms should be allowed on the premises only by third party security agencies. I would like to submit for as many as the law will allow.

3. Four canopy acres is reasonable. Indoor should be allowed more area to have a chance against the better financial margins of an outdoor or greenhouse operator; but no more than 6 canopy acres. A mixed light out door or greenhouse operator should be limited to four canopy acres. Not sure of impact. A cultivator should only need a manufacturing license if they use any kind of unnatural solvent that comes in direct contact with the cannabis to produce a salable product. They should not be required a manufacturing license if they are only using mechanical and or temperature to separate or concentrate the plant products. Joints, dry sieving, and water concentration should be allowed in the scope of cultivation.
I will try to apply for as many as are permissible.
The amount of lights in a mixed light cultivation should be irrelevant as market economics will push everyone to use the least amount possible. There is a point where there is no financial gain in having more lights. Let the market determine. Some strains may also need more than others and vice versa. Do not limit the variety of strains due to the quantity of lights.
Limit type 3 licenses as 1 for every 2 or 3 smaller cultivation license types.
4.
6.
Start tracking when plants are induced to flower. Before that some might die or get pulled for being weak. The flowers are what I believe everyone is most concerned about. Tracking overload prior to flowering. Some sort of special ticket should be generated for pre flowering plants to move offsite as in a trade for stock or donation to patient if of course allowed.
7.
Minor: Surpassing canopy by no more than 5%.
Moderate: Surpassing canopy by more than 5%. Sales or trades between licenses holders if not allowed.
Serious: Sales to unlicensed individuals or entities. Untracked product of more than 5 grams of the same strain or more than 50 grams of combined strains leaves facility. Samples may need to be given or tested. Only an idiot would risk their license to capitalize on such a small amount.
Dear California Department of Food and Agriculture,

The regulation of the cannabis industry in California will be one of the most significant efforts your department will undertake in our time. The rest of the world will look to California as the model for how the industry should be organized and regulated. Cannabis cultivation has TONS of dirty secrets in the currently unregulated market, but there is ample room to clean up these practices and still produce quality cannabis.

We specialize in aeroponic cultivation, which is a technology developed by NASA to grow food in space. We use it to grow cannabis on Earth because the method uses 90% LESS WATER and nutrients than conventional methods. Aeroponics produces 90% LESS WASTE than conventional methods and our product is superior in quality because of the way the plant absorbs the FOODGRADE nutrients we use. All of this is evident in the final product as patients constantly say we grow the best cannabis they have ever had, meaning it’s CLEAN — no phlegm in your lungs or burn in your nose — and potent, meaning the person is actually getting a highly medicinal effect from consuming very little. When talking about cannabis as medicine, this element is crucial — we cannot allow substandard cannabis to infiltrate the medical market and potentially harm patients with the harsh heavy metals contained in common commercial fertilizers and pesticide used to grow cannabis.

Please find our comments below as we try to help answer some of the questions posed by your organization. We hope that you will look to us as a consultant throughout this process as we have a superior perspective on how cannabis should be cultivated. After attending the town hall meeting here in Pasadena we were disappointed at how little the people in charge of regulating this industry actually know about the industry. Obviously, that’s why you’re open to these comments but we really want to be clear that this needs to be a two-way conversation. Please reach back out to us to continue hashing out these details to best regulate this plant that people have been using for medicine for thousands of years. We want to help California establish common sense regulations that will benefit everyone: the producer, the consumer, the regulators and most importantly, the Earth we live on for generations to come.

Sincerely,

*Canopy — The total dimension of the space allotted to grow cannabis. Cannabis is a plant that can be trained and grown in a variety of methods. Regulating via canopy size is superior to regulating via plant count, but ultimate the best way is square footage. A cultivator should be allowed a particular square footage to fit as much canopy as possible. This square footage should be independent of the actual square footage of the facility where the cannabis is grown. For example, in a 6,000 sq foot greenhouse there should be a boundary drawn to identify the 5,000 sq feet allotted for canopy, with the remainder of the space allotted for storage and moving around the room. A grower should be able to have multiple rooms or plots to break up the total square footage allowed under the license type.*
• Flowering — The photoperiod when the light cycle turns to 12 hours of light and 12 hours of darkness. In the first week of flowering very little flowers are present but the plant is still in a biologically flowering state of being.

• Immature — A plant that is still under a photoperiod that is no less than 18 hours of light per day. This term could be synonymous with “vegetative,” which is the vernacular term.

• Mixed-light cultivation — A greenhouse or structure that uses artificial lights to supplement the natural sunlight penetrating the structure. Typically HID lights are used in this scenario but full spectrum white LED lights are a better alternative. There should be rebate incentives to use LED lights. There is one LED manufacturer that we know of that holds the highest government certification for energy efficiency, which would incentivize cultivators to switch.

• Premises — The property line of the cultivation site.

• Propagate — Germination from seed or creating cuttings (clones) from mother plants that remain in a vegetative state. There should be separate canopy requirements for this stage, independent of the larger vegetative or flowering canopy. The reason is to ensure a seamless transition between each crop, a substantial propagation area is needed to prepare the next crop. These plants are typically 12” or smaller, can be compacted into smaller areas and do not smell nearly as much as a flowering plant. This will also open the opportunity for breeding and R&D to create more ideal strains, particularly CBD strains.

• Environmental Management Measures and Best Management Practices: We cannot say with 100% certainty because we have not visited every cultivation site, but the common practice is to start with a fresh soil or hydroponic medium for every crop. This means there are TONS of waste being thrown away by cultivators every couple of months. Even outdoor growers do not plant directly into the ground and rotate crops as traditional farmers do to preserve soil health. Under current state law, if someone grows 99 plants in 5 gallon buckets, that’s 495 gallons of dirt or coco medium thrown away every couple of months. The worst is rock wool, an inert medium minded from rocks and processed into cubes. Rockwool should be outlawed actually, because despite a cultivators efforts to flush the plants of nutrients during the final two weeks of flowering (giving the plants solely water) the acidic nutrients never escape the rock wool. That means those growers are throwing away the equivalent of batteries into our landfills every time they complete a crop. This is criminal in our eyes. Again, one major benefit of growing with aeroponics is that our system is cleaned and reused after every cycle. The only waste at the end are roots and stems, which we compost. Please take a serious looking into rock wool as it is seriously detrimental to the environment.

• Water: Our aeroponic system uses a recirculating pump which allows us to use only 120 gallons of water, per week, to sustain a crop in 150 square feet of space. With stronger pumps we could sustain more with the same amount. When we change the water, we use it to water the plants and vegetable garden on the property. Truly no water is wasted or diverted. Because we use food grade nutrients, we have no fear that the soil on our property is damaged. Any other type of method will use about four times that amount of water every week, with the majority lost to run off. And the nutrients most people use are laden with heavy metals. We know this because of the online fertilizer database out of Washington State. We look up the popular nutrients sold out of hydroponic shops on that index and see the high levels of heavy metals in the nutrients. When we look up the nutrients we use, there are less than detectable amounts of metals.

• Pesticides: We believe that any greenhouse or indoor cultivation, when managed properly, should be free of pests. There should not be a need for pesticide use. Any pesticides that are allowed should be held to the same standard as organic farming. Probably a higher standard as people don’t wash their cannabis before use. A select group of pesticides should be allowed during propagation and vegetative growth but strictly limited during flowering. There are some pesticides that utilizes natural essential oils that could be permitted, but typically pests are a result of lax cleanliness practices for the people coming into a cultivation site. Outdoor cultivators have to deal with pests much more and should be held to the same or stricter standard as organic farming. There should be educational programs to help growers understand how to use predatory insects to precent unwanted pests.

• Indoor License Types — There should be rebates for utilizing energy efficient lighting, particularly LED lights. The cultivation site should have tri phase industrial power to lessen the amperage used by HID lights. The
electrical work should be to code and inspected. Fuses, temperature control kill switches and fire retardant materials should be used to mitigate accidents. The state should adopt a light bulb recycling program. If using LED, typically light bulbs will never need replacement. The building should be secure against earthquakes. Adequate ventilation should be equipped with carbon filters to mitigate smell, screens to prevent bugs and pests from entering (which will lessen pesticide use) and ensure proper air flow to decreased any type of mold or mildew buildup. Proper ventilation can also decrease air conditioner uses in colder climates. If using co2 generators which burn propane or natural gas to produce co2, proper storage of propane tanks or natural gas lines should be checked.

- Mixed Light License Types — All of the above requirements should apply for greenhouses. If running supplemental lights at night, consider how to block that light from penetrating neighboring properties.

- Outdoor License Types — There should be no requirement to visibly hide the presence of cannabis on that cultivation site. The cultivator will most likely take measure to conceal the crop because of its high value, but making this a requirement would be an undue burden. Oregon has this requirement so now you have tons of ugly fences popping up everywhere. Outdoor plants grow very large, more than 15 feet if doing it properly, and we think many people would rather see foliage than fence. The smell is something that cannot really be mitigated during the flowering portion of an outdoor season.

- Cannabis Nurseries — These licenses should have similar code requirements but are ultimately the least impactful. They should not necessarily be restricted to agricultural or industrial zoning. We have many nurseries in the middle of the city. Urban farmers should have access to good genetics and healthy plants without traveling too far and creating more of a carbon footprint. But these facilities should only be allowed to use florescent or LED lights. HID lights are totally unnecessary but I assume most nurseries wouldn’t use them anyway because of energy cost. There should be a certification that plants coming out of nurseries are free of mold, mildew and pests. This will ensure that many issues will be avoided from the beginning of the growing cycle.

**LICENSING REQUIREMENTS**

- Application process — An online application is much preferred to paper. We are living in a digital age and this seems more than logical.

- Fire arms — It is American tradition that farmers have fire arms for many uses in rural property — security and hunting. I imagine many cultivators in rural areas have firearms for these purposes today. Urban cultivators would have firearms for security reasons, I do not believe that legally permitted cannabis cultivators would have fire arms onsite to defend against an visit from law enforcement. Illegal gangster, mob-like operations would have them for that purpose, but legal entities in my belief would not. I believe that cultivators should be allowed to have legally permitted firearms onsite to deter thieves. If thieves knew that cannabis cultivations could not have firearms on site, crime will rise. I do think that the smartest thing is to install security infrastructure and hire licensed security guards, but ultimately the state should not limit a person’s constitutional rights to protect his or herself and property just because they are growing cannabis.

- Number of Applications — I anticipate applying for every type of license I am legally allowed to apply for. So at a minimum, 4 of the Type 2 licenses.

**NUMBER OF LICENSES ALLOWED**

- Mutually exclusive categories — I believe that limiting the number of licenses a person can have, which effectively limits vertical integration, is a BAD thing. Entrepreneurs should be awarded the opportunity to create a vertically integrated business if they choose to do so. Prop 64 allows for Micro Business license and a similar designation should be created for medical use. One of the beautiful aspects of cannabis is that the entire plant can be utilized. Thus manufacturing should be implicit in the cultivation license, it shouldn’t be two different categories. That means making oil or other derivatives should be allowed under a cultivation license. For example there are many cultivators that prefer to only sell their flower after it was turned into a concentrate because they prefer that niche market. Or at the very least, there should be a price discount when acquiring multiple licenses. In relation to the acreage question, putting a limit on a cultivator is never a good thing. We want to grow as much as possible. The Harbourside dispensary has 470 acres of greenhouses in Monterey they are preparing to cultivate in. How did they manage to acquire so much space?

- Determining mixed light standard — The HID lights used in greenhouses are supposed to be supplementing the sun, there for the amount of lights used should be less than a traditional indoor set up. Indoors we hang one light
every 4 feet because that is the light footprint of current HID lights. Some LED lights are approaching a 5x5 footprint. So as long as the number of lights is less than 1 per every 4x4, that should suffice. Perhaps one every 4x8. But there should be less restrictions on the amount of LED lights a greenhouse and utilize.

- 3A licenses — Prop 64 handled this issue very well. They have a 5 year ban on the largest licenses with an option to renew the ban after 5 years. I believe a similar approach would be good. Give a chance for the smaller cultivators to establish themselves in this emerging market. We do not want the cigarette companies to switch their crops from cannabis to tobacco overnight. Or the 1-800-FLOWERS, or any other huge corporate entity that knows nothing about growing quality cannabis for medical use. Besides, if a person gets 4 Type 2 licenses, that’s more than what a Type 3 would allow.

COMPLIANCE

- Site inspection — We currently do not have any requirements for site inspections, but I think there should be advanced notice when inspectors are coming, even 24 hours would be ok. The worksite should be safe for employees, so there shouldn’t be any safety concerns with inspectors. But inspectors should be comfortable with putting on clean overalls or other type of garments to prevent the introduction of pests or other diseases into the garden.

- Records — We just keep general inventory records, but with the addition of seed to sale software I’m sure that we will be using something similar to that.

- Tracking movements of cannabis — We currently do not track how the plants are moved around the cultivation site. Keeping track of every plant seems like a lot of unnecessary work. It think batches of strains should be tracked as a whole, because there is typically one strain per room or plot, but tracking every plant within that batch seems excessive. The transition points for tracking that make sense are from nursery to a specific location at a cultivation site, if those plants move from one room to another at that cultivation site, when they are harvested and then when that finished batch is picked up by a transporter/distributor.

VIOLATIONS

- Citations — In the first year there should be ample opportunity for inspectors and license holders to work together to reach compliance. There will be many new regulations to learn and make part of an operating structure so the state should not be overly punitive in correcting mistakes. That said, any type of violation that is also a violation of normal statues should be looked at more seriously. For example, stealing electricity should be an immediate revocation of a license. Evidence of habitat destruction should be an immediate license revocation. But if a person is using an unauthorized pesticide, the crop should be destroyed but the person should have a chance to correct the mistake for future production. I they aren’t tracking plants properly or have some kinds of OHSA violation, there should be a window to fix the mistake with follow up inspection for proof of correction. Ample time for a hearing to determine if a license revocation is legitimate should be within 90 days of the incident or after the investigation is complete. Because plants are living things, there should be provisions for a cultivator to be allowed to continue to cultivate while under investigation for a limited category of violations. I equate this to a fix it ticket for traffic or motor vehicle violations.
-----Original Message-----
From: Rains, Lindsay@CDFA on behalf of CDFA Medical Cannabis Cultivation Program@CDFA
Sent: Thursday, September 29, 2016 7:15 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: Fwd: question for stakeholders CA

Dear CDFA MCCP. Below are answers to the pre-regulation workshop survey.

1.) Define term: Canopy is the size of the growing area not including roads or main walks for cart transportation. It does include narrow walkway between plants, flowering is the finale stage maturity/Bud stage. Immature is the young plant pre-bud. Mix light cultivation is a combination of natural and artificial lighting to enable regular scheduled production with sunlight and lights/dark out. Premises is a legal parcel or several physically joined parcels. Propagate is to sow seed/seedlings, run mother stock and/or make and/or root cuttings.

2.) Online Application. Weapons ban at cultivation site is acceptable. We expect up to 2 Applications.

3.) For mixed light -1.5 acres. All size limits have a huge impact. Cultivating licence and manufacturing should go hand in hand. Initially if available a Manufacturing and 4-acres cultivation. The amount of light for a mixed light facility should be similar to that of vegetable growing in greenhouses in northern climates such as Holland or southern Canada. Method is to limit type 3 licenses consider the following: a farm's number of years of experience in ag production, Is owner currently or previously a professional farmer, farms green practices history. Farm and owner is compliant with laws during that history with government regulators. The Market will set the quantity of farms as production and sales come into balance.

4.) Compliance is set through our normal farming oversight regulators such as Regional Water Quality Control, CDFA rules, EPA rules, OSHA. We assume targeted pesticide application in conjunction with beneficial insect application. We would employ precise drip water cycle times. We assume we would recycle water security would be provided by professional service. It would include fencing, cameras, motion sensing, security at entrances with limited access and background checks on who manage anyone onsite. No plant sale to dispensary. NO plant sales to cultivator. R&D at nursery site is minimal, could be limited to plant selection and growing techniques. NO regular propagation.

5.) Clean, safe, Closely observed. Regulated by all State and City Regulations and requirements. Maintain records for coop and LLC.

6.) Tracking should be from Seed to Sale. Track seed sow, seedlings, planting in veg area, finish area, harvest/drying, processing.

7.) Hearing 60 days if minor and business can continue during that time. 14 days if business needs to stop due to "major" violation. Any Minor infraction should be moderate: such as cosmetic(labeling, packaging etc.)not plant
specific. Serious-compromise standards purity, misusing pesticides, environmental hazards.

----- End forwarded message -----
Regulatory Goal # 1 Response:
Canopy: The area directly under the widest circumference of the plant.
Flowering: When entire plant can be identified as fully male or female.
Immature: When any nodes on the plant cannot yet be identified by sex.
Mixed Light Cultivation: An indoor operation that utilizes both solar and artificial light for the growing aspects of production.
Premises: A continuous piece of real estate
Propagate: Either seed production using the natural propagation of the plant or the cloning of a plant.

Regulatory Goal # 2 Response:
Preferred Application Process: Online
Weapons and Firearm ban: Would not affect me. I would prefer such a ban.
Number of Applications to be Submitted: 2

Regulatory Goal # 3 Response:
Reasonable Acreage: 1. This is in order to prevent large producers from undercutting the price in order to eliminate small growers.
Reasonable Indoor Operations: Current square feet recommended.
Are joints, dry sieving, and water concentrating a form of manufacturing or within the scope of cultivation? The scope of cultivation.

What size cultivation site(s) do you anticipate applying for initially? 10,000 Sq Ft.
How many separately licensed cultivation sites would you like to apply for? Two

What do you think is a reasonable amount of lighting to be used and still be considered a mixed light cultivation site? Cannot responsibly answer a I am unfamiliar with this type of growing operation.

What method do you consider fair for establishing type 3 limits? Lottery

Regulatory Goal # 4 Response:
How do you currently address potential environmental impacts at a cultivation site? Limiting the use of pesticides/herbicides.
Do you conduct targeted pesticide use? Yes
Do you use optimal watering times? Yes
Do you recycle water and/or cultivation materials? Yes
How do you currently secure your cultivation site? Fencing

Do you plan to sell plants to a dispensary for sale to patients? Or do you plan to sell plants to cultivators for flower production? Dispensaries only.  
How much research and development goes on at a nursery site? Unknown  
Do you regularly propagate from seed? Yes

Regulatory Goal # 5 Response:  
What measures do you currently take to make your site safe for inspection? No weapons on site.

What type of records do you currently retain? Purchase & sales Receipts

Regulatory Goal # 6 Response:  
What is the current flow of cultivation at your site? Site to Dispensary

At what points in the cultivation process do you think movement tracking would be valuable (planting, moving from veg area to flowering area, harvest, etc.)? Unsure

Regulatory Goal # 7 Response:  
What would a reasonable time-frame for conducting a hearing regarding a violation?  
The Program will also be defining minor, moderate and serious violations and corresponding penalties. What type of license violation would you consider minor? Excess of less than 20%.  
Moderate? Excess of more than 25% but less than 50%. Serious? Excess of more than 50%.
Thank you for taking public input. The recent news from Washington state about the high percentage of 'medical cannabis' that is testing positive for pesticides is to be expected. In my experience, as a cannabis garden gets larger it gets harder and harder to control pests with minimal interventions. Large, mono-culture gardens, be they outdoor, greenhouse or indoor are very challenging to keep healthy enough that pests are controlled by the environment and the vitality of the ecosystem. Small gardens interplanted with companion plants that attract beneficial insects and micro-organisms are easy to manage because one can work with nature instead of in opposition to nature. An easy way to see this is to compare cannabis to tomatoes. If a garden has tomatoes along with many other plants they will typically flourish and provide abundant fruit. No expensive and potentially dangerous nutrients or pesticides or fungicides are wanted or needed in a healthy garden. As soon as you scale up the size of the garden the difficulty grows exponentially. Please, make it easy for small scale gardens to be abundant in California.

On another topic, in considering the environmental impacts of cannabis cultivation, I would ask you to recognize that licensure and regulation of cannabis cultivation will actually have the effect of reducing the impact that has been happening. Many folk will be unable or unwilling to comply with all the new rules (MCRSA plus more to come) and my belief is the market place will make it clear that those who wish to keep making their own medicine will do so for themselves but not more than that. My sense of things is that the 'gangsta grows' will be gone in just a few years. Replacing them will be responsible regulated businesses.

Thank you.
Thank you for reaching out and trying to make sense of all of this. I have been a medicinal cannabis user since 1997. I have attempted several times to become a legitimate cultivator even going so far as to apply for a Schedule 1 permit through the DEA in 1999 with the [redacted]. We have always been met with resistance from the existing underground even to the extent of my life almost being taken. (confidential).

I would be stoked to help make this thing work in any way possible. The most immediate issue that I see needing to be addressed is the testing/laboratory model. The existing growers and syndicates use this as a bottleneck and a way to control the market. I would try to make this process as transparent and trackable as possible. Secondly and maybe more importantly is tight regulation over the edible markets with maximum allowable dosage and child proof packaging mandatory.

Thank you

Regulatory Goal #1

Canopy: total square footage of cultivation area  
Flowering: flower pistils prevalent at 50% or more of a plant’s nodes 
Immature: Plant that has not indicated sex (seedling) or plant that has not begun flowering (clone). 
Mixed Light: Light enhancement during flowering in a greenhouse. 
Premises: Borders of cultivated area on a specific property. 
Propagate: Tissue culture or cloning

Regulatory Goal #2

- Either online or paper is good.  
- Good idea but we need to be able to contract with security firms for protection and security - up to 30

Regulatory Goal #3

- 4 acres for 4 permits  
- Indoor should be net zero energy use as should mixed light. Net Zero no cap  
- Small growers should be able to process and manufacture up to a cap. half million to a million.  
- dry sieve and water concentration and other safe extraction process’s should be allowed by all but the tier 3 and up growers.  
- Several Type 2’s, we would like to have as many as the water board and DFG feel appropriate for our property without affecting existing eco systems. Each license would be owned by a veteran and would be used to employ and provide therapy for wounded veterans. 
- 600 watts per 5 x 5 area during flowering  
- type 3 and bigger need to incorporate some sort of social mission statement for both the state and local economies.
Net zero power consumption, minimum # of employees per sq. ft and/or all labor is contracted with the farm workers union. Non refundable application fees to be used for law enforcement and regulatory agencies. $250,000 license fee to state with EIR submittal. License caps per county based on existing agriculture and water usage. Existing farmers growing crops deemed more wasteful of resources will be encouraged to join the cannabis program without incurring the $250,000 dollar application fee. Example Hay, Rice, Cotton.

Regulatory Goal #4

- all of the above. right now we are really trying to enforce the inputs that are being used on the property. at times we need to use pesticides and currently are following Oregon guidelines. we will incorporate both water recycling and permaculture in our cultivation practices

- Grow sites, processing centers, and delivery drivers need to be wired to CHP and/or local dispatch. Real time cameras for law enforcement in the case of a robbery so they can assess fire power.

- we would like to sell plants and clones. we do both seed and clone. This also brings up the seed business model which may be the largest unregulated aspect of this industry which I would estimate to be in excess of several billion internationally. California could instantly dominate this arena if structured properly.

Regulatory Goal #5

- currently we keep all records with counsel because local law enforcement has not being playing fairly. why not have internal affairs audit the existing structure and root out the departments interwoven with local growers and distributors before the Feds do. Example being the Shasta County Marijuana task force agents that were just reprimanded for buying 80,000 dollar pools with cash. This has to end.

Regulatory Goal #6

-It needs to be tracked from seed or clone to harvest and then again after processing. Movement tracking would be mandatory for nurseries or for growers moving from location to location under the same business license.

- Warrantless entry for all local law enforcement with gate codes and contacts updated quarterly. 24 hour notice for state and federal inspectors. 4 hour notice for ICE.

Regulatory Goal #7

- 45 days
- minor, moderate ,and serious ???. I would defer to the State of Colorado as they have had the program going for the longest period. I have seen very minor issues get serious in an heart beat. The reality is if we are producing a product for consumption everything is serious and we should set up our regulation to be the shining star in this industry.

The biggest problems I see are interstate commerce funded by existing cartels and criminal organizations (confidential) and growers using systemic inputs too close to harvest and that product going on the shelf of dispensaries.

I apologize if this format isn’t perfect. Would love to help you guys in any way possible. Thank you for making this state such a wonderful place to live.

Kind regards
-----Original Message-----
From: [REDACTED]
Sent: Friday, September 30, 2016 9:51 PM
To: CDFA Medical Cannabis Cultivation Program@CDFA
Subject: survey

Regulatory Goal #1 - definitions:
Canopy- the area encompassed by the plants. Obviously this enlarges over the life cycle. There needs to be leeway for open areas- whether walkways or simply space between plants. But by the same token- when things are regulated by sq ft of canopy- an inspection at 6 weeks is not the same as an inspection at full term.

Flowering- anything once light cycle is dropped below 14 hrs. For use of pesticides- organic or not, this window may need pushed several weeks into the onset of flowering.

Mixed light. A distinction needs to be made between the use of supplemental light to increase yields, and supplemental light- usually very minimal, used to prevent early flowering in the spring in greenhouses. There is probably some justification in the latter case to further differentiate between high intensity lighting designed to maximize growth, and run for many hours, versus low intensity light run in morning and/or evening to simply prevent early flowering.

Premises- I would thing means any and all of the property used. Though there is a case to be made for just the area(s) used specifically for cannabis.

Propagate… I’m not sure. I suppose growing starts, seeds, clones, or full pants. Also would need to include technologies such as tissue culture. Should take into account that many young plants would die or be intentionally killed.

Regulatory Goal #2
Application- I would prefer both options be available. My instinct would be to prefer online but given the realities of how much information is likely to be needed the reality is I would probably go the paper route.

Guns- Well- they’ve long been illegal in medical cannabis. Recently confirmed by the state supreme court. Having the reality of large packs of wild pigs and mountain lions- the option of something that makes a loud noise (and as an absolute last resort- possibly saving a life) I can see an argument for them. But generally have little problem with a ban. A BIG caveat- if law were to require an armed guard. Most of us can not afford such a thing. It might make sense in very large urban grow scenes. But for many in rural areas- it would be prohibitive. IF such a law were passed there needs to be a right for the growers/workers to provide that armed guard service themselves.

Cultivation license. We plan on submitting one at this point. Possibly a second in 2018 (or the second replacing the original).

Goal #3
I think 4 acres is far, far, far too muck. I’d even oppose 1 acre. I’d say 1/4 to 1/2 acre is huge. Caveat- a separate,
and larger license should be available for high cbd/low the plants which are both low yielding and take several
weeks longer to mature.

Manufacturing license is a tough one. Obviously- if it entails the use of material from any other grow. Beyond that,
I’d say anything over processing a couple hundred pounds of material a year (input, not output), or requiring more
then ?? amount of space for production.

We plan on applying for a license for ~2000-3000 sq ft initially. Given the realities- it is likely we will expand
several fold in the next couple of years. For now- we are a boutique organic grow that owns a delivery service (with
resale license and sales taxes paid). The current plan looks to prohibit this which will destroy our business model. If
we are to survive we will have to expand the grow considerably and/or obtain a dispensary license (where we have
the delivery service currently bans storefronts but allows deliveries).

Light- I’d say almost none. In light dep greenhouses we use maybe 20 compact fluorescent (or increasingly small
LEDs) per 600 sq ft. 100-300 watts total. I’m generally opposed to using electricity for lighting for a plant that
grows under the sun. Especially as CA is trying to lead the way in the climate change fight.

Goal 4: We are one of the small handful of grows in Sonoma County that actually registered with the waterboard
this year. We grow organically, and try to minimize use of even organic pesticides. We recycle growing materials
with composting and cover crops.

Security. We are in a very remote area. Fenced and gated. We have good relationships with all the neighbors. We
are off grid- security system is not really an option. We often have someone on site. A security guard would be cost
prohibitive, to put it mildly.

We are not a nursery. We propagate from seed as well as clones. We do not sell plants (though sometimes we give
excess to other growers who need (I think 10 or so is the most we’ve ever had excess of).

Goal 5:
I’m not sure what you mean by “safe to inspect” ? Other then rattlesnakes (and pigs and mountain lions…and the
neighbors cows during calving season) there is nothing unsafe on our site. Inspectors, sheriffs, etc are welcome and
encouraged to visit.


goal 6. Well, we have a remote grow site, where we grow in greenhouses doing 2 rounds per year- “light dep” and
then a second, usually smaller round. Both my partner and I start plants at home, and generally maintain “mothers”
or plants to become “mothers” year round. We do both seed and clone only strains. We move plants to the land
sometime in early spring. Since I have the larger and more rural space, the babies for the second round usually get
moved to my property in late spring/early summer then moved to the land in the weeks before the first harvest/
replanting. As the laws change and we have more protection, we intend to move more of the plant production to the
land. We forsee in the next couple of years moving out of the hills to a more central sight where pretty much
everything can happen at one site year round. We do intend to keep the more rural site, and potentially use it as a
breeding site where we can maintain male plants and cross pollinate in an area where we don’t risk pollinating other
growers.

Goal #7. This is a tough one to answer in a short time. We have been in an industry where for 20 years the
legislature has failed to do their job. Many of us have tried to do the right thing- but have not had safe access to
government agencies (permitting, code compliance, etc). I think, in the early stages, there needs to be some
acceptance of the states role in a myriad of issues- and leeway given to come into proper compliance. Especially
since those of us who are going through these steps early on are the ones truly trying to comply- and paying costs
much of the industry is currently not. I have little sympathy for those who aren’t, and won’t, try to do the right thing.
While immunity is not the right term- if this system is going to work and bring people into compliance there MUST
be some leeway and time to comply given to those making the effort. Obviously- there will be some issues that will
need to be dealt with in short order. But many more that can be spread over time. But those that don’t even make the
effort should be dealt with as such…
In closing- we are excited (and a bit terrified) to FINALLY have a route to legitimacy. And we hope this will be respected and we will be worked with in a fair manner. We have a small window to get this right. Maybe more right then we have with any other industry.

I hope this helps,
Farmers bare the major cost of producing any agricultural product. My main crop, along with other crops, are avocados and it takes a lot of avocados to buy one tractor. In addition to equipment needed for ag operations is the cost of property and the infrastructure needed to support the farm's operation primarily water!!! Then there is the cost of plant material and fertilizers and soil preparation. And if you can take the crop to fruition than a successful operation still needs to harvest, prepare for packaging and storage until the crop can be distributed through the marketing channels.

We as farmers should be allowed to sell our products through all the levels of marketing from field to table, or in this case to the end user. Instead of being exploited by all the other services in the industry we should be allowed to promote our own products in order to promote the profitability of small family farms.

Those ag operations already meeting the requirements of registering farm plans with CEQA and are current with payments to the regional water quality control board for water monitoring should be given priority with obtaining required permits.

Operations already registered and certified organic should be given a fast track into the program because we already have proven that we can follow all rules and regulations that will be required.

Farmers already selling at the farmers markets should be allowed to sell as they do now with their other edibles, plants, flowers, and wine.

The USDA encourages farmers to have value added products in order to assist in their profitability. Cannibas should be considered as other valid crops due to its versatility.

Thank you for your consideration.
> California Department of Food and Agriculture (CDFA)
> >
> > Medical Cannabis Cultivation Program (MCCP)
> >
> > 1220 N Street, Suite 400
> >
> > Sacramento, CA 95814
> >
> >
> > Re: Comments on Regulations for Medical Cannabis Regulation and Safety Act (MCRSA), and Comments on Scoping Process under California Environmental Quality Act (CEQA)
> >
> >Dear CDFA,
> >
> >By some estimates, 60 to 70% of all marijuana consumed in the US is grown in California. The environmental harm and consequences of cannabis cultivation in forested and sensitive natural areas of California has been well-documented by researchers, state and federal agencies, and the media, and is becoming more severe each growing season.
> >
> > Regulations and more stringent enforcement must be implemented as soon as possible to address the serious impact of toxics, pesticides, and herbicides used on grow sites, as well as road construction, land-terracing, forest clearing, soil runoff, water pollution, and wildlife stress occurring in sensitive natural areas and watersheds. Because of the dramatic increase in grow sites in recent years, and lack of state regulations, some county Boards of Supervisors have issued local ordinances for cultivation, in some cases without adequate environmental protections. Further, indoor cultivation relies on high levels of electricity use, which results in significant greenhouse gas emissions. MCCP should promulgate regulations that protect
sensitive natural areas, and promote the restoration of areas damaged by cannabis cultivation.

> State agencies and cannabis cultivation licensees must comply with state environmental requirements, as well as federal environmental protections under the federal Clean Air Act, Endangered Species Act, and Clean Water Act.

> **MCCP Should Establish a Certification Program for Sustainably Grown Cannabis**

> MCCP should develop a statewide certification program for sustainably grown cannabis that does not harm sensitive natural areas and watersheds, or rely on power from greenhouse gas production sources. California Business and Professions Code Section 19332.5 requires, by January 1, 2020, the MCCP to develop a certified organic designation and organic certification program for medical cannabis cultivation, if permitted under federal and state law and regulation. MCCP should implement such a program sooner than 2020, and also work with other state agencies to implement a sustainably grown certification. This would include not only compliance with MCCP minimum regulations, but a higher level of sustainability that includes adherence to principles similar to those used by the Forest Stewardship Council, the “Clean Green Certified” program, and/or the USDA Certified Organic accreditation process.

> This program would promote cultivation practices that are consistent with federal and state requirements, and minimize the environmental impact of cultivation. In addition, this program could provide incentives to licensees that meet these requirements, such as a higher limit on the number of licensed sites, within overall limits on the total number of permits.

> **Cannabis Cultivation License Requirements**

> The new regulations that CDFA is developing should include:

> Cultivation permit applicants must demonstrate how they will comply with all state and federal environmental requirements, including CEQA analysis.

> Permit applicants should be informed of the chemicals that may and may not be used in cultivation sites.

> A moratorium should be issued on any new conversion of Timber Production Zones (TPZs) to cannabis cultivation sites. These conversions have dramatically increased in recent years, are high-risk for environmental impact, and circumvent the intent of TPZs for timber purposes, rather than agricultural purposes.

> To promote safety for state and county enforcement staff, weapons and firearms should be banned from licensed cannabis cultivation sites.
The application processing fee, and other licensing fees and penalties, should reflect the full cost of environmental protection, monitoring, and restoration.

MCCP should consider the overall environmental impact of sites in sensitive natural areas, and should limit the number of sites and total acreage in these areas.

MCCP should deny license applications for individuals with previous violations of state or federal environmental protection laws or regulations, or conviction of a violent crime.

MCCP should make every effort to complete an on-site inspection prior to or shortly after license approval.

MCCP should post information online regarding cannabis cultivation license-holders, and any compliance problems. This transparency will help the public understand the extent of permits in a given area, and if compliance problems are more likely in specific areas or certain permit types.

The regulations should include a stringent enforcement process. Penalties for violations in sensitive areas should be higher than for other areas. In the case of serious violations, the license should be revoked.

In the event of violation, penalties should be assessed on property owners, cultivation site caretakers, property residents, and construction contractors.

MCCP should closely coordinate with other local, state, and federal agencies when reviewing permit applications, and when taking action on violations. Agencies should coordinate so that site clean-up efforts can be expedited in sensitive natural areas or watersheds, prior to significant rainfall or runoff events that can damage water quality.

CEQA PEIR Scoping Comments

The Programmatic Environmental Impact Report (PEIR) should address all of the issues above, as well as the following:

The PEIR should include a range of alternatives that meets the stated purpose of the state statute and federal environmental laws. Consistent with the purpose of the PEIR and CEQA, the selected alternatives should protect, restore, and enhance the environment.

The PEIR should evaluate in detail the potential direct, indirect, and cumulative impacts of the proposed alternative on all aquatic, riparian, and terrestrial species that are listed as sensitive, threatened, and/or endangered. The PEIR section on environmental impacts should include evaluations of: air quality, water quality, climate change, and noxious weeds, as well as impacts involving roads and landings.
PEIR should address the impact of any new logging from the issuance of permits for cannabis cultivation. The PEIR should particularly address the impact of TPZ conversions. The preservation of existing timber stands helps to offset erosion by cooling soils and absorbing runoff, improves air quality, and offsets greenhouse gases through carbon sequestration.

Water from rivers and streams is frequently diverted for cannabis cultivation sites, often in violation of state and federal rules, and to the detriment of fish and aquatic species. Further, the sediment from bulldozing, garbage and chemicals is often running into streams and rivers in the form of excess water use or runoff from melting winter snow. Serious environmental consequences can occur, and the PEIR should address these impacts.

Cumulative Impacts: Sensitive natural areas and watersheds cannot absorb or recover from the negative environmental impacts of cannabis cultivation as currently practiced by most growers. The PEIR needs to evaluate the cumulative impacts of the cultivation sites. The number of licenses and total cultivation acreage for a specific watershed or natural area should be based on the combined past, present and future impacts of cannabis and other agricultural cultivation. Similarly, the aggregate number of indoor cultivation permits will affect the cumulative impact on greenhouse gas emissions, and the PEIR needs to evaluate the cumulative impacts in this area as well.

Thank you for your consideration of these comments.

Sincerely,
From: Sally Huber
To: MCCP_PEIR_CDFA@CDFA
Subject: Guns
Date: Friday, September 23, 2016 8:19:19 AM

I'm not a big fan of guns but they are a tool for pest management. Let's fight criminals not farmers. This seems like a ridiculous rule for rural farmers and ranchers.

Sent from my iPad
Amber,

My clients would like clarification on the above code section.
Is subsection (e) to be interpreted as follows:
There is no setback requirement (600') for cultivation (either indoor or outdoor) due to proximity to a school unless the cultivation operator includes a storefront or mobile retail outlet.
Thank you,
To whom it may concern,

Thank you so much to the CDFA for putting on the workshop yesterday, and for taking the time to read and consider my comment. From examples that I've seen, harvesting methods with the track and trace zip ties are at the base of the entire plant which will be hanging upside down drying.

My issue is that we harvest in stages. This practice isn't widely known or used in the industry unless you are a sophisticated cultivator. Using this method, we can increase yields up to 25%. The terminology we use refers to A, B, and C cuts. The top of the plants flowers (A cuts) produce the best quality dense product that we are striving to cultivate because that's where the plant focuses its energy. At the time of the A cut harvest, the B and C cuts are much lighter in weight. Once the A cuts have been made, The B cuts then act as the A cuts because they are on the top and start to drastically gain weight. This happens because the plant uses its food and energy on the highest points of flowers on the plant. After several days the B cuts have increased in size and weight and are ready to harvest. Then finally, after several more days the C cuts have plumped up and are ready to harvest along with the plant stock with the track and trace zip tie.

It's my concern that the State isn't aware of some of the leading cultivators harvesting methods. Needing to harvest the whole plant at once, will drastically change the amount of production that's obtainable. Hopefully this provides a different perspective and the State will consider the most efficient and effective ways to cultivate and harvest our patients medicine.

If you think I should forward this to another agency or someone that can relay to I would love to be able to.

Please don't hesitate to call or email back with any questions or comments. I'd love to help anyway that I can to help the State make the right decisions moving forward with regulations.

Professionally,

--
We’re excited to announce the addition of Tom Keegan to HELIX’s Sacramento County office. Tom has over 35 years of experience as a fisheries scientist/ecologist relative to water resources and environmental compliance. Also currently a Fellow and the President of the prestigious American Institute of Fishery Research Biologists (AIFRB), Mr. Keegan brings our clients and business partners a wealth of knowledge and experience related to fisheries and
Aquatic resources.

Learn more about Tom Fisheries and Aquatic Resource Services

Complemented by our full range of environmental services, HELIX provides fisheries and aquatic resource services to clients with projects involving threatened or endangered fish species, ecosystem restoration, watershed planning, water transfers, water supply, water quality, land/resource management, urban development, and energy development. We are proficient with all of California’s freshwater, marine, and estuarine fish species and habitats. Mr. Keegan brings special expertise with assessing the effects of altered streamflows, including Delta outflow, on native and non-native fish species populations and their habitats.

Read more about our services

For Further Information

To discuss your project or if you have any questions, please contact
HELIX Environmental Planning, 7578 El Cajon Blvd., La Mesa, CA 91942

SafeUnsubscribe™ mccp.peir@cdfa.ca.gov
Forward this email | Update Profile | About our service provider
Sent by marketing@helixepi.com in collaboration with
Hi,
I am interested in starting a legal collective in California.
I have had such healing from bad injuries with my medicine that I have been able to come off narcotic pain medicine after 6 years and am back riding my horse.

thanks,
Allison
Hello,

We are writing in response to the Notice of Preparation dated Sept 1, 2016. The State Water Board will be preparing a statewide general order to regulate waste discharges from cannabis cultivation sites. The goal of the order is to address discharges of waste resulting from cannabis cultivation and associated activities and reduce adverse impacts of marijuana cultivation on water quality throughout the state consistent with the Water Code section 13276. The State Water Board will be taking the discretionary action of adopting the general order and will need to address CEQA.

We would like to meet with CDFA staff and discuss on how we can best provide input on the PEIR. We also would like to know the timeline of when CDFA expect to publicly notice the PEIR to anticipate our order adoption schedule.

Tim O’Brien and I are the State Water Board Division of Water Quality’s staff leads for the development and adoption of the general order. Please let us know whom in CDFA that we need to talk to and earliest availability to meet. My contact info is listed below. You can contact [Contact Info] .

Thank you,

[Contact Info]

Water Resource Control Engineer
State Water Resources Control Board
1001 “I” Street, 13th Floor | Sacramento, CA 95814

[Contact Info]
Hello,
I know I missed the dates for input for the upcoming regulations, but I recently heard about the opportunity and thought I should still email my input to you guys. But I'm wondering if you're still accepting input and if this is the proper channel for that.

I was told recently that the state is interested in not only the popular opinion on most issues but also on every individual's perspective.

I thought about it a lot and decided there was one thing that I wanted to add because I don't know if this is part of the overall plan yet. There are a lot of restrictions on pesticide usage on cannabis which makes sense, and I think it should all be organic. But I don't think that banning pesticides on farms is the answer. The reason I think this is that in order to grow organic cannabis you have to start with plants that have absolutely no insects or disease on them. These insects and diseases usually live in the environment of the farm and will eventually infect the plants after enough time. Therefore, starting with clean plants while they are still small is important, also, short growth periods help. The best way to do this is treat small plants with pesticides. Treating them while they are small makes it possible to not have to treat them during flowering. Also, treating them while they are small does not leave traces of pesticide in the final product. I know this to be true for most pesticides. The only one that would still leave residues are the neonicitinoids used to kill phylloxera. This is the compound that has repeatedly been found in product on Colorado shelves. It gets watered into the soil, and stays there as the plant grows which is why it ends up in the final product.

To summarize:

1. Pesticide use during preflowering is a great idea in order to prevent pesticide use during flowering.

2. Neonicitinoids or other pesticides that are used as a soil drench can likely still leave residues in flowering plants. This issue should be studied in more detail as to whether their use should be allowed at all or restricted in some ways.

Thank you, hopefully this will make it into the input you have collected from the public.

Sent from my iPhone
Hello, I have been growing medical cannabis for many years up in Plumas County, growing collectively for a very small (around 12) number of patients. I also own and operate a cattle and hay ranch. A serious concern I have is that inspectors could inadvertently cause garden to garden contamination. Such pests as broad mites, russet mites, spider mites, aphids, fungal gnats, white flies, etc, are very good at "hitch hiking". To prevent this, all inspectors should wear full Tyvek protective suits. They are cheap and do a really good job. Either each grower could be responsible for providing the suits, or they could be funded through the program. The disposable ones only cost about $12 at Home Depot, and come with shoe and head covering. I will have more suggestions in the next couple of weeks, but this is a good starting point. I look forward to working with the MCCP to develop a good regulatory framework.

Kind Regards,
Hi Amber,

It was a pleasure meeting you yesterday at the event in San Diego.

I am one of the owners of [redacted]. We are the second legally licensed medical marijuana facilities in the county of San Diego. We are currently in the process of getting our building permit for our cultivation facility.

If we can assist you with licensing or regulations in Southern California we are here to help. We are eager to be a good business partner with the state.

If you would like more information on our company please feel free to visit our website [redacted]

We look forward to hearing from you.

Best regards,
Hi,

I want to thank you.

A few days ago we were lucky enough to have listed your event Medical Cannabis Cultivation Program Public Scoping Workshop & Comment Period on our events portal. Events like yours make "All Events In City" better for everyone involved.

- Customers benefit from access to the best events in their destination city.
- You benefit from constant exposure to new event seekers (currently 25 Million and growing.)
- And the platform benefits by attracting a growing viewership.

To ensure you keep benefiting from the exposure your event can receive I'd like to let you know about a select few features that you can use on our portal to radically improve your reach.

- **Customize Your Event**: Please feel free to make your event stand out by adding your own branding and personality to your listing. Go to [this link](http://allevents.in) and login to make changes and upload your own images - including a custom cover image.

- **Share your event**: We reach around 3 million people per month, but that doesn't mean you shouldn't share your event listing across your social media properties... Here are some simple share links for your event: [facebook](http://facebook.com), [twitter](http://twitter.com), [google+](http://google.com) and email. In emails, you can share this short link [http://allevents.in/102012080254435](http://allevents.in/102012080254435) to make it easy for people to find your event

- **Increase your reach**: For a small fee (starting at only $15) you can promote your event on mobile apps, our weekly newsletters, and you can feature 'front & center' on your city's listings homepage. Listing will always be free to you but promoting your event can dramatically increase your exposure. To get started [click here](http://allevents.in/102012080254435).

- **THE SUPER ORGANIZER PROMOTION**: As your event is just the type of event we want on "All Events in City" we are offering you a special one-off promotion. Here is a 'one-time-use-only', personal promotion code [SUPER-83A4CD3](http://allevents.in) that will entitle you to 20% off any purchase you make to promote your event. Keep this code safe and please don't share it - As I said, your type of event helps everyone benefit and we want to honor that.

If you have any questions regarding your listing then please do not hesitate to contact me.

I wish you and your event all the success it deserves.

Regards,

[Redacted]

Customer Relationship Manager
All Events in City

If you don't want to receive future communication from me, please click this link.
Hi,

I want to thank you.

A few days ago we were lucky enough to have listed your event Cannabis scoping sesh on our events portal. Events like yours make "All Events In City" better for everyone involved.

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- **Increase your reach**: For a small fee (starting at only $15) you can promote your event on mobile apps, our weekly newsletters, and you can feature 'front & center' on your city's listings homepage. Listing will always be free to you but promoting your event can dramatically increase your exposure. To get started visit [this link](https://allevents.in/).

- **THE SUPER ORGANIZER PROMOTION**: As your event is just the type of event we want on "All Events In City" we are offering you a special one-off promotion. Here is a 'one-time-use-only', personal promotion code [SUPER-EFE9C2C](https://allevents.in/) that will entitle you to 20% off any purchase you make to promote your event. Keep this code safe and please don't share it - As I said, your type of event helps everyone benefit and we want to honor that.

If you have any questions regarding your listing then please do not hesitate to contact me.

I wish you and your event all the success it deserves.

Regards,

[Customer Relationship Manager]
All Events in City

If you don't want to receive future communication from me, please click this link.
I own a collective with permit not dispensary. I am applying for a state license how much will they be? Will only corporations and celebrities be able to afford them? I am not a criminal, a lot of dispensaries are owned by thugs will they get licenses too through their front people also? I am not being sarcastic, but I don't want to get locked out from being legitimate having to worry about the police raiding your legitimate prop215/420 grows while thugs (White, Latino) are getting rich! Yes, please issue licenses but make sure I can afford one, I have a track and trace system it is sneak proof also. Really the MMJ program has been a success. I am really concerned about the costs because in reality most fee schedules are so expensive that only criminals can afford them. We are small in size at this moment. Will we be able to expand to larger licenses later? What I am saying don't let big industry take our program hostage for a buck let the patients who've been in the MMJ program have priority it's only fair to us. Our collective will apply for a license We will cultivate according to compliance also. We look forward to being a licensed cultivation company in 2018.
We feel it is important that the licensing fee for a small nursery does not become cost prohibited. The profit margin on growing clones is very small. We also feel there should be clarification between outdoor growing and green house growing.

Thank you for your visit to Desert Hot Springs.

Sent from my iPhone
Hi there,

My name is [Redacted] We are a company that supplies beneficial insects for Cannabis growers in California to be able to grow pesticide free. I am looking for resources to tell the growers that we work with about. Specifically, in Oregon growers can send soil or leaf samples, or 1 gallon plants to the Oregon Department of Agriculture for pest ID, or to look for plant disease. I am wondering if there is a resource in California that I can share with the growers that we are trying to help out.
Hi, It would be nice if the state could develop a list of approved healthy pesticides, herbicides etc to be used. The ones that are least toxic, healthy for the environment etc. We can not trust companies, but if the state agency could give us guidance, that would be nice. We would like to limit the use of harmful substances but it is so hard to track with all the products and new ones coming out. Fertilizers and all. All of the stuff goes into the water supply. Thank you.
In regards to your soliciting opinions of where and how commercial cannabis grows should be regulated. First, commercial grows have no business in rural residential subdivisions. I live in a rural subdivision in Calaveras County outside of Angels Camp; my property is surrounded by 4-7 acre parcels. My neighbor to the east of me has a large commercial grow, as does my neighbor to the west and another to the north east. I cannot enjoy being outside my home or open my windows in my house without getting a disgusting stench smell that makes me physically ill. I cannot afford to close my windows and run my air conditioner, it is way too expensive and I simply do not have the money to do so. Our access road is gravel dirt, the additional traffic is ruining the road, causing severe dust and damage to a road that is not county maintained. Water trucks running multiple times up and down our back roads is turning the roads to powder, this will only be destroyed more when winter comes and the rains wash the powder down to huge ruts, which will make many roads impassible. I am concerned that my well may run dry with all of these water sucking plants surrounding my home There has been prowler issues in our area and strange nonresident people on our rural road that have no business being there. I used to not lock my doors, now I do all the time. If cannabis is to be grown it should be only allowed in a specifically zoned area after an environmental impact investigation is completed, NOT like Calaveras has done with no consideration of the environment and/or its residents. Permits issued for grows should require grow plans that outline any cutting down of trees, terracing of land and sources of water etc, and must be approved before a grow can be planted and then inspected. Grows should be in a large farming area where non growers are not impacted and resources are available. I have no problem if someone wants to grow a couple of plants for personal use, inside their residence or in their garden next to their home, but not what is happening at my home. Additionally I think all involved neighbors should have a say in regards to if a commercial grow is permitted in their area. I am concerned that if I try to sell my home that I will not be able to because who wants to purchase a home next to commercial marijuana grow, would you want to raise your children there? Or smell the stench for several months during the growing season? I graduated from Calaveras High School in 1977, I have lived, worked and invested my entire life in this area, the Butte Fire was devastating enough, and this dope invasion into my home tops the cake..... This is really disgusting....
As someone that grew up in the 70s, I admit I smoked pot. However; it was short lived during my teens. I was always against its legalization, thinking it would contribute to drug abuse. However; over the years, living in Redding I've seen the increase in hard core heroin, Oxycontin, and alcohol addicts. They are in bondage, and our country is being torn apart by addiction.

I've also had family members on chemo and so nauseous they wanted to give up, or others suffering from chronic pain. Legal pharmaceuticals only created more problems or addiction; and had pit been legal it would have helped them tremendously.

Why not allow commercial pot growing on AG land in California as Colorado is doing? It's good for patients, the economy, and may help with the addiction problems.

Commercial farms can be regulated, and taxed like other businesses. There won't be cartels and gangs in our forests, etc. It's time to admit pot has a place in modern medicine, if course big pharma will fight it.

Sent from my Verizon, Samsung Galaxy smartphone
I find it difficult to believe first of all that marijuana actually qualifies under food and agriculture. Seems like there should be some regulation at the top of this agency.

However,

Per news information in Calaveras County we have until September 30 to express our concerns regarding the production of marijuana commercially in Calaveras County. This is a very rural county with lots of woes that bigger communities do not have. First of all is the water concerns. California has been devastated by drought and the water district here has not served this area well. Most of us are terrified of our wells going dry since walnut orchards by the hundreds and hundreds of acres have been planted DURING A DROUGHT when private citizens in cities are being fined for over usage. This makes no sense. Now all we need is commercial pot growers depleting what is left of the water table in this county. Secondly, are these plants being grown in the ground with pesticides to seep into our wells? A grower on the road behind me has plants visible, planted in the ground and a very flimsy fence around it. The commercial grower down my road while growing his plants out of sight I wonder, is he irrigating out of the Calaveras River or has he punched several wells to deplete the water table even further?

I question the rules and regulations of the state agriculture board to allow these many, many acres of walnuts being planted during a drought and now we deal with commercial pot growers ruining the rest of our lives. How do we deal with this?
Thank you for the open forum on this topic.

I am a 3rd-generation Californian who was born and raised in the Santa Cruz Mountains, and spent more than half of my life in Humboldt County. I have been very involved in resource conservation, environmental education, and ecological stewardship my whole life. I have always lived in rural settings surrounded by natural beauty and open space, and I'm acutely aware of impacts on natural systems and habitat loss, due to human land and water use practices.

I recently spoke at the Oakland Museum of California about the impacts of the "Green Rush". In my presentation, I recommended that all residents of our state view "Becoming California", a film produced by the California Environmental Legacy Protect. It chronicles our state's geological history and the transformations its people have imposed on its environment throughout the course of the numerous "rushes" the state has endured.

Above all else, I firmly believe that all opportunists coming to this state to cash in on our cannabis knowledge, laws, markets, and land, must be educated about our communities, what socio-economic issues need to be addressed, what Native American populations' history and struggles may be, and how to be stewards of our unique and rich ecological and native diversity. All new agricultural practices MUST follow regenerative principles focused on building biological soil diversity and focus on enhancements for wildlife. Elaine Ingham is a great resource for soil food web education.

Additional concerns with the ramifications of legalization (repetition of any themes below simply underscores the depth of my concern):

- Energy consumption, footprint, and renewables sourcing (or a lack thereof)
- Impacts on social services, infrastructure, real estate gentrification
- Carbon footprint of industry: imported soils, chemical fertilizers, petroleum-based products, mined materials, deforestation
- Soil degradation due to lack of knowledge about biological (regenerative) agriculture vs chemical agriculture. We are seeing a sharp increase in bulldozing of forested areas and topsoil in Humboldt and Trinity Counties. This ultimately effects fisheries, erosion, and water quality, as well as fragmenting habitat.
- Traffic increases
- Housing shortages and subsequent increased urban development. I value the open space where I live, can you tell?
- Culture of drugs: dabs, shatter, rosin, edibles inundating youth everywhere. Getting as high as possible isn't always the best "medicine". Psychosis events aren't often talked about in a hyped culture of partying, curing cancer, and becoming rich quickly.
External opportunism that has no regard for tribal, environmental, and social community concerns. If there is to be an explosion, it must not be exploitative on many levels. Triple bottom line: returns to environment, and human welfare first, THEN pockets.

Rapid development without regard to sustainable planning, engineering and construction approaches

AUMA, prop 64 impacts. I hear there will be no personal cultivation and no caps on large operations. I don't support either of those aspects, if so.

County use of tax money: mental health, homelessness, soil restoration, youth education and safety, watershed and marine protections, energy sourcing, sustainable/affordable housing, job training for failing resource-based industries, California education (i.e. show "Becoming California" film)

Corporate take overs of ag land here for high-footprint operations. Disregard for "boutique" or "connoisseur" and small- scale sustainable grows.

Lack of consideration of EMBODIED energy of all aspects of industry for quick profit. Take a serious look at the life cycle analysis of all products used.

Consideration of wildlife habitat, corridors, ecological hotspots

More pressure on our fisheries and other resources due to increased population. We are already experiencing fishing season closures.

Parking lot increases, waste management, old structures overloaded, such as septic systems, which affects waterways and demands on strapped rural economies.

Increased coastal development, again erosion, beach pollution, or access limitations. This area is unique, due to its clean, uncrowded coastlines. I live in a gateway community to a California National Coastal Monument area and I don't want to see that degraded.

Population explosions in pursuit of tremendous economic opportunity often mean outsiders who pour in may not have any knowledge or interest about California ecosystems, native plants and Native people. Perhaps part of licensing may include a crash course in CA ecology and culture.

Established, hard-fought local and state environmental protections being softened, challenged, or overturned by influence of outside money and development interests.

I am an industrial hemp (non-psychoactive, fiber & seed varieties) advocate and sustainability educator. Hemp masonry green construction, biocomposites industry development (packaging, bioplastics, construction, 3D printing, graphene), textiles, seed for local grain nutrition, phytoremediation of soils, and energy production discussions could help the existing cannabis industry be more sustainable and provide a far more diverse economic base for our region and state.

Hemp could also be more profitable than recreational cannabis in the long run; it's grown very differently (for high-density biomass prediction) and used for thousands more value-added products to promote local resiliency and climate-adaptive solutions. We have a base of
cannabis growers who could easily make the transition. Also, sober medicine is important to many. Cross-pollination concerns are solved simply with proper distance between crops (3-7 miles) and hedgerows, per the Association of Official Seed Certifying Agencies.

I still do not understand why the CDFA had no plans for regulating industrial hemp. The Farm Bill provides for State Departments of Agriculture to administer pilot research programs, including market research for commercial purposes. This would fall under the auspices CDFA, correct? Why not engage with farmers who are ready to do this, instead of leaving all Farm Bill initiative to institutes of higher ed?

In conclusion, I know that the wave of cannabis support is exploding, so my hope is that it's approached with mindful consideration and stewardship of the full complexity of our land, coasts and it's people. I also hope CDFA continues to educate itself about non-psychoactive, hemp agronomy, history, industry, and market potential. I have amassed a large collection of innovative research that I would be pleased to share.

I'm very grateful for the opportunity to give input. I hope it is valued. Please include me in future strategic conversations.

Sincerely,
Hello. I am not able to attend any of the public scoping meetings for the MCCP.

Do you have any written materials or handouts/slides which you could share from the meeting?

Thank you!

Angela
Regulatory goal #1 Define terms:

Canopy: The footprint in square footage that a plant or plants occupy, including all the parts of the plant i.e. branches, leaves, flowers. Also could be considered the footprint of the platform the plants are on, regardless of if they grow over the tray or platform. For the application of determining cultivation type size, the canopy should only refer to flowering plants- we think that any cultivation site also need additional vegetive canopy that does not count towards the license canopy restrictions.

Flowering: Mature cannabis plants that are receiving a environment of 12hrs or more of dark cycle per day, repeatedly.

Immature: Any cannabis plant with less than four weeks of root growth or in a pot size below 1 gallon or any vegetive cannabis plant. For regulation, the designation of any vegetive plant may be easier to apply.

Mixed light cultivation: Using the sun as a primary energy source for crop plus an additional source of light like high pressure sodium halide lights regardless of source of electricity. Example: Standard greenhouse with HPS lights to supplement light on cloudy days would be a mixed light cultivation

Premises: The entire area in which licensed cannabis business activity can be conducted lawfully.

Propagate: To increase the number of individual cannabis plants through one of several methods including pollination and seed production, clonal propagation from stock plants, or laboratory cell culture.
Online or Paper application process:

I'd like to have both as an option. If an online application process saves money and can reduce the permitting fees, then I would strongly be for online process. The one problem with online application processes that I have seen in other non-related instances is a restriction on number of characters allowed in any particular response box, which creates the dilemma of where to submit the rest of your response.

Weapons and Firearms ban:

It is a gross infringement on the constitutional rights of medical patients and cannabis businesses to impose any additional gun control than would be warranted at a similar type of business or to any other lawful citizen. The federal district courts recently ruled otherwise in the case of individual patients and continues to support restricting the right to bear arms for medical patients. I would think that businesses should have the right to hire third party security guards that are licensed to carry firearms but should not be required to do so.

How many applications will be submitted:

I am planning on submitting one application for cultivation in the first year. Depending on whether some nursery vegetative canopy is allowed under the flower cultivation license (which is a necessity for an efficient flowering facility) my business may need a nursery liceese too. just to cover that vegetative canopy.

Regulatory goal #3

What is the reasonable acreage cap?

I don't know if a smaller cap would be more beneficial, but I'm strongly in favor of the cap if it foster the participation of more small businesses in the industry. I think two acres might be reasonable, but don't object to trying the four acre cap. Keeping individual cultivation sites small will keep the largest capitalist from buying their way into the market and dominating the market.
I believe that under the licensing law that indoor, mixed light or outdoor should be afforded the same acreage rights. I do not believe that the there should be any preferential treatment for any one type of horticulture over any other. The regulation of the legal market and consumer choice will push the entire cultivation industry towards best practices naturally.

The cap on acreage will effect my business model in the longer term, not so much in the short term since I am looking to first pull a 5,000sqft and under permit- a small, speciality cultivation project. The cap will help to ensure that artisan, craft cannabis like that which I provide will have a market place. I strongly feel that whatever amount of acreage that is available to the dispensary permit holders should be available to cultivation permit holders. I do like the idea that the largest category of cultivation license can only be obtained by itself, but that smaller businesses may get more options in terms of applying for more than one permit up to a certain acreage and possible opting out of the mandatory distribution clause.

When does a cultivator need a manufacturer license?

The conservative approach would be that only flowers, leaf trim, and dry sifted kief are the only saleable products allowed under the cultivation license. Water extracted concentrates as well as heat pressing to refine hash to rosin are non-dangerous closely related value added production that could be allowed in a more liberal approach to cultivation permits. Creating pre-rolled joints is a type of manufacturing, but again under a liberal approach to the cultivation licensing allowing flowers to be packaged as prerolled joints would be sensible since almost the entire value of the of the saleable item is flower.

My business plans on applying for a type 1 cultivation license and possibly a nursery permit in the first year. I would anticipate my business applying for two or three more cultivation permits in the next five years.

What is a reasonable amount of lighting to be used and still qualify for mixed light cultivation? I would define mixed light cultivation as cultivation which uses 33% or less of the Kw of electricity needed in a similar indoor canopy. So if an imaginary indoor facility of 2 1000W lights were run for a 70 day flowering crop, then that indoor facility used 1,680 Kw of electricity for lights on the crop. So a similar sized mixed-light facility should use no more than 554 Kw of electricity on the same 70 day crop.
Limit on number of type three licenses:

I think the type three licenses should never exceed 15% of the total amount of acreage under cultivation. What method is fair to establish this limit? If the environmental impact report has any conclusion, perhaps those are an actual reason to establish a specific number. Otherwise, this is an arbitrary but desirable limit, with the stated goal to foster small businesses over large scale monopolies. With that goal in mind, the limit should be chosen. Our personal preference would be no large scale permits or one per city. These large facilities are known to grow lower quality products, and we are big supporters of small batch, artisan products.

Regulatory Goal #4

Environmental impacts:

The major concerns environmental impact of indoor, outdoor, and mixed light cultivation include recycling of soil or soilless medium, disposal of used light bulbs and electronic ballasts, environmentally acceptable source of water, capture and treatment of irrigation and fertigation runoff, treatment and recycling of hydroponic horticulture water, proper storage of nutrients, proper storage of pesticides, herbicides, fungicides, proper storage of CO2 tanks, overall carbon footprint of power consumption, sustainability of total water consumption, and odor mitigation. Not all of these categories would actually apply to each business depending on horticultural methods.

Indoor methods of growing consumes large electrical loads. The legal industry itself will surely create innovation in efficiency and technologies to mitigate some of this usage. Immediately our business will offset at least some of this carbon footprint by purchasing green energy credits so that green power is incentivized elsewhere in the power grid. As solar technology gets cheaper and batteries better we will explore solar energy to run some of our electrical load. The industry will likely change to become mostly greenhouse grown and so additional projects of the business will likely be greenhouse or outdoor where many of the material waste needs are the same but where electrical consumption is not a huge component.

My business does a no pesticide spraying, no runoff, natural, close-to-organic soil based indoor horticulture method. First an foremost stock plants and gardens must be keep clean of pests like thrips, mites, aphids by sanitation and best practices. Plant stock must be kept disease and pest free. That can not be overstated.
Mites can be effectively kept out of grow areas through clean rooms and effective protocol for worker cleanliness and compartmentalizing worker access to facility. We currently keep our gardens mite free by keeping the plant stock (moms) pest free with the use of Avid sprays about once a quarter. We realize Avid will not be allowed under compliance, so we are currently looking for a systemic mite pesticide replacement.

Flowering cannabis should not be allowed to be sprayed with anything. Certain organic agriculture approved pesticides or fungicides are appropriate for use on any vegetative plant but at the time that plants are put into a flowering light cycle, they should not be sprayed with anything.

Powdery mildew is a problem for many California growers. Currently my businesses approach has been of Eagle 20 to each stock plant in order to keep the stock plants absolutely pest free. We anticipate the Eagle 20 will not be allowed under the regulations, not so much because it is dangerous as I have described in this specific method of use above, but that it is off-label usage of the common agriculture fungicide. We will be looking to find an acceptable systemic fungicide and systemic pesticide to comply whatever regulations allow. It would benefit everyone greatly if the state could issue the list of acceptable products as soon as possible, as well as some sort of database of comments from cultivators about what is effective.

Our system is a low run off system. Almost no measurable run off is created during watering. Although against convention, the system works in our (nearly) organic soil based horticulture. We use low concentrations of additional nutrients (an organic and inorganic blend of nutrients) in every watering but salt build-up does not become a problem because of nutrient choice and soil chemistry. Also, our indoor grow space has the ability to recapture almost all of the water that the plants transpire through the condensate run off of the air-conditioning unit. After basic water treatment, that collected AC condensate water can be recycled to the plants, again and again. Perfecting this system will allow our indoor facility to use very little water for each crop.

We have also always recycled soil into other landscape usage after one or two crop cycles but are serious about recycling soil through a third party soil company that will test, amend, and remix the soil for continual reuse. Soil is easy to recycle or reuse, unlike rock wool.

Other bulk green waste (stems, root balls) will be managed with city composting program or similar contracted composting. This waste stream is relatively small compared to soil recycling or hydroponic water treatment for hydro cultivation methods or proper light bulb disposal.
Security: Number one rule for security is to be discreet and not draw attention to the facility. So under no circumstances do we feel it is appropriate for the addresses of the facilities to be released to the public. I am shocked that Calaveras County just did this very thing.

Multiple locked doors before entrance into the grow space is our main security. Cameras as part of an alarm system are appropriate for monitoring the exits and the safe room, possibly the harvest room. I do not agree with monitoring every room by camera because I think private businesses and workers have rights to privacy. Fences are a likely necessity depending on the site. Security guards should be allowed but they should not be required as that will put an undue burden on the smallest businesses.

Nursery- yes we regularly cross strains and propagate from seed. Saving seeds is very useful for saving strains. Yes the nurseries should be able to sell to other cultivators and to the retail dispensaries. We would actually like to be allowed to sell directly to the public also.

Regulatory goal #5:

Our site is always safe for inspection and our workers. Everything is up to fire code and building codes and OSHA standards. CO2 levels should be monitored for safety.

We keep all records commonly necessary for any type of business.

Regulatory Goal #6

I'd like to see the regulatory body give cultivators the benefit of the doubt in regards to non-diversion. Not micromanaging the good actors that step forward to get permits, obviously most of these folks want to pay taxes and be compliant or else they wouldn't be paying for licenses.
Track plant stock with tags. Tracking clones would be cumbersome, many clones are culled to keep the most vigorous ones. Veg Plants over 8" could be tagged. There still is the necessity to cull plants that might not grow vegetatively the same as the rest of the crop. Tagging and tracking is simple throughout flowering and into the harvest. Harvest weight can be monitored using percentages and comparison to previous harvests, but as an agriculture product their will be variances. I have no problem with cameras on outside door and the safe room doors to watch for diversion, but I feel that private businesses and the workers have rights of privacy as far as putting cameras in all the work areas is concerned.

Regulatory Goal #7

We think these businesses should be treated like any other Ag business in terms of violation penalties.

serious violation- spraying illegal pesticides and selling product, trying not to get caught, violations of workers rights or OSHA standards, selling on black market

moderate violation- being late on payment of renewal fee

minor violation- minor regulatory lapse that is immediately fixed like improper storage of pesticides or building code violation
Greetings!

I'm interested in attending the Eureka and Redding meetings, but have come across two different posted dates and times for these events. Can you please let me know when these two workshops will take place?

Thanks!
Good morning,

Would you be able to tell me if any of the MCCP workshops dated for September 13th -28th will be available via webinar, webex etc? Thank you in advance for your time and help.

Imperial County Executive Office
Hello my name is [Redacted] and I met and talked with you at the Eureka meeting two weeks ago. The meeting was fun way to get to know the faces and meet the different people in charge of these regulations. It’s important that we are able to get this right so that we can create a enviromentally safe industry and use it to lead the way in other one’s. I beleave we have to be careful and know that the actual California Medical Cannabis market is only so big and that it’s been opperating for over ten years with over the counter sales. And in these years alot of growers have been aligned with legal clinics and those clinics have come to expect certain expectaions from where they get there cannabis. I don't see there being a lot of room in the legal medical cannabis market for all these big devlopment plans to save towns that are in financial trouble, over production will in-turn just create more black market. Which is actually all ready a huge problem in all of California.

I’m currently active in the permitting process in Humboldt, I’m also enrolled with the water board, and i’ve also reported with my local department of ag for our pesticide usage. I’d like to be able help out anyway i can and to be able to be a part of this process. Thanks for your time and it was nice to meet with you up here.
These are some of the issues I am aware of and I am not sure if you have them covered in your categories.

Night light Pollution - big spot lights on all nite
Water usage - the growers dig deeper wells and their neighbor's go dry.
The growers buying truck loads of water, but the truck owners are getting the water free from various unmetered town hydrants.
The growers leave their generators on 24/7 to get well water when they have not electricity
The growers use a huge amount of propane, in the colder months, to keep their green house warm. Talk to the propane companies.
There is a process of using butane canisters, to melt wax over the marijuana buds. I know of one site that throws those thousands of canisters into a hole on their property.

Sent from my iPad
Hello,
Thank you for allowing public comments. I am an owner operator at we are in the process of obtaining our local license (CUP and Regulatory Permits). I attended the DHS workshop and found it very helpful.
My comments are below:

1.) I think individuals who have been convicted of a felony or other crimes more than 10 years ago should be able to obtain a license. They should also be able to work at cultivation sites, dispensaries and other cannabis related jobs. Most people in the industry have some type of criminal background at some point. Each case should be looked at individually instead of denying it all together. This will allow the market place to be fair. As an operator you are required to employ a certain percentage of the residents. The strict background checks is making this an impossible task.

2.) As good faith operators we want to make sure there is not a monopoly in the licensing process.

3.) There should be the ability for multiple licenses per APN in certain municipalities that have the industrial park concepts like Desert Hot Springs, Cochella Valley

4.) Cannabis is already coming with a high local tax, in order for growers to participate in the regulated market the state taxes must not be too high. The local taxes are already becoming ridiculous and scaring people away from regulating.

Thank you for your time and attention and for allowing the business to speak on the future of cannabis.
There are a myriad of environmental concerns related to the cultivation of medical cannabis, the main concern is water. Marijuana plants require large amounts of water per plant. I believe the state of Oregon as well as Humboldt County have begun issuing cultivation permits based on a property's water availability and/or ability to produce. This **MUST** be part of the permit process.

Without adequate water for crops, water wars will erupt that will further damage already impaired ecosystems and waterways. For the past several years, the Eel River in Northern California has run dry or almost dry due to excessive illegal water diversions for marijuana cultivation. This will only increase as a result of new regulations and many more cultivators wishing to participate in the industry. Production of food, human health and safety must come first. Protection of state water resources must be a paramount in the medical cannabis cultivation program, especially given the current drought, lack of resources to develop and growing population.

Another major concern is the threat to wildlife through the use of pesticides and fertilizers. Use of products such as second generation anticoagulants will increase with additional cultivators. The use of these products is a major threat to wildlife (while they have been designated a California restricted materials, they are easy to purchase online or through unlicensed pesticide dealers). Eutrophication is also a major concern relating to increased fertilizer use. Not only does this affect fisheries but the aquatic invertebrates and other important benthic organisms.

My other main concern is that the proposed requirements have already become so onerous, involving so many regulatory agencies that many people will fail to procure the necessary licensing because it is too expensive or too difficult to comply with. These permit process should be somehow streamlined so compliance can be achieved. Enforcement should be handled at the local level, with site visits required at least annually and the state providing oversight for inspection activities.

Lastly, part of CDFA's mandate is to "Maintain the economic wellbeing of agriculturally dependent rural communities." CDFA must acknowledge that there are many rural medical cannabis cultivators that have been operating within the law of their local governments for many years. While I am in favor of regulation or a number of reasons, it must also be recognized that these proposed requirements will hinder many growers ability to be in compliance. They simply cannot afford the licenses and permits. CDFA and other agencies should acknowledgment these growers, the value of small farms and consider possible regulatory exemptions to promote such operations. Agencies should consider exemptions from some requirements similar to what the direct marketing program allows for small producers that sell directly to consumers.

Respectfully submitted,
Hello:

I'm getting a permit to cultivate medical cannabis in Humboldt County. Can you direct me to the proper place to find an application to apply for a state permit?

A checklist of the necessary items would be nice too.

Thank you.
Sept. 21, 2016

To: Amber Morris

Re: Medical Cannabis Cultivation Program

We live in a rural community on acreage. We have raised our family here at this location. We have lived here for 25 years.

On two separate occasions the rental house on the parcel next to us has rented to cannabis growers. The problem with growers in a residential community is the smell, the traffic and the disregard for the safety and welfare of the neighbors and community on the road. The environmental concerns with the chemicals used for the grows on our water sheds. The list goes on. These companies care about the bottom line profit, not the well being of my grandchildren who run around on our acreage. Our county was a great place to raise children.

We don't want to open our windows and doors at night to the fresh clean air and smell cannabis. We don't want to get to close to our property lines and feel threatened by the "security" guarding those grows. These grows should not happen in rural neighborhoods where families feel threatened. Where are wells/water can be poisoned. It should always be home and family first. It's the foundation of a community.

Let us not make the mistake of putting profit before family and community.

Thank you,

Sent from my iPhone
September 30, 2016

California Department of Food and Agriculture
Attn: Amber Morris
Medical Cannabis Cultivation Comments
1220 N Street, Suite 400
Sacramento, CA 95814

Dear Ms. Morris and to whom it may concern:

These are my comments on the Notice of Preparation in regards to the EIR which will address the Medical Cannabis Cultivation Program for the State of California.

Question: Is the Medical Cannabis Cultivation Program (associated with the state legislation passed in the autumn of 2015) supposed to be consistent with the spirit and the letter of Proposition 215? If not, it sounds like a violation of the voters’ trust that initiatives will do more or less what they say rather than let large cultivators gain a monopoly over cultivator licenses and cannabis provision.

Depending upon the location chosen for cultivation, a Programmatic EIR would not suffice if a cultivator is of a substantial size and/or in a sensitive watershed sometimes inhabited by threatened or endangered species whether they be mammals like the Pacific fisher, or whether it is the tailed frog or an anadromous (or other) native fish species.

I don’t see how a Programmatic EIR can sufficiently cover specific run-off scenarios – particularly depending on slope, weather conditions, and potential fertilizer and other chemical use – or even a run-off of genetically modified cannabis / hemp seed (using rDNA technology) which could contaminate areas downstream from an operation. We need more a lot more specifics dealt with when proposed cultivation sites are in sensitive habitats.

I am concerned that the family farmer will be forced out of cannabis cultivation by the mass (and maze) of regulations passed by the State Legislature about a year ago. For instance, how certified does one have to be to claim to be an “agricultural employer.” If one hires people to contend with something that is grown, does make that person/company an agricultural employer per se? Or does one have to have a history of officially hiring (perhaps with check rosters and tax receipts) people for agricultural work, or does this favor those who usually grow monoculture crops with toxic materials across our state?

I agree that “chemical use protocols” must be part of the preliminary paperwork. Of course, one
doesn’t always know what insect might emerge to be a problem. Please consider a ban on the use of chemical herbicide in the vicinity of cannabis cultivation sites. And then if a cultivator proposes perhaps to not use chemicals, but if a certain fly pest appears, then they might say in their paperwork that at that point they would use substance x or substance y to control the fly.

While I wish everyone would disarm, but the fact remains that a concentrated area of cannabis growing may well attract rip-offs. Most of the rip-off types are armed, so it may be naïve and endangering some “agricultural employees” if they are so heavily out-armed at such a site.

Please specifically evaluate for each potential outdoor cultivator license (or even indoor cultivation if they divert river/streamwater with negative effects) the potential for impacts on the Pacific fisher (both in northern / northwest California as well as in the southern Sierra) – despite much of the habitat being on federal national forest land. In addition, check the list of sensitive biological resources in the area, but in some areas evaluate possible impact of water diversion, increased sedimentation into watercourse, chemical and other impacts on anadromous fish species such as Coho salmon, Chinook Salmon, tailed frog, Olympic salamander, torrent salamander, and various other fish, amphibian and other species.

Seeing that corvid bird species thrive on human trash and food litter/debris, efforts should be made not to litter even an apple core in habitat associated with marbled murrelet nesting, social activity, and flightpath to the ocean. The best habitat in California for the Marbled Murrelet is the Prairie Creek Redwoods State Park / lower Redwood Creek of Redwood Nat’l Park area. Next best are the Big Basin Redwoods State Park / Butano area of the Santa Cruz Mountains as well as the greater Headwaters Reserve southeast of Eureka. And the next best habitat is the Jedediah Smith Redwoods State Park area of Del Norte County.

Besides evaluating cultivation licenses for the general vicinities of the 4 main California murrelet habitat areas, one should also consider the impact on murrelets (yes, partially in regards to employees food-littering activities) from cultivation sites in a couple areas which must be significantly protected to have even a prayer for survival of the Marbled Murrelet south of the Humboldt / Mendocino County line. The Gualala River watershed (with largest unprotected ancient coast redwood stand in the state in its Sonoma County drainage) as well as the area near Jackson Demonstration State Forest (including near state parks on its western side) in Mendocino County should be considered in relation to possible impacts on potential recovery of the marbled murrelet. The Gualala as well as Jackson Forest areas are essential if there is to be survival of the murrelet south of the Humboldt / Mendocino County line.

No “incidental take” permits should be granted in order to mess with or kill a species (even if inadvertently). They shouldn’t be given to timber companies and they shouldn’t be given to cannabis cultivators.

The Dept. of Pesticide Regulation should develop guidelines which prohibit medical cannabis (or any other kind of cannabis or hemp) from being genetically modified using recombinant DNA technology. It should also prohibit cannabis plants from being genetically modified using recombinant DNA technology in order to survive dousings of broad-spectrum herbicides (or by a
combination of herbicides) which tend to kill all vegetation unless it is engineered to resist the toxin such as Roundup-Ready genetically modified crops.

Consider the impacts of removing a number of large conifer and hardwood trees in order to increase cannabis cultivation space, and consider denying such permission. How does that impact carbon storage, and regional / global climate? How many trees does one have to cut before one has to submit a Timber Harvest Plan?

Thanks for your consideration of these comments.

Sincerely yours,
1. Air Quality and Health and Safety: Cultivation of cannabis results in noxious odors and fumes. Adequate study of the effects of these fumes on humans in general, and children, workers, and neighbors (who may receive 24/7 exposure) have not been conducted. Therefore it is incumbent upon the State to protect its citizens from the potential harms of exposure to the fumes from growing marijuana plants, especially potential damage to developing brains, prenatal effects on fetuses, allergies and respiratory ailments, etc.

2. Until the safety of cannabis cultivation has been conclusively demonstrated, outdoor cultivation should not be allowed within two miles of existing residences or schools. Indoor cultivation should not be allowed within one mile of existing residences and schools, and only when sufficient air filtration/scrubbing can be accomplished to prevent the dissemination of the fumes.

3. Hazards associated with the cultivation of cannabis include crime and security risks. Grow sites should be required to have security systems with video recording and connection to local law enforcement to deter thefts.

4. The Williamson Act and other programs designed to benefit traditional crop farmers should not apply to cannabis cultivation.

5. Cannabis cultivation in a given geographic area should be limited to protect environmental quality and safety.

6. Cannabis cultivation should not be afforded the benefit of “agricultural” rates for water. Agriculture traditionally means the cultivation of plants and animals for food and clothing. Cannabis production is more akin to a pharmaceutical operation, with astronomical profits compared to agriculture. Supplementing the cost of water to these facilities does not make sense.

Respectfully submitted,
1. Marijuana cultivation should not be treated as if it were another row crop or citrus or avocado orchard.
2. The value of the crop is so high that it invites property invasion with all attendant personal & property risk to the growing property & neighboring properties.
3. The odor of cultivating is skunk-like & very strong. Obviously, the odor is spread through air-borne particles. Growers are spraying perfume-like mists of unknown composition into the air to mask the skunk smell. At our meeting yesterday with Supervisor Carbajal he admitted the Board of Supervisors had no idea about the environmental impact of marijuana cultivation.
4. Almost everyone in my neighborhood, Cravens Lane North of Foothill, is now suffering almost constant chest & nasal congestion, headaches & nausea. The symptoms go away for me when I leave the area.
5. Schools & places where children meet are experiencing the smells & air-borne particles.
6. Zoning law enforcement procedures are easily dodged & the penalties are petty change to the growers.
7. Zoning laws must be changed to meet the explosion of marijuana cultivation, which will be exacerbated considerably with the passage of Prop 64.
8. The premise of Prop 64 & existing marijuana laws is a fiction that makes enforcement of almost any kind very problematic. Marijuana is marijuana, like beer is beer; beer doesn't become medical beer because I have a headache when I drink it. But marijuana magically becomes medical marijuana when used by someone who has complained of a headache, or just about anything else, to a "doctor". 18 year-olds can ingest medical marijuana but they can't ingest a medical beer.
9. Prop 64 continues to incentivize a medical marijuana classification, thus inviting fraud, abuse & criminal participation.
10. Prop 64 allows consideration of "excessive concentration" of distribution facilities as a factor to deny a license. But, there is no "excessive concentration" factor to be considered in issuing licenses for cultivation.
11. The fictional medical-recreational distinction brings such uncertainty to the law that the Sheriff says it is virtually impossible to enforce the marijuana laws now & it will be worse under 64. This leaves enforcement of what will be a multi-billion dollar industry to confrontation between neighbor & neighbor. The stakes are high to each side & I do not doubt there will be violence.
12. Government is supposed to be premised upon the balancing of competing or conflicting interests. Prop 64 is so one-sided that there is seemingly no attempt at balancing, at least insofar as it may be applied to the consequences of those of us who live near an explosion of marijuana cultivation.
13. There must be a significant (MILES NOT FEET) buffer between marijuana cultivation & residences, even when the residences are in AG-zoned areas. The zoning laws, like the Board of Supervisors, did not anticipate the environmental, in the broadest sense of the word, impact of marijuana cultivation & are totally inadequate to protect the quality of life we are entitled to.
14. I have seen too many government officials proclaim a committee/investigation/study so that "this will never happen again". I hope government will educate themselves beforehand so that a legal framework will be put in place to "prevent it from happening...period". That would be leadership.
15. The growers are now excited about using 20' high hoop houses, which now do not require permits, to maximize their cultivation.
Dear Amber Morris:

Thank you for the opportunity to provide comments regarding the California Department of Food and Agriculture’s (CFDA’s) Medical Cannabis Cultivation Program Notice of Preparation (NOP). The City of Reedley requests that the following items be discussed within the Draft Program Environmental Impact Report (PEIR) that will be prepared for this Program.

Sections 2.2 and 2.3 of the NOP indicate that a track and trace program will be established as well as a need for an application and fee program for the administration of the overall Program. However, the NOP does not clearly indicate whether the CDFA would be responsible for administration, and whether fees will be sufficient to fully cover administration costs, or if administration and associated costs would be borne upon local government agencies. Many local jurisdictions continue to be strapped for cash and/or short-staffed. Should portions this program require administration by local jurisdictions, it could place a burden on the agencies’ abilities to provide services to their communities, and the Draft PEIR should address this topic with regard to whether the program will have a potential adverse impact on local agencies to provide adequate levels of service to their respective communities.

Additionally, the Medical Cannabis Cultivation Program Outline of Draft Regulations provides a discussion regarding inspection procedures. However, this section does not indicate whether the CDFA would be the agency responsible for the inspection duties of the Program, or whether other agencies, including local law enforcement agencies, would be responsible for such inspections. Similar to the comment noted above, should the responsibility for performing inspections fall upon local governmental agencies, which could provide additional burdens to these agencies’ staffing and finances, the Draft PEIR should discuss any potential adverse impacts on a local government agency’s ability to provide adequate levels of service to its respective community.

Finally, the “Enforcement” section of the Draft Regulations indicates the CDFA would have two years from the date of a violation to take administration action to remove it. This section also calls out “Minor, Moderate and Serious violations” but does not define these levels of violation, nor does this section provide a discussion of how long it would take to revoke a license or require a violator to pay any levied fine. What is the purpose of the timeframe in which to take administrative action being as long as two years, rather than a shorter time frame? Should a violation occur that has a significant adverse impact on the environment (i.e. polluting a water source), it appears that this significant adverse impact could potentially continue to occur for two years. The potential adverse environmental impacts that could occur as a result of the Program in this regard, and any applicable mitigation, should be addressed in the Draft PEIR.

Please feel free to contact me, and please address any future documentation regarding this project to me at the address provided below. Thank you.
City of Reedley
1733 Ninth Street
Reedley, CA 93654
(559) 637-4200 x286
The cultivation of cannabis produces a disgusting smell and invites crime whether legal or illegal. Cultivation should not be done near any residential subdivisions/neighborhoods or school areas whether it is a rural, suburban or urban setting. There should be a limit of cultivation sites per county. Cultivation should only be done indoors. Felons should not be allowed to cultivate.

Thanks,

Sent from Mail for Windows 10
To Whom it may concern:

I am a retired peace officer and I am quite concerned about medical marijuana cultivation in Calaveras county where I reside. You should know that this endeavor will produce a significant increase in crime surrounding the areas of cultivation, not to mention the tentacles of corruption that will follow in local government. I know that the California Highway Patrol will be dispatching their helicopters to patrol these areas of cultivation, which will be an additional cost to taxpayers. I suggest that you set aside the needed cultivating acreage in one area of the county so that it is centralized and easier to patrol. I also suggest that you place a Calaveras County Sheriff’s sub-station in close proximity to this area and have the current technology to pinpoint gunfire in the area immediately. There should also be video cameras surrounding the acreage to identify criminal activity. I wish you a lot of luck!!

Respectfully,
Amber Morris,

The state has charged ahead with medical cannabis cultivation faster than it has been willing to govern programs it previously enacted, namely the 215 card program. That program has been systematically abused. Healthy people are getting 215 cards without adequate medical reasons by doctors who are writing those prescriptions unnecessarily. Subsequently the patient is able to take their 215 card to multiple dispensaries and buy product, thus greatly exceeding the “prescription” limits. They are doing this for purposes of turning a profit on the product they don’t use themselves, even if they had a legitimate reason for using it.

The growth in that program is partly what has fueled the growth in cultivation. The other component of that growth is the production of product for sale on the street for recreational purposes. Those producers are able to claim their operations are for medical marijuana production, but there is no way to verify that. They know it and they abuse the system accordingly.

So, the state should not attempt to grow, or allow growth in production until it has cleaned up the abuses on the user side, including the part doctors are playing.

As well, there should be no marijuana production anywhere near residential neighborhoods, including rural residential neighborhoods.

Calaveras County is being devastated by the explosion of marijuana farms, which has completely changed the culture of this county overnight. It was done with the vote of 4 county supervisors. That also should not be allowed.

I hope you will take these concerns into consideration. In the meantime, I will continue to work to ban the commercial cultivation of marijuana in this county altogether.
Dear Ms. Amber Morris,

Thank you for providing the City of Watsonville the opportunity to comment on the California Department of Food and Agriculture's Medical Cannabis Cultivation Program.

The Draft PEIR should analyze the reasonably foreseeable direct and indirect environmental impacts associated with cannabis plant odors. In particular, the analysis in the Draft PEIR should identify a threshold of significance and address the potential health and safety impacts to workers and nearby properties through the creation of odors. In addition, the Draft PEIR should determine potentially feasible mitigation measures, such as appropriate ventilation and air filtration system(s) to control odors and prevent them from exiting the interior of a cultivation facility.

Sincerely,

Principal Planner
City of Watsonville
We moved to Calaveras County for simple life with less worries and clean air.....after 2+years we are forced to deal with more crime, more automobile accidents, more "neighbors" that are out of county or even state, and air pollution. Not happy with this proposal and possibly soon will move out of this county due to these circumstances.

Regards,
Hello,

I am emailing on behalf of attorney [redacted] who would like to attend your workshop on Tuesday Sept 20. Is there a website for registration? I look forward to hearing from you, thanks.
I am interested in commenting and participating in this all important process, however the links to scheduled meetings download a doc to my phone or computer that cannot be opened. At first i thought it was a 'user' issue but i had a friend try it and had the same problem. I missed the first meeting in sacramento as i tried to figure this out. I should have just called but it might be helpful to me and others who have limited access, to provide all the info especially and particularly meeting schedules and info directly on the web page vs a downloadable doc. Thank you
1. I would like to see a 'cultivation fast track' through the application process, not buried with red tape and unnecessary paperwork; variances included.
2. Letting the smaller cultivators receive licenses first before large companies to allow for a competitive economic marketplace to develop.
3. Keep it SIMPLE for the industry to develop, grow, hire new staff, etc.
4. Keep taxes/fees at a bare minimum to start out.
You should allow an exception to the limits to 10,000 square foot license limit for companies that show greater demand through market analysis from companies like Signal Bay. 45-50% of the market is oil, which is used to create many secondary products (edibles, tinctures, salve, vape pens, capsules). Good oil requires high quality bud create. A lot of product will be required.

Vape pens have taken over 50% of the smoking market and will continue to grow.

You should use FlowHub or GreenBit track and trace software.

Please do not allow cheap synthetic fertilizers with urea, with heavy metals. Food grade nutrients should be required if synthetics are to be used.

Keep clean facilities so dead leaves do not introduce mold and bacteria. Predators, and natural pest control should be required.

Pesticides are concentrated when oil is made.

Thank you,
Hi,

besides the meeting materials on your website, do you have a link for the recorded session in sacramento? the one happening down here on tuesday is on a jewish holiday and so we can't make it and there are more than a dozen orthodox jews that would like to watch the video because they cannot attend session.

thanks so much

--

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Hello and thank you for the opportunity for public input. With your licensing structure it will make it virtually impossible for a smaller scale grower to fiscally survive. With having to pay a tester, distributor, manufacturer, transporter, etc. there will be little profit margin for small scale farmer. Plus the tax structure would be the same for the smaller scale farmer forcing farms to be larger to get a return. The licensing structure being put forth should be modified for smaller scale farms. The cottage license should be matched with a lesser tax structure or fewer licensing requirements to help small farmers survive. Alternatives could allow those with cottage cultivation licenses to send away their product to test but be able house, package and distribute locally to the patients these small farms serve. Without some provisions the smaller local farmer will not be able to survive and cultivation will be only for big business centralized in isolated low cost areas.

Thank you

Sent from my iPhone
Hi folks:

Not a complaint, just an observation that we have two cannabis meetings in Fresno County on Sept. 22, yours in Coalinga and the State Water Boards in Fresno. It's a little bit of a no harm, no foul situation since you're both meeting in the heart of ban country (you knew this, yes?), but it would be nice if y'all could sync your calendars moving forward so interested parties could attend both meetings.

Thanks...
Below you will find a breakdown of responses to the BMCR's Feedback Worksheets.

(Transporters - Items required on manifest)
   a. [For] Name and license number of source vendor
   b. [For] Name of authorized employees of source vendor and recipient
   c. [For] Name and license number of receiving licensee
   d. [For] Number of units or weight of items being transported
   e. [For] Strain and product type of medical cannabis and medical cannabis products in shipment
   f. [For] Unique identifiers of all products in shipment
   g. [Regulate similar to alcohol] Travel route, start and end time
   h. [Against] All planned stops on travel route

(Transporters - Documents to accompany transport drivers)
   a. [Against the need for local authorization] a. State and local license, permit, or other authorization for transport
   b. [For] Driver's License
   c. [For] Physical copy of shipping manifest
   d. [For] Proof of insurance
   e. [For] Vehicle registration

(Transporters - Thresholds for transporter license)
   [For] Establishing thresholds based on product type as follows:
   a. [For] Dried flower greater than 50 Lbs based on reasoning that a cottage license holder could conceivably harvest this amount from 24 plants.
   b. [For] Non-solvent in excess of 10 Lbs., based on cottage cultivator potential 24 plant yield.
   Solvent concentrates in excess of 50 grams due to risks involved
   c. [For] Medical cannabis-infused products greater than 150 units
   d. [For] Live mature plants exceeding 24 in number; seeds exceeding 5 Lbs. in weight, again based on cottage cultivator potential yield; 144 immature plants
   [Against] Establishing a threshold based on monetary value
   [Against] Establishing maximum weight limit
Good morning,

We received the NOP and would like to request a copy of the initial study. Please provide. Thank you.

This email and any files or attachments transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and immediately delete the email you received.
Amber,

My name is [REDACTED] and I have recently moved to San Diego as Director of R&D. I move here from working solely in the ornamental and indoor production industry. As I alter what my growers are currently using on our cannabis plants, I find there are many grey areas. Is there a list of products/pesticides that are permissible or not permissible?

Would love to speak with you more on the topic sometime.

Thanks! [REDACTED]

--
Dear California Dept. of Food & Agriculture,

I would like to express my thoughts on the MCCP program currently being developed in legislation for possible implementation on Jan 2018. I strongly oppose the current plan that all current & future licensed Cannabis Cultivators (large and small) will have to utilize designated Cannabis Distributors to distribute there Cannabis product to the appropriate licensed Medical Cannabis dispensaries or locations. I feel that if the licensed Cannabis cultivator is obiding by the various rules of cultivation designated by the State of California (water use requirements, pesticide use, sewer & waste runoff & paying appropriate taxes, etc.) there should be no need to mandate who distributes there end product. I believe the various entities that are currently involved in creating this piece of legislature etc. have only a special interest (money) in mind similar to the alcohol industry. This will be detrimental to the various small & large cultivators trying to be responsible and do the right thing. Thus the cultivation of cannabis should be treated like every other agricultural crop in the State of California with no required and mandated distribution network needed.

In the nursery & landscape industry for example, there is no need for a mandated distribution of a nursery growers plants being run thru a distributor. Distribution is taken upon themselves and thus all types of nurseries (specialty growers etc.) have a chance of flourishing in whatever business model fits them best. In the nursery industry for example, if a small specialty grower of groundcover, annual/ perennial color, succulents etc. had to utilize a distributor to deliver and distribute there plants to there established accounts there would be no profit margin left and thus many would be out of business.

There is no reason for a middle man (distribution chain) to be involved in the future Cannabis industry because most of the licensed cultivators already have a established business relationship with various licensed dispensaries and thus there is no need to get a distributor in the middle of that. The little bit of profit margin left after taxes, fees, administration, lab testing etc. will be gone if a distributor has to be involved in bringing his cannabis product to the marketplace.

I also feel that the track and trace system being developed into the MCCP program needs to be carefully examined & thought out before implementation. Cannabis being a perishable crop like any other agricultural crop has expected life span and is subject to many environmental factors (pests, diseases, drought, water content loss etc.). It may be very difficult to accurately document at all levels every cannabis plant from seed to sale due to these possible perishability factors.

I appreciate you allowing me to voice my opinion on this important upcoming piece of legislation. I trust you will hear all of the voices involved prior to final crafting of this important upcoming piece of legislature. Thanks very much.

Sincerely,
Amber:

Just checking in, hoping you received the comments I emailed earlier.

When can I follow up with you for the proper contacts concerning track & trace, as discussed?

On Wed, Sep 28, 2016 at 2:22 PM, [Name] wrote:

Dear Amber:

Very nice to meet you yesterday/27 in Pasadena, CA. I (and many others) are grateful for the outreach being orchestrated by the MCCP. Very exciting!

I hope you remember me...!

As discussed, I am very interested in the TRACK & TRACE initiative, as it begins with cultivation and ends in the hands of the consumer...with lots of steps (and regulatory licensing issues) in between. Implemented properly, the technology can be a major pillar of support for the entire MCCP.

I have attempted for the past few weeks to make contact with the CDFA and find details with respect to the upcoming TRACK & TRACE initiative. Outside of being guided to qualify as a contractor for the state of California, I can find no details. I am told to wait for the "RFP".

I consult with a major provider of the world's leading tracking and brand protection technology, proven to be superior to any existing anti-counterfeiting technology in the world. All the encrypted data can be encapsulated into the existing tags already used by today's manufacturers (much more complex than simple inventory management via a QR code). The building blocks of our technology can be manipulated to communicate with multiple platforms for seamless integration with existing ERP systems, etc.

Very important we participate as a vendor with the CDFA.

Please direct me to the proper party(s) for immediate follow up.

Much appreciated.

--
Regulatory Goal #1 Language definitions:

“Canopy”

The easiest way of calculating Canopy is by measuring the square feet of the surface medium or bed size. For example, if the plant was grown in a 3’X3’ pot or bed than the canopy would be 9 sq ft.

When planted in the ground the area of the planting bed is counted. If bed is 3 ft wide and plants are planted every 5 ft than each plant canopy would be 15 sq. ft.

“Flowering”

Flowering would refer to the final stage of the cultivation prior to harvest. Indoor would be when the light cycle is less than 12 hours of light. Outdoor would be through the result of seasonal changes the light cycle is less than 12 hours, or when a blackout system is employed to limit light to 12 hrs.

“Immature”

Immature would refer to the beginning stages of the grow cycle. Immature would refer to all the early stages of either sprouting seeds, propagating via cloning or tissue culture, and growing during the vegetating stage. Immature would refer to every bit of growth prior to the flowering stage.

“Mixed light cultivation”

Mixed light cultivation would refer to utilizing mixing sunlight with high intensity lighting used during the flowering stage.

“Premises”

Premises would refer to the physically segregated portion of a parcel designated for cultivation, multiple premises could be on a single parcel if the area is separated by fence or walls.

“Propagation”
Propagation would refer to the many styles of starting plants. Either by growing from seed, cloning from cuttings or utilizing scientific means such as plant tissue propagation, which would be performed in a lab setting.

Regulatory Goal #2 Application Process

In regards to the application process the electronic means would seem the most efficient and cost effective.

The proposed ban on firearms seems prudent with the exception of armed licensed security guards. In a fully licensed facility the danger to law enforcement would not be an issue since the only reason they would be there is to respond to calls or to enforce regulations. Armed security guards would provide for protection of the property and contents in their absence.

As a cultivator it is anticipated that at least 8 applications would be submitted. An application fee to cover processing expenses would be expected.

Regulatory Goal #3

IDENTIFY THE CULTIVATOR LICENSE TYPES BY LIGHT SOURCE AND SITE SIZE; CLARIFY ALLOWABLE LICENSE COMBINATIONS; OUTLINE RENEWAL PROCESS AND SET LICENSING FEES

Allowing multiple cultivation licenses is a reasonable step. Of concern is the limit on the canopy. Current production methods by commercial farmers in other industries such as ornamental flower growing routinely have operations in excess of 20 to 30 acres. The advantage of growing on a larger scale, in greenhouses for example, translates into much less environmental impacts. These would include reduced utilities such as usage of gas, water, and electricity, better production methods as a result of less dependence on heavy pesticide use, and reduced costs to the consumers as a result. The caps should not be blanket caps but caps dependent on the type of facility. Greenhouse facilities should be allowed a larger canopy than a warehouse operation. Canopy limits could also be determined by the size of the facility.

Canopy size will certainly impact the business model. Numerous smaller grows are inefficient, harder to regulate and will in the long run could result in compliance issues as a result. Our projected business model relies on economies of scale utilizing existing production methods already proven and operated in a USDA approved facility.

Part of cultivation would of course entail additional steps such as harvesting, drying and processing the materials. Then utilizing those materials in the production of other products such as edibles would likely not be considered cultivation. The ability to produce joints, dry sieving, and water concentrating would not be beyond the scope of a cultivation facility.
We support fees to cover the costs of processing fees. We would anticipate applying for the maximum size allowable due to the nature of our experience and the size of our facilities. We would anticipate applying for at least 3 separate sites as a result of owning multiple lots.

Artificial lighting in its many forms all has different inputs on a growing operation. Many factors have to be considered in determining how the grow is classified. Small inputs of lighting that are in place that draw low amperage and have minimal impact on the growth or flowering should not be considered as an input. An example of this would be fluorescent or LED lighting that prevent a flower from entering the flowering stage. Once Higher-powered lights begin to be implemented with High Lumens and amperage draw the classifications then become more concrete. Factors such as watts per sq. ft. or amperage dedicated to lighting should be variables considered. Supplemental lighting is any lighting that exceeds 1 watt per square ft.

In limiting type 3 licenses there are many aspects to consider. Primarily is there a current capacity existing by the applicant. Other factors that should be considered are the experience and credentials of the parties applying. Individuals with the education, experience and familiarity of large-scale operations should be considered. Other factors such as proximity to populated areas; security and environmental impacts, like recycling of irrigation water would also be issues that could affect the viability or feasibility of the operations in question.

First year there should be no limit to existing operations, in year 2 assess the situation and make adjustments in limiting production of new grows.

Another way of looking at this is to limit ratio of 3-1 for every 3 type 1 & 2 license one type 3 license would be given.

Regulatory Goal #4. Requirements to mitigate environmental health and public safety:

As in any agricultural crop it is important that growing inputs and controls be incorporated to ensure the safety of the environment, the consumers, and the staff involved. A clear list of approved and unapproved products needs to be spelled out. Encourage best standard agricultural growing practices. Onsite inspections by qualified inspectors, with annual inspections would help to ensure compliance. Other issues would be a requirement that manufacturers of products for the industry list all ingredients to ensure that banned elements are not accidentally introduced into a crop.

A well run, compliant farm would have no negative effect of public safety. Facilities should each enact proper security measures such video cameras, security guards when necessary, and alarm systems. Factors such as odor control for indoor facilities or facilities near populated areas should be considered. As in any USDA farm spray logs should be kept, Pesticides and herbicides if used should be compliant for the crop, and there should be no runoff from chemicals or fertilizers that harm the environment.
We grow plants from clones and from tissue culture. we grow plants for our own farm and also sell to other cultivators.

Regulatory Goal #5. Outline cultivator responsibilities for compliance inspections:

The cultivator should utilize software for reporting purposes. The cultivator should maintain the facilities to industry agricultural standards so personnel can safely enter

Regulatory Goal #6. Track and trace requirements:

There are many factors that need to consider in regards to tracking. Small-scale operations can track each plant, larger scales, because of the realities of growing at scale, could utilize a batch tracking system.

we currently plant 25-100 plants of the same strain each week, it does not make sense that each plant needs to be tracked, it makes more sense to track a batch of the 100 plants, since we put all product together in bins to dry/cure, where all 100 are mixed and matched. but we keep track of the total weight and quality.

Regulatory Goal #7 State license violations and appropriate penalties:

With the purpose of creating a professional and safe facility all operators should remain in compliance with regulations. Violations, if they occur should be addressed immediately. Minor violations which are violations that have no adverse effects on health and safety could be documented with an order to correct along with a follow up inspection to ensure compliance.

Major violations or ones that jeopardize the immediate health and safety should result in more severe actions. Essentially if the problem is minor and quickly fixed than it should be noted and corrected with no penalty. If the violations were broad and dangerous, actions such as closure or suspension would then apply. Revocation should not be the first resort but one based on a refusal to comply or flagrant disregard for safe and existing practices.
From: MCCP PEIR CDFA@CDFA
To: MCCP PEIR CDFA@CDFA
Subject: Re: CADFA Cannabis Cultivation Draft Regulations
Date: Wednesday, September 28, 2016 6:10:15 PM

It is unsafe to prohibit firearms on permitted, legal cannabis cultivation sites. First, many cannabis farmers live and farm in rural areas. Many of these areas do not have land lines, cell service is non-existent and police and emergency service response times can take hours. Rural living means that farmers encounter wildlife that can be dangerous, such as mountain lions and bears, to both humans and livestock. Prohibiting firearms on cultivation sites prohibits farmers from protecting their families and property.

Most sheriffs in Northern California encourage citizens to keep firearms for protection. Trinity County has an extremely low number of sheriff’s deputies and often has zero or one deputy on duty at night to cover the entire county. In addition, the nearest trauma center is over two hours away from many residences.

Prohibiting cannabis farmers from keeping firearms on site increases their likelihood of being robbed. Even though the state is finally starting to regulate the medical cannabis industry the black market will persist for some time. Prohibiting law abiding farmers from arming themselves encourages outlaws to victimize those they believe to be unarmed. It is this outlaw element that brings a real danger to licensed farmers, law enforcement and regulators alike. I know many cannabis farmers who do not own or keep any guns on their property. However, they believe that it would be foolish publicize this fact.

How does CDFA plan on enforcing this ill conceived regulatory overreach? By having armed site inspectors search people’s homes and personal belongings?

I assume the reason for this violation of our second amendment right is to help keep CADFA inspectors safe but I find it highly unlikely that a self- registered, heavily invested, legal, state licensed farmer would threaten or harm a state official. The state already has robust regulations to keep violent felons from obtaining or possessing weapons. The mom and pops moving forward into this new, normalized industry are eager to earn the trust of law enforcement, regulators, and their communities. However trust is a two way street and the CADFA can start earning our trust by dropping the adversarial attitude and stop treating legal farmers like criminals!

This comment is on behalf of [Redacted]
Thank you for your consideration.

Sincerely,
Dear Amber Morris,

I do have Los Angeles County Medical Marijuana Collective registered license and I would love to participate Pasadena Convention Center location of public scoping workshops.

Please let me know if I need special registration, ticket or letter comment for involvement.

I look forward to hearing back from you.

Regards,
Good morning

I would like to attend the cultivation public scoping meeting in Oakland. Where do I register?
Every effort should be made to insure that African Americans and other minorities, (those that have been disproportionately and negatively affected by the war on drugs), are guaranteed participation in the licensing process.

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Proposed Location: Legal Right to Occupy

It is important that existing marijuana businesses in California begin to take proactive steps to fall into compliance with the new regulatory structure as regulators continue to work on developing rules and regulations surrounding the Medical Cannabis Regulation and Safety Act (MCRSA). So far we have covered Seller’s Permits and Operating Procedures. Next up: proposed locations and the legal right to occupy the proposed location.

It’s no secret that in California, many marijuana businesses operate in facilities where the landlord doesn’t know...
Look to Complia's weekly e-mail posts to stay updated on the always changing regulatory environment and new compliance requirements.

If you have any questions at all surrounding cannabis compliance issues, we would love to help you! Please send us a note to be included in our mailbag series to TeamComplia@mycomplia.com or visit our compliance blog at www.MyComplia.com.

Our staff of dedicated compliance officers are committed to keeping your business secure and informed.

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You are a leader and pioneer in the cannabis space. We want to keep you informed of compliance updates, changes and new tools.

**Our mailing address is:**
Complia
387 Corona Street
Suite 545
Denver, CO  80218
Add us to your address book

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.
As a controlled substance, it has garnered an inflated monetary value, and attracted criminals interested in making a fast buck. Now that we have once again recognized it's medicinal value, and eased restrictions, it's value as an illicit substance has also decreased.

It is time to stop treating cannabis as though it is an illicit drug.

It it also time to stop treating farmers as criminals.

A gun is a tool suited to the hands of a farmer. Predation of crops by birds and mammals can sometimes best be curtailed with a gun.

Cannabis is but one of the crops we grow. We don't need a gun for predation there. For the most part, our fences keep out bears and deer, and our traps, along with our gun keeps squirrels in check. It has another use, without ever using it!

It's very presence acts as a deterrent to the largest predator, humans!

By shoeorning a ban on guns into this ordinance for the sole purpose of the safety of the inspectors, you will remove one useful tool.

For the safety from non-threatening farmers seeking compliance, this ill conceived clause would put those very farmers at risk!

The simple equation being: Compliant cannabis farmers are NOT armed, therefore an easier target for criminals who ARE armed!

While I understand the sentiment to keep inspectors safe, it should not be at the expense of farmers and/or their civil liberties. Please strike the provision to ban firearms from Cannabis cultivation sites.

Thank you,
Greetings,

I would like to make you aware of this new filtration technology, and that the regulations you develop allow for this technology to be understood and used by the industry.

The video link below explains the benefits and the facts and science around this.

https://youtu.be/8SpHMjTs-SU

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Michael McCauley

Think Green, Please don't print this email unless you really NEED to.

THIS MESSAGE IS ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.
Attrition: Amber Morris

Hello Amber,

I am a R & D research company that is located in Santa Cruz. My focus has been on breeding CBD strains for the last 7 years. In those years I also started testing equipment like lights, water systems and everything that is needed to grow a plant, I have beta tested for several company's.. I am working with 4 labs and 1 university for genetics and DNA mapping.

The reason I did this was to see what the new products worked and what products polluted our planet. I started growing in 1971 and know this industry very well.

I work in the telecommunications running a major construction company. I do not smoke or use drugs I am the complete opposite. Health and hiking is what I enjoy.

My reason to grow CBD strains was to help kids and others having Seizures.

I have started a new company and have locked down funding.

With all the growers growing in our forest and private property's it is going to be hard for us licences growers to compete.

The reason for this email is to see your team in a private meeting. My CBD research and my 2 strains are worth millions and I do not want to go to a public meeting.

My knowledge in this industry is fast and I could fill in the blanks for your team. I am in talks with the DEA to become a growing company for there research.

Regards,
From: MCCP, PEIR, CDFA@CDFA
To: MCCP, PEIR, CDFA@CDFA
Subject: Possible to Upgrade License at Renewal?
Date: Friday, September 30, 2016 1:44:45 PM

Will there be opportunity to upgrade licenses upon renewal?

Thank you.
Hello:

I met the consultant leading the CEQA analysis at the scoping session in Desert Hot Springs earlier this week. However, I did not catch the name and am hoping this will find its way to him and that he can respond to me with his name and contact information.

As I mentioned, our firm (MSA Consulting) has been heavily involved in assisting cultivators in Desert Hot Springs with their local land use permits. We first became involved with medical marijuana cultivation projects here in late 2014, immediately after the City approved its original ordinances, so have been at this now approaching two years with nearly 30 cultivation clients. Of the 10 approved projects, 1 is fully open for business and 5 are in the final design stage preparing for construction. We also have 6 other projects that are actively processing for approvals through the City and 12 others in various stages of concept design pending submittals to the City.

I appreciate having made a reliable contact at the State level as I’m sure our Clients will be looking to obtain State licenses in the future when they are offered. If I can be of any assistance to you in providing a local perspective on any of this, please feel free to give me a call.

General information about MSA can be found at: http://msaconsultinginc.com/

Sincerely,

Paul DePalatis, AICP
Director of Planning Services
pdepalatis@msaconsultinginc.com
Hello,

I was unable to make the public workshop in Sacramento because I was traveling. If I am able to I will attend the workshop in Oakland.

I am wondering if there are considerations being made for plant and seed health testing. As large nurseries are established and seed companies are developed within the industry I think this will become an important issue. Lots/batches of seeds and clones should require pest and disease screening to prevent the spread of those across the state. Many of those pests and diseases, if they spread, can potentially affect other important agricultural crops as well.

Thank you,
Water issues and the protection of streams seem to me to be huge issues when discussing marijuana grows. Also, curbing violence is critical.

Thanks.
September 27, 2016

To: California Department of Food & Agriculture

From: [Redacted]

Re: Scope of PEIR for Medical Cannabis Cultivation Program

As spokesperson for a group of concerned citizens in the Carpinteria Valley, I hereby submit our recommendations for the scope of the Program EIR for the MCCP. The PEIR should definitely look into the following categories:

**Air Quality.** We know from first-hand experience that the 600-ft. setback from schools is inadequate. In the Carpinteria Valley, the skunk-like fumes associated with greenhouse cultivation of marijuana travel for more than 2 miles, carried by the local breezes. At this time of year, these fumes are vented out of the greenhouses 24/7. Furthermore, in an attempt to mask these odors, some growers are also venting some unidentified “perfume,” which only exacerbates the situation. Neighbors in a wide radius of these greenhouse operations are experiencing headaches, stinging eyes, and even nausea. Setbacks should be prescribed not only for schools, but for residential areas and for any public gathering place, such as scout houses, churches, veterans halls, and the like.

The PEIR should actually measure levels of the various odor-causing substances at various distances under various weather conditions. The first step is to identify each substance of concern, both the natural emissions from the plants and any added perfumes or other emissions from the operation. We suggest a set of maps that show a greenhouse operation under different weather conditions. For each map, there would be contours around the greenhouse showing different concentrations of each substance being measured. There must be standards or at least research that shows what exact concentration of the different substance is noticeable / annoying / unhealthy / dangerous. (If there are not standards, then those need to be developed!) Without that specific data, we are all (the public and the experts writing the PEIR) just making up numbers for how much of a setback there should be. In the Carpinteria Valley, under normal onshore air flow, a neighboring property between the greenhouse and the foothills could have the greenhouse emissions funneled by the natural canyons directly to a residence, resulting in surprisingly high concentrations of one or more of the substances, depending on how that substance mixes with air, if it is heavier than air, etc.

**Greenhouse Gas Emissions.** The same applies. There should be regulation of the
“perfumes,” and the community should be supplied with a Material Data Safety Sheet (MSDS) on them.

Hydrology & Water Quality. Southern California is experiencing the worst drought in its history. Marijuana plants reportedly require 6 gallons of water per day. How much water will be used by these operations? Do cultivators qualify for the normal agricultural water discounts? (Marijuana is classed as an “agricultural product,” not simple agriculture. According to your website, “The identification [of marijuana] as an agricultural crop does not extend to other areas of the law. For example, cannabis is not an agricultural crop with respect to local 'right to farm' ordinances.”) Agricultural water should be reserved for crops that put food on the table.

Land Use & Planning. Since noxious fumes from marijuana greenhouses travel for miles, they should only be allowed in areas that are far from residences and communities. In this area, they exist on land zoned for agriculture, but these sites are still near to residential areas. Should cannabis cultivation require a new/particular zoning, far from populations?

Population/Unexpected Social Consequences. In the Carpinteria Valley, we have already seen crime associated with commercial greenhouse cultivation of marijuana. As long as banks refuse to knowingly deal with marijuana-related money, these cultivation sites operate on cash only. This is a huge temptation to thieves, as we have already seen here. Citizens of Carpinteria are deeply concerned about the possibility of organized crime moving into our valley. This is a concern regardless of whether Prop 64 passes or not.

Cumulative Impacts. There is no cap set on the number of marijuana-growing operations allowed in an area. In our case, the Carpinteria Valley has limited space, being bounded by mountains and ocean. Without “limits” (in terms of cumulative acreage or number of plants), the problems we are experiencing now could multiply to a degree that would be detrimental to the quality of life of people throughout the valley.

Thanks in advance for your attention to our concerns. Please put us on your mailing list for updates.
Please acknowledge receipt of these comments.
9.30.16

I am happy to see the State of California get busy on the framework for the cultivation and distribution of Medical Cannabis products: However, I do not believe the plot limits in addition to track and trace as they are proposed are not practicle in a sustainable grow operation.

Sincerely,
Hello,

I'm a journalist with PBS NewsHour Weekend. We are currently in California reporting on the debate over ballot initiative proposition 64 for 8-10 minute story that will air on our program in early October.

We are looking to speak with various stakeholders including cultivators about this issue and that's where we are hoping you could be of some help.

We saw that CDFA will be holding a meeting in Pasadena for cultivators on Tuesday September 27. We will be in the area that day and would like to reach out to some of the cultivators who will be attending that meeting. Would you be able to put us in touch with any of those growers or send us a list of who will be attending those meetings so that we can reach out to them?

And would be able to film a portion of that meeting on Tuesday? Since we are talking about regulation and how the industry will have to comply with MMRSA as well as legalization that would come with prop 64, it would be really useful and informative to show that in action in the form of these gatherings.

Please let me know any information about the growers attending this meeting and if we could attend.

Thanks so much for your assistance.

Best,

Producer, PBS NewsHour Weekend
To Whom It may Concern,

Thank you for a very interesting opening opportunity to gather info, talk to government reps, to see what other stakeholders had to say and for the openness to questions regarding licensing and other legalities. Thank you again! Please keep me informed by email as to any new developments regarding licensing is concerned.

Sincerely,
Hello, I would like to attend the meeting and wondering if I need to register.

I am a MENDOCINO resident and wondering if this meeting will be covering state regulations or just local regulations.

thanks
Miss Morris,

Hello this is [Redacted]. I received your draft and would be happy to help. I was wondering if any of your team has growing, cultivating experience with Cannabis. Does your team, or has anyone in your team actually grown or been part of a grow. This would better help you understand and see what is in an operations daily practice, concerns and sequence to an organic, healthy and safe product. These are our concerns. If not, I would be willing to have you or a team member witness, experience and train your team to help better the guidelines for safety and quality control, rules and regulations that we no need to be in place so not just anyone is permitted to grow any kind of medical products. We are happy to help, if you like us too
“Canopy”

The easiest way of calculating Canopy is by measuring the square feet of the surface medium or bed size. For example, if the plant was grown in a 1.5’X1.5’ pot or bed than the canopy would be 2.25 sq ft.

When planted in the ground the area of the planting bed is counted. If plants are planted in a 4 ft bed and are planted every 6 ft then the canopy is 24 sq ft per plant.

“Flowering”

Flowering would refer to the final stage of the cultivation prior to harvest. Indoor would be when the light cycle is less than 12 hours of light. Outdoor would be through the result of seasonal changes the light cycle is less than 12 hours, or when a blackout system is employed to limit light to 12 hrs.

“Immature”

Immature would refer to the beginning stages of the grow cycle. Immature would refer to all the early stages of either sprouting seeds, propagating via cloning or tissue culture, and growing during the vegetating stage. Immature would refer to every bit of growth prior to the flowering stage.

“Mixed light cultivation”

Mixed light cultivation would refer to utilizing mixing sunlight with high intensity lighting used during the flowering stage.

“Premises”

Premises would refer to the physically segregated portion of a parcel designated for cultivation, multiple premises could be on a single parcel if the area is separated by fence or walls.

“Propagation”
Propagation would refer to the many styles of starting plants. Either by growing from seed, cloning from cuttings or utilizing scientific means such as plant tissue propagation, which would be performed in a lab setting.

Regulatory Goal #2 Application Process

In regards to the application process the electronic means would seem the most efficient and cost effective.

The proposed ban on firearms seems prudent with the exception of armed licensed security guards. In a fully licensed facility the danger to law enforcement would not be an issue since the only reason they would be there is to respond to calls or to enforce regulations. Armed security guards would provide for protection of the property and contents in their absence.

As a cultivator it is anticipated that at least 8 applications would be submitted. An application fee to cover processing expenses would be expected.

Regulatory Goal #3

IDENTIFY THE CULTIVATOR LICENSE TYPES BY LIGHT SOURCE AND SITE SIZE; CLARIFY ALLOWABLE LICENSE COMBINATIONS; OUTLINE RENEWAL PROCESS AND SET LICENSING FEES

Allowing multiple cultivation licenses is a reasonable step. Of concern is the limit on the canopy. Current production methods by commercial farmers in other industries such as ornamental flower growing routinely have operations in excess of 20 to 30 acres. The advantage of growing on a larger scale, in greenhouses for example, translates into much less environmental impacts. These would include reduced utilities such as usage of gas, water, and electricity, better production methods as a result of less dependence on heavy pesticide use, and reduced costs to the consumers as a result. The caps should not be blanket caps but caps dependent on the type of facility. Greenhouse facilities should be allowed a larger canopy than a warehouse operation. Canopy limits could also be determined by the size of the facility.

Canopy size will certainly impact the business model. Numerous smaller grows are inefficient, harder to regulate and will in the long run could result in compliance issues as a result. Our projected business model relies on economies of scale utilizing existing production methods already proven and operated in a USDA approved facility.

Part of cultivation would of course entail additional steps such as harvesting, drying and processing the materials. Then utilizing those materials in the production of other products such as edibles would likely not be considered cultivation. The ability to produce joints, dry sieving, and water concentrating would not be beyond the scope of a cultivation facility.
I would like to see the mixed light license to also encompass a combination of indoor/outdoor; the total of the two staying within the total limit of the particular license.

My property allows me approximately 1000 sq. ft. outdoor opportunity. I will be pursuing a Specialty Cultivation license. So in my case, I would like to utilize the remainder of the square footage allotment for indoor cultivation.

Thank you for your time.
I am a resident of Mokelumne Hill, California in Calaveras County. We are living in the burn scar and our property was totally destroyed in the Butte Fire disaster last fall. Our neighborhood has been overrun by criminals and pot farms. The roads are littered with trash that had been thrown out the window of vehicles. The Jesus Maria Creek has been sucked dry from illegal irrigation systems and water has been diverted to irrigate the pot gardens. The creek was once home to its own species of native trout and I'm afraid that they may have been killed off due to the abnormal low water levels. We are afraid of the people the cultivation of marijuana has brought to the area and I was accosted by a man in the local grocery store last Sunday. The man whom I have never met or spoke to. Approached me and grabbed my arm and blocking me up against the shelving unit in the aisle. He tried to put a bracelet on my wrist. I was frightened and not sure why he felt he could conduct himself in this manner. We are against the cultivation and the people and activities that come with it. I had an opportunity to talk to a grower of a personal crop 99 plants and he uses approx. 1500 gallons of water every other day to irrigate. I told him that I was against his activities and he told me he gets a yearly "gift" for his crop from some rich guy. He said he doesn't pay taxes and it's not against the law for rich people to give him money. I told him that it is not legal to sell his prescription for money. I told the guy to get a job and pay taxes. There is a heavily flawed system and rules regulating the growers and it is destroying the safety and security of a once strong and beautiful area. There have been murders and kidnappings and armed robberies along with theft rings and human trafficking. The local sheriffs department is unable to handle the situation and have been relying on the CHP to attempt to enforce the laws and protect the community. Something has to be done to restore.

Sent from my iPhone
FROM: MCCP PEIR CDFA@CDFA
TO: Amber Morris
SUBJECT: Medical Marijuana Cultivation Comments
DATE: Wednesday, September 28, 2016 12:42:31 PM

STATE OF CALIFORNIA

Dear Amber Morris,

Marijuana is a DRUG and should be treated as such. It’s akin to Alcohol, Tabaco and Firearms!

Marijuana requires massive amounts of water. A single plant needs up to 6 to 10 gallons of water every day depending on the environment and temperatures. The strain on ground water tables is unprecedented and out of control.

Commercial marijuana drug cultivation is NOT SAFE within any residential zone including rural residential. It severely decreases home values for those in areas that have been invaded by commercial drug grows due to the overpowering malodorous stench, the criminal elements of the drug traffic and/or possible environmental contamination. These commercial drug growers have been illegally growing and selling for years illegally. These growers will not suddenly follow laws, regulations and ordinances. They are quite often heavily armed and operate with little or no regard for the impacts their operations have on neighbors and children.

Commercial marijuana drug growers use fertilizers, pesticides, herbicides and rat poison, which wash into waterways and leach into groundwater contaminating the water supply. The use of excessive pesticide, herbicide and rodenticide, poisons used to keep rodents away from plants have lethal effects on fish and wildlife.

Commercial cultivation of marijuana presents a clear DANGER to public health, safety and environment. Regulation will not manage this industry! Please keep my name anonymous as we have had eminent threats (Calaveras County Sheriff Report dated against us by commercial marijuana growers.

We want our neighborhoods back!

Resident Homeowner
Dear Ms. Morris:

We are writing you today, to request that the Program Environmental Impact Report (PEIR) include a section which examines the feasibility of licensing as a mechanism to correct the current racial imbalance in the cultivation industry.

While it may seem that an environmental report may be an inappropriate place to address this, the long term environmental impact on a community which is systematically excluded from industry is, in fact, a prime cause of neighborhood decay. When you add the burden neighborhoods of color bear because their male population is many more times likely than a white male to be prosecuted for minor drug offenses, the end result is that the neighborhood cannot sustain itself.

As the root cause of the environmental impact arose out of historic and ongoing discrimination it would be useful to include this type of environmental impact in your report. It’s quite likely that the rehabilitation of these neighborhoods could be achieved by empowering minority residents to acquire licenses and begin operating medical cannabis businesses.

Thus, the PEIR Report could, if it chose, look at the environmental impact on neighborhoods arising out of long term discrimination and harassment, as well as find models of rehabilitation. If the PEIR Report does not look at this issue, it’s unlikely that it is going to be addressed elsewhere.

We would be happy to meet with your Department to discuss this issue. We can be reached at:  

Thank you for your time and attention to this matter.

Sincerely,

[Redacted]
Founder

[Redacted]
Founder

[Redacted]
ATTENTION: This electronic transmission, and any documents attached hereto, may contain confidential, legally privileged, proprietary data, and/or non-public personal information as defined in the Gramm-Leach-Bliley Act (collectively, “Confidential Information”). If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited. By accepting and reviewing any confidential Information contained in this electronic transmission, you agree to maintain and protect the confidential nature of the Confidential Information in accordance with the applicable law and to ensure nondisclosure except for the limited purpose for which it is being provided, and agree to indemnify us against any losses or expenses resulting from any unauthorized use or disclosure of Confidential Information.
Hi,

We are super glad to share with you that your event Medical Cannabis Cultivation Program Public Scoping Workshop & Comment Period is now listed among the best events on allevents.in.

Below are details of your event that have been shared with us by one of your happy attendees:

**Medical Cannabis Cultivation Program Public Scoping Workshop & Comment Period**

- **Time**: Thu Sep 22 2016 at 01:00 pm
- **Venue**: TBA, Georgia

We advise you to have a look at the event page and ensure that all the provided information is correct. You can edit your event using this [link](#).

Being World's largest network of Event Explorers, best of the event organizers consider "All Events in City" as their preferred channel to run Event Specific Ad Campaigns & reach out to a larger audience. It takes just 30 seconds to get your Ad Campaigns started.

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In case of any problems/queries, please check out our [FAQs](#) or email us at [contact@allevents.in](mailto:contact@allevents.in).

Happy to help,
Customer Happiness Manager  
http://allevents.in

PS: If the event was intended to be private and not supposed to be shared to the public, you can report it by hitting this link. We will remove it within 24 hours.
I am working with farmers in the Humboldt area, assisting them with understanding the legalization and permitting process. One of the biggest issues being discussed is around the potential methods of track and trace. We are very concerned that an unreasonable amount of specificity will place an overwhelming burden on farmers unfamiliar with any type of detailed operational processes.

In working with farmers they are eager to participate but apprehensive about the future. On behalf of many farmers in Humboldt I'd like to suggest and request that the department implement a BATCH BASED track and trace system, and not a per plant based one.

Batch tracking is reasonable and sufficient to meet the needs of safety and accountability. Plant tracking is overly cumbersome without any true additional benefit. Plant based tracking provides an advantage to new corporate entities who can easily make the investment in establishing operations to meet these type of detailed requirements. But to a family farm trying to adjust to a new way of life, the transition needs to be reasonable, allowing them to adapt accordingly.

PLEASE IMPLEMENT A BATCH TRACKING METHOD and keep the playing field level for historical farms over new ones.

Thank you,
Dear Ms. Morris,

Thank you for providing the City of Walnut Creek with the Notice of Preparation for the Medical Cannabis Cultivation Program, which we received on September 13, 2016. We appreciate that the proposed regulations include a requirement for local approval (such as a permit or approval consistent with the City's Zoning Ordinance), and as such we have no specific comments regarding the scope of the EIR.

Additionally, though not directly related to the scope of the EIR, I would like to mention that the Walnut Creek City Council adopted a resolution on September 20, 2016, opposing Proposition 64, the Adult Use of Marijuana Act.

Lastly, I ask that you please add me to your mailing list at the address below.

Regards,
Andrew Smith

Senior Planner – Long Range Planning
Code Enforcement Supervisor
City of Walnut Creek - Planning Division
1666 North Main Street
Walnut Creek, CA 94596

For general information, please call (925) 256-3558 or visit www.walnut-creek.org/developmentcenter
Dear Ms. Morris;

Thank you for the opportunity to comment on the Draft Subsequent Environmental Impact Report for the CDFA Medical Cannabis Cultivation Program.

My comments follow:

- **License Allowances and Constraints** –

  Multiple cultivation licenses may be obtained by one applicant, but total canopy cannot exceed four acres.

  It is not clear if the intent is to limit one applicant to four canopy acres or one site to four canopy acres. Please note that licensing categories only go up to one acre of outdoor growing area. Please clarify the relationship between license categories, number of applicants and acreage of growing area. To avoid concentrating Cannabis cultivation in the hands of large producers, I would strongly urge CDFA to limit Cannabis cultivation to 2.5 acres of canopy area per applicant.

- **Unique Identifiers** – Every plant greater than 8 inches in height must receive a unique identifier. The MCCP, in collaboration with several departments, is still determining the form of the unique identifier.

  Please insure that whatever identifier methodology is chosen does not involve addition of toxic or non-biodegradable waste to the environment via the production process of either the identifier or the cultivated crop. Identifier should be completely and genuinely biodegradable.

Please note that Cannabis is a proper noun and should be capitalized throughout the document.

Thank you again for the opportunity to comment on the Draft Subsequent Environmental Impact Report for the CDFA Medical Cannabis Cultivation Program.

Sincerely,
Good morning Amber,

Thank you for sending the Notice of Preparation for the California Department of Food and Agriculture's Medical Cannabis Cultivation Program. At this time, the U.S. Fish and Wildlife Service is unable to comment, due to workload constraints. However, we are interested in reviewing the draft Environmental Impact Report when it becomes available.

Thank you and have a great day,

Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Carlsbad Field Office

2177 Salk Ave, Suite 250
Carlsbad, CA 92008

(760) 431-5901 fax
I do not support ANY marijuana cultivation in Calaveras County.
We don't want marijuana cultivation in Calaveras County, California
Amber Morris,

Keep Commercial marijuana cultivation industries OUT OF RESIDENTIAL ZONES! Our communities, children and families are not safe with this type of activity taking place in our neighborhoods!

The amount of water used, aesthetics, culture, soil, hazardous materials, impact on water quality, land use, housing or lack of, noise, odor and migrant workers related to this industry are destroying our communities and neighborhoods, much of which may be irreversible impacts from these farms.

Many family lives have been turned upside down due to this industry with the impact being so great that they are forced to move away from their beloved homes and property. This industry has become a nightmare for many folks that move out to the country to raise a family, retire or just get away from it all. Citizens are afraid to speak out against this industry for obvious reasons such as threats, violence and other safety issues which could very well put their children in harms way.

Please take a moment to visit www.BanCommercialCultivation.com to see what is happening in just one of our counties! Four people, known as the Board of Supervisors have decided to ignore the will of the people, the local land use ordinances and allow commercial marijuana cultivation into residential zones with absolutely no increased protection for its citizens, no business plan, no environmental studies, no water impact analysis and so on. They have forced children to walk past grows to get back and forth from school bus stops! The Sheriff has suggested keeping children inside houses during harvest time yet who is going to protect them when they HAVE to walk back and forth to the bus stop past these grows?

We are pleading with the State to treat this Commercial industry as a DRUG industry (or like tobacco) and protect our neighborhoods, communities and most all CHILDREN by keeping it out of residential zones!

Thank you for your consideration.
Amber Morris,

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The citizens of civil communities, retired, professionals, and law bidding citizens are pleading with the State to treat this Commercial industry as a DRUG industry (or like tobacco) and protect our neighborhoods, communities and most of all CHILDREN who may have to walk to school or school bus stops by keeping it out of residential zones!

Thank you!
Residents of Calaveras County lost the quality of life we once treasured due to illegal and legal cultivation of marijuana in and around our small communities and large forests.

The forests became unsafe for recreational use long ago, covered in trash, fouled by dangerous chemicals and laced with booby traps, all the result of marijuana related activities taking place.

Our Upper and Lower Calaveras water sheds became polluted with chemicals and other bio hazards including human fecal matter rendering them unsafe for recreational use, contaminating ground water and wells.

Home and property values and the aquifer were completely decimated by the “Sea of Green” laid out in our communities forests and denuded hillsides. The sound of a late summer breeze blowing though the Pines was replaced by that of semi and full-automatic weapons fire for months prior and during the “harvest season” as was the smell of the Pines, replaced by that of a Skunk.

When California Proposition 215 (The Compassionate Use Act) passed, Calaveras Law Enforcement spent more time defending the small grows and their owners than protecting the general public from the crime that immediately followed its passage.

Law Enforcement just looked the other way for two decades while the general public was threatened, harassed, and shot at by a criminal element that the cultivation of marijuana attracted.

Passage of California SB420 (The Medical Marijuana Act) further compounded the problems. The number and size of grows increased exponentially as did the crime.

Our deflating property values (a result of Prop 215) further followed the growth curve created by SB420, free falling so rapidly that many folks became “underwater” on their mortgages seemingly overnight.

Seeing the writing on the wall, many long standing community members in the Mountain Ranch area sold their homes, Ranchos and large Ranches at a loss while they still could; unfortunately it was already too late.

Nobody in their right mind would consider buying a property in the environment that had been allowed to flourish. Those fortunate enough to sell were forced to sell at a loss in most cases.

Adding insult to injury the buyers were the very SB420 growers who caused the main housing and property market crash, taking advantage of that which they alone created, laundering profits from their illicit “product” diversion activities via cash real estate transactions.

Cartels bought many of the larger Ranches and setup shop while the already filthy rich SB420 types snapped up the most desirable 5-20+ acre properties with south western sun exposure.
Again adding insult to injury, enter the Calaveras Butte Fire of September 11, 2015. A total of 921 structures were destroyed including: 549 homes, 368 outbuildings, and 4 commercial properties. 44 structures were damaged.

The community of Mountain Ranch with an estimated population of 1,628 at the 2010 census was devastated. The population had been in decline for years due to the lack of local commerce and employment opportunities brought on by the cessation of logging activities on the forests. As of 2014 the population total was estimated to be 1,119 residents, a full third of whom were not full-time occupants of their properties/residences.

The 549 homes lost belonged to residents of Mokelumne Hill and Mountain Ranch. A majority of those homes were located in the Mountain Ranch area and occupied by full-time residents. Nearly half of our full-time population was displaced.

The full-time residence we raised our family in, it's out buildings, our vehicles and a much beloved forest home of twenty-five years were completely lost along with homes and properties belonging to nearly 50 fellow members of our sub-division, roughly 10% of the residences lost in the entire Calaveras Butte Fire.

The Community of Mountain Ranch reeled from the fire losses; we all did our best to help each other as small communities will. Once allowed back in to the burn area, many camped on their properties with no place to go and little if any insurance coverage to rebuild their homes. Others stayed on properties of friends, neighbors or relatives, some were hosted in the undamaged homes of the aforementioned and others chose or were forced to leave the area as we were.

With no suitable temporary housing options in the area, we stayed in an out of County hotel nearly six months while commuting daily to keep our local business open, searching for a home in which to reside temporarily and formulating a plan to rebuild once the County would allow it.

The fire and tree clearing transformed the forest into a moonscape which was to be expected and was confirmed the day we were allowed back to view our property and former home site for the first time.

In the eight months it took to complete the clearance for re-occupancy of our property, the local landscape was completely transformed by decisions the County made and the continued lack of Law Enforcement.

The Calaveras County Board of Supervisors approved rules allowing residents to live on properties where homes burned as long their trailers or motor homes were connected to septic systems or they hired firms to haul away the “human waste”. These “residents” were also required to have running water and electricity.

By early spring of 2016 trailers and motor homes were everywhere the growers had been and soon “the grow” was back on. Few former residents opted to re-occupy due to the crime element.

At the grows the water wasn’t on but the generators were and the only “firms” hauling were trafficking in water and dirt not sewage. Grey and black water from the homes on wheels was dumped in places like the creek that runs through our property. It terminates into to the Jesus Maria Creek forming the head waters of the Upper Calaveras Water Shed. Law and code enforcement failed us again in favor of the growers.
More insult to injury, this was point break. The majority of folks in our sub-division long sick of the pot and crime gave up the idea of rebuilding and decided to sell their properties. The only buyers were growers. As principled as our friends and neighbors were, they finally had enough and just wanted out, so sell they did.

Now, in blatant violation of the County Emergency Order and law, the recently purchased properties host a “Sea of Green” that illegally litters hillsides of the area as does the crime. Repair technicians in the area have been held up at gun point while working, modular homes awaiting installation have been stripped of their copper and “human slave trafficking” of grow workers was recently discovered by Law Enforcement.

The County Planning Commission and Board of Supervisors formulated a brilliant “plan” to add even more insult to injury, further stressing the community by giving away 1000 grow licenses to anyone with money. They ranged from $100 per year for a Prop 215 grow, to $5k for a Commercial grow.

We now have 29 new full and part time jobs positions at the County dedicated to the “plan” and six new Deputies for the Sherriff’s Office.

The County employees working the “plan” have a backlog of 973 licenses to be processed, but have yet to approve one registration application, although 27 have been denied.

The County is still unable to enforce orders issued and laws enacted over the past year, even with six more Deputies.

Take this failed experiment to heart along with similar examples in other States when attempting to draft regulations for Cannabis Farms.

I’d like to suggest the State make easier on everyone by sticking all Cannabis production in industrial warehouses contained within zoned areas of the Valley where laws and regulations can be enforced and get it out of places where people actually just want to live peaceful drug and crime free lives!!!

That old saying is true . . . “put lip stick on a pig, it’s still a pig”!
We support fees to cover the costs of processing fees. We would anticipate applying for the maximum size allowable due to the nature of our experience and the size of our facilities. We would anticipate applying for at least 3 separate sites as a result of owning multiple lots.

Artificial lighting in its many forms all has different inputs on a growing operation. Many factors have to be considered in determining how the grow is classified. Small inputs of lighting that are in place that draw low amperage and have minimal impact on the growth or flowering should not be considered as an input. An example of this would be fluorescent or LED lighting that prevent a flower from entering the flowering stage. Once Higher-powered lights begin to be implemented with High Lumens and amperage draw the classifications then become more concrete. Factors such as watts per sq. ft. or amperage dedicated to lighting should be variables considered. Supplemental lighting is any lighting that exceeds 1 watt per square ft.

In limiting type 3 licenses there are many aspects to consider. Primarily is there a current capacity existing by the applicant. Other factors that should be considered are the experience and credentials of the parties applying. Individuals with the education, experience and familiarity of large-scale operations should be considered. Other factors such as proximity to populated areas; security and environmental impacts, like recycling of irrigation water would also be issues that could affect the viability or feasibility of the operations in question.

First year there should be no limit to existing operations, in year 2 asses the situation and make adjustments in limiting production of new grows.

Another way of looking at this is to limit ratio of 3-1 for every 3 type 1 & 2 license one type 3 license would be given.

Regulatory Goal #4. Requirements to mitigate environmental health and public safety:

As in any agricultural crop it is important that growing inputs and controls be incorporated to ensure the safety of the environment, the consumers, and the staff involved. A clear list of approved and unapproved products needs to be spelled out. Encourage best standard agricultural growing practices. Onsite inspections by qualified inspectors, with annual inspections would help to ensure compliance. Other issues would be a requirement that manufacturers of products for the industry list all ingredients to ensure that banned elements are not accidentally introduced into a crop.

A well run, compliant farm would have no negative effect of public safety. Facilities should each enact proper security measures such video cameras, security guards when necessary, and alarm systems. Factors such as odor control for indoor facilities or facilities near populated areas should be considered. As in any USDA farm spray logs should be kept, Pesticides and herbicides if used should be compliant for the crop, and there should be no runoff from chemicals or fertilizers that harm the environment.
We grow plants from clones and from tissue culture. We grow plants for our own farm and also sell to other cultivators.

Regulatory Goal #5. Outline cultivator responsibilities for compliance inspections:

The cultivator should utilize software for reporting purposes. The cultivator should maintain the facilities to industry agricultural standards so personnel can safely enter.

Regulatory Goal #6. Track and trace requirements:

There are many factors that need to consider in regards to tracking. Small-scale operations can track each plant, larger scales, because of the realities of growing at scale, could utilize a batch tracking system.

We currently plant 100-200 plants of the same strain each week, it does not make sense that each plant needs to be tracked, it makes more sense to track a batch of the 200 plants, since we put all product together in bins to dry/cure, where all 200 are mixed and matched. but we keep track of the total weight and quality.

Regulatory Goal #7 State license violations and appropriate penalties:

With the purpose of creating a professional and safe facility all operators should remain in compliance with regulations. Violations, if they occur should be addressed immediately. Minor violations which are violations that have no adverse effects on health and safety could be documented with an order to correct along with a follow up inspection to ensure compliance.

Major violations or ones that jeopardize the immediate health and safety should result in more severe actions. Essentially if the problem is minor and quickly fixed than it should be noted and corrected with no penalty. If the violations were broad and dangerous, actions such as closure or suspension would then apply. Revocation should not be the first resort but one based on a refusal to comply or flagrant disregard for safe and existing practices.
Thank you for the opportunity to submit my comments; I'm sure if given a little more time and a little more publicity, more of the public would respond. We had only a small article in our Calaveras County newspaper about the program—and very recently.

My county, Calaveras, and particularly my tight-knit community of Mountain Ranch suffered the horrendous and devastating Butte Fire last year. With the perfect storm of cheap (and newly cleared) land, pending Cannabis legislation, and an overwhelmed, unprepared and financially strapped county government, cannabis growers have flocked to our little county by the hundreds like vultures to carrion. I do not know anyone in our residential area who cannot look out a window of their home and see a commercial grower’s farm.

Further, Calaveras County required cannabis growers to register their farms by May 30, 2016. 995 registration applications were received. To date, according the Calaveras Enterprise, the Planning Department (which is tasked with the approval process) has not yet approved any applications and only denied 27. Therefore, each grower is hoping to bring in their valuable crop before the county takes any action. In addition to the Planning Department being overwhelmed, our small Sheriff’s Department can only dedicate three officers to any code enforcement or cannabis issues. It’s a situation fraught with fear -- and hope that it won’t become “The Hatfields and McCoys” all over again.

Thus, my residential neighborhood has suddenly become commercial, with the following ramifications:
--Farm workers living in tents and trailers (without proper sanitation, sewage disposal etc.) and with no intention of becoming part of our community
--Heavy equipment earth moving (unpermitted) (frequently with spotlights in the middle of the night)
--Workers and farm owners are known to be armed... law enforcement/protection is up to home owners; there’s a lot of fear
--There is constant noise (in our formerly quiet mountain community) from generators running 24/7 to power irrigation pumps. Some growers are keeping radios on 24/7 (quite loudly) perhaps in order to discourage prowlers or wildlife
--We’re concerned about the pollution of our land, aquifers and streams with all the chemicals used in the growing operations—the fertilizers and weed and pest control chemicals; it’s clear that few of these grows are actually ‘organic’.
--Everyone’s greatest concern here is the drawdown of our aquifers. Residents are all very drought conscious—we’ve all been conserving water for years, knowing that if we run out of water in the aquifer from which our well pumps we’re in serious trouble. The growers suck an incredibly vast number of gallons per plant per day from the water table: I do not know of a resident who is not terrified of running out of well water because of the new ‘neighbors’.

These serious ramifications all affect our quality of life and sense of security.
Thank you,
Hi-

I am writing in response to your request for comments on implementing the MCRSA. My [redacted] and I have been the grower for the past 2 years.

In order of your Goal list:

Goal #1:

Canopy is the leafy upper part of a plant or plants. Flowering is the stage a female plant is in during reproductive growth. Immature would refer to a young plant, the time between propagation and strong vegetative growth, under 36" tall. Plants grown with more than one light source would be mixed-light cultivation. I would say premises refers to the cultivation site. Propagate is the creation of a new plant by seed or by cuttings.

Goal #2:

I prefer the traditional paper method. I will not be affected by a weapons ban. I will submit an application for 2 cultivation licenses, initially.

Goal #3:

An acre of canopy per outdoor cultivation site with a limit of 4 sites would be reasonable. For indoor and mixed-light, a half acre per cultivation site with a limit of 4 sites would be reasonable. These limits do not affect my small business model. A cultivator would reasonably perform minimal processing such as creams, topical oil, etc. - but no 'manufacturing' with equipment or chemicals. I will apply for 2 indoor sites, under 1/2 acre each. If sunlight is one of the mixed-light sources, no other light units are needed. Same applies for light-dep, only sunlight is needed. For indoor cultivation, I typically use one 1000w light unit for every 36 square feet of canopy. A fair method to limit Type 3 licenses would be to require that they be on large parcels, say 20 to 40 acres, so that there is plenty of buffer. It would be fair to limit them to a certain number per County.
Goal #4:

I grow without chemical fertilizer, without pesticides or fungicides. I don't use targeted pesticides. I follow accepted organic farming methods. I water by hand from a municipal source and collect the runoff for re-use. It is very feasible to recycle the soil, the containers, and to compost the unused plant portions. My compost makes great fertilizer! My security is in the form of an on-site living facility plus a secure building with an alarm, and a secure fence around the property. As an indoor grower, I propagate and sell plants to dispensaries and to other growers- it is a natural offshoot of indoor cultivation, not practical with outdoor cultivation. An indoor nursery is a prefect place for controlled research and development. I propagate from seed roughly half the time.

Goal #5:

My site is indoors, and easy to control safety aspects. Floors are clean, access is safe, area is well-lit. In addition to my member's records, I keep cultivation records such as dates, strains, production results.

Goal #6:

I have 4 stages, all of which would be valuable to track. I propagate from seed or cuttings, then I transplant them and move them into the vegetative stage, then transplant again and move to the flowering stage, then ultimately enter the harvest stage. A fifth stage might be any light processing and curing.

Goal #7:

A fair timeframe for violation processing would be quickly- 2 weeks. I would consider a minor infraction to be failure to keep accurate records, or late payment of fees. I would consider a moderate infraction to be lack of security at a cultivation site. I would consider a serious infraction to be diverting of groundwater, or other environmental damage.

Thank you for the opportunity to provide input. And thank you for your time putting this all together. Please feel free to contact me anytime.
Hi my name is [REDACTED] and I would like to turn in my comments on the upcoming regulations. First off I would like to thank you for this opportunity and feel like this is the best move for our industry. I have taken my time to give the questions thought and not rush to judgment. Questions 1 canopy size is the size of bedding a plant would be in 4 x 4 x 8 x 8. Flowering is plants in the flower development stage where buds / cola are present. Immature would be a plant that is in growth or no flower stage. Mixed light is using sun and artificial lights. Usually in a greenhouse.

#2 I would prefer online do to my location but would not be opposed to either. As far as guns on-site the problem I see is as of now I am not suppose to have gun on site but I have had many run-ins with pigs coyotes bears n mountain lions over the years and it would also take the county I live in a hour to provide help. Also we have livestock and run a real farm so at times it feels unsafe but we follow all rules to best of our ability I also understand the problems with firearms onsite but rarely that is a problem on family farms. I have had a collective since 07 and have seen many changes good and bad.

#3 the number of applications would depend on the regulation we currently have members who need relief from their alignments sometimes specific strains effect differently as the grow style changes. I would like to apply for 1 acre which seems plenty for the start but have realistically set sights on 10-20k square feet. I would like to note adequate spacing significantly reduces need for pesticides or treatments. I also hope to be able to keep doing what I currently do for my patients we grow on unique peaks and our meds bare different I would hate to be forced to a distribute.

#4 as for enviromental we use 0 pesticides that are non organic and the last 3 years have been able to go sprayless due to wind and ridgetop. We also grow vegetables around the base of plant to help use any run off. Also the garden size is very small compared to the amount of empty acreage. For security we have them fenced behind many locked driving gates sites are also in rural private locationan not accessible to public. I also believe nursery’s need to be able to go direct. #5 we are working on fire clean up ad well as rerocking some of the roads. We also have just begun a property go and come log but we are mostly private. We have also made sure to learn and get familiar with ago labor laws and best management practices.

#6 the current flow for our practice is to try to track in trace individuals strain and type of seed when possible. we have direct to patient but also work with 3 reputable dispensary because they are in need of clean organic medication for the people.

#7 I think a reasonable time frame would be 1 month depending on the emergency of the violation. I really think butane labs and things of that need to be in the proper zoning and should not be given ample time.

I would think a small fine should be in order for days late on fixes follower by a termination if continued. I really am excited to be able to start living a more normal life their are some great people who will be good the community’s here. I am so greatful to be able to participate and adjust with the times. I really thought about a few of the issues because the effect me more. Thank you for your time I also am signed up for the newsletter. If their is any other questions I could assist with let me no thank you from [REDACTED]

Sent from my LG Phoenix 2, an AT&T 4G LTE smartphone
Marijuana Cultivation Licenses

Hi,

I have a question regarding the licensing of marijuana cultivators.

Will the state issue multiple licenses to different tenants on the same parcel (i.e. I own a 10 unit industrial building that meets the state's criteria and I want to lease exclusively to cannabis cultivators)?

Thanks,
From: CDFA CalCannabis PEIR@CDFA  cdfa.calcannabis_peir@cdfa.ca.gov
Subject: FW: CalCannabis Environmental Review Process
Date: May 22, 2017 at 2:51 PM
To: Rebecca@nicholascommunication.com

From: chris helm [meridianmerchandising@yahoo.com]  
Sent: Thursday, April 27, 2017 5:19 PM  
To: CDFA CalCannabis PEIR@CDFA  
Subject: Fw: CalCannabis Environmental Review Process  

Hello Amber,

Will you be requiring companies that are pre packaging cannabis flower to abide by the NIST HB133 packaging laws? Primarily the Weights and Measures MAX Allowed Variance (MAV) for packaging accuracy? If you don't you stand to lose millions of dollars in tax revenue.

California Department of Food and Agriculture  
Attention: Amber Morris  
Environmental Scoping Comments  
1220 N Street, Suite 400  
Sacramento, CA 95814  

Thanks

----- Forwarded Message -----  
From: cdfa.calcannabis@cdfa.ca.gov <cdfa.calcannabis@cdfa.ca.gov>  
To: meridianmerchandising@yahoo.com <meridianmerchandising@yahoo.com>  
Sent: Thursday, April 27, 2017, 4:58:23 PM PDT  
Subject: CalCannabis Environmental Review Process  

27 April 2017

Hello CalCannabis Cultivation Licensing Stakeholders:

The long-awaited state cannabis cultivation regulations will be released soon. Today we want to let you know that the California Department of Food and Agriculture issued a revised Notice of Preparation (NOP) for CalCannabis Cultivation Licensing, which is the first step in preparing an Environmental Impact Report—a requirement for us per the California Environmental Quality Act (CEQA). Issuing this notice officially triggers a 30-day comment period to allow agencies and interested parties the opportunity to provide input on the scope and content of the environmental analysis.

An NOP was originally released in 2016 for statewide medical cannabis cultivation licensing and a track-and-trace system; however, after passage of the Adult Use of Marijuana Act in November 2016, CDFA expanded its program to include adult-use (nonmedical) cannabis cultivation activities in addition to medical cannabis cultivation.

The overall purpose of statewide cannabis cultivation licensing is to ensure the following:

- Cannabis cultivation is performed in a manner that protects the environment, the cannabis cultivation workers, and the general public from the potential individual and cumulative effects of cannabis cultivation;
- Cannabis farmers are in full compliance with all applicable laws; and
- A track-and-trace system will be recording the movement of cannabis through the production chain.

Public and agency comments on the revised NOP and current scope of CalCannabis Cultivation Licensing are a critical part of the environmental review process. Comments on this environmental review process are due by May 26, 2017, and may be submitted in two ways:

- Mail comments to:
  California Department of Food and Agriculture  
  Attention: Amber Morris  
  Environmental Scoping Comments  
  1220 N Street, Suite 400  
  Sacramento, CA 95814

- Email comments to:
More information on the NOP and environmental review process is available [here](#).

**PLEASE NOTE:** The cannabis cultivation regulations are being developed through a separate but parallel process from the environmental review. When the proposed medical cannabis cultivation regulations are released, a separate, 45-day public comment period will begin.

We will continue to keep you up to date on the CalCannabis Cultivation Licensing website [here](#), and via these CalCannabis email alerts and our social media channels. Thank you.
Attn: Department of Food and Agriculture.

With regard to your request for input on environmental factors, in-home grows;

1) Should not be allowed in any home where anyone under 21 lives ... really 25 because of damage to the brain.
2) All in-home growers should be registered with local law and code enforcement
3) Six plants grown hydroponically can potentially have 4 harvest a year and produce as much as 24 lbs (24,000 joints). That is obviously a commercial operation. and not for personal consumption.
4) There is no way to monitor the number of plants.
5) Pesticides and fertilizers can harm the inhabitants, and the neighbors because of pesticide drift and second hand smoke.
6) The inhabitants who presumably consume this large amount of pot will be perpetually impaired mentally, and should not be allowed to drive.
7) The inherent harems of marijuana, never discussed by our elected leaders, puts users and other occupants at risk ... especially anyone under age 25.
8) As reported today in the Sacramento Bee, one can expect more robberies, explosions from BHO lavs, and murders.
9) While the rules say the smell can't leave the premises, that is fools folly. Growing pot in populated areas has already diminished the quality of life for residents and caused safety problems for neighbors.
10) Marijuana is still a federally banned Schedule I drug. Should the current Administration enforce federal laws, as is their responsibility, people could lose their homes and face prosecution.

At the end of the day, irrespective of how you sugarcoat it, marijuana is still an illicit drug that is harmful for those who use it, and for society at large.
27 April 2017

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  1220 N Street, Suite 400  
  Sacramento, CA 95814

- Email comments to:
  calcannabis.peir@cdfa.ca.gov

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PLEASE NOTE: The cannabis cultivation regulations are being developed through a separate
but parallel process from the environmental review. **When the proposed medical cannabis cultivation regulations are released, a separate, 45-day public comment period will begin.**

We will continue to keep you up to date on the CalCannabis Cultivation Licensing website [here](#), and via these CalCannabis email alerts and our social media channels. Thank you.
Dear Amber Morris,
I just read through the PEIR document for cannabis. I imagine this falls under the hazardous materials category, but I'm wondering how CDFA will capture environmental impacts of cannabis stalk material? This is a viable biomass material that can be incorporated into closed looped systems through biochar soil amending, gasification for energy, and other applications.
Best regards,
I live in the Carpinteria Valley, Santa Barbara county and am very concerned about the number of local greenhouses currently growing marijuana. I’ve been going to all our local county and city meetings that are setting up a registry and passing a temporary moratorium till an ordinance is in place.

The immediate question I have is: Is marijuana considered an agricultural crop? I’ve asking this because I understand the “Right to Farm” ordinances apply differently to agricultural crops than to agricultural products.

Thank you,
From: Peter Harris  
Sent: Saturday, April 29, 2017 3:11 PM  
To: CDFA CalCannabis PEIR@CDFA  
Subject: is there a carbon monitoring system

per your statement about protecting the environment, i would like to know if there is a way to monitor the carbon footprint of cultivation.. it is a travesty for the licensing to be mostly aimed for indoor carbon consuming permits.. i have been trying to find a third party environmental company to monitor the impact on some of my outdoor farms this summer, to be able to shed light on how incredibly stupid it is for the state of California to even issue any permits for indoor cultivation at all.. as it is literally the worst possible environmental impact waisting massive amounts of energy trying to mimic a natural day. its bullshit that weve been hiding plants in closets and inside of buildings for so long, and you should help mold the future of our cultivation by permitting outdoor grows that harness energy naturally from our sunlight and fresh-air.. or maybe we should move all of the wine in california indoors? or maybe all the vegetable production should be done inside of buildings? im sure you have great reasons to hide the plants inside still even tho they will literally die in that environment without massive amounts of energy being waisted on fake lights and air conditioning..

Sent from my iPhone
the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC’s recommendations for conducting cultural resources assessments. Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
   a. A brief description of the project.
   b. The lead agency contact information.
   c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
   d. A “California Native American tribe” is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe’s Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subsds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
   a. For purposes of AB 52, “consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
   a. Alternatives to the project.
   b. Recommended mitigation measures.
   c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.
   c. Significance of the project’s impacts on tribal cultural resources.
   d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public. consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a
Hi I'm inquiring about a statement in your cultivation licensing document
On page 2 in regards to a Nursery licence it says to call email regarding a type 12 Transporter licence.
I called that # and no one seemed to know about it. My question is will you be able to transport to a retail customer? or just a Legal dispensary? I've included the text below.Thank you in advance.

Type 4—Nursery
For cultivation of medical cannabis solely as a nursery (examples of typical nursery activities include cloning and seed propagation)
Note: Type 4 licensees may transport live plants if they also hold a Type 12 transporter license; please contact the Bureau of Medical Cannabis Regulation for information on how to obtain a Type 12 transporter license via email or call (800) 952-5210

Virus-free. www.avg.com
From: C DFA CalCannabis PEIR@CDF A  cd f a . c alcannabis _peir@cdfa.ca.gov
Subject: FW: SCH# 2016082077 Medical Cannabis Cultivation Program
Date: May 22, 2017 at 2:52 PM
To: Rebecca@nicholascommunication.com

From: noreply@nahc.ca.gov [noreply@nahc.ca.gov] on behalf of noreply@ [nahc.ca.gov noreply@nahc.ca.gov]
Sent: Tuesday, May 02, 2017 2:53 PM
To: CDFA CalCannabis PEIR@CDF A
Subject: SCH# 2016082077 Medical Cannabis Cultivation Program
Reply to: noreply@nahc.ca.gov <noreply@nahc.ca.gov>
Device Name: Not Set
Device Model: MX-4141N
Location: Not Set

File Format: JPEG (Medium)
Resolution: 200dpi x 200dpi

Attached file is scanned image in JPEG format.

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1500 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710

May 2, 2017

Amber Morris
California Department of Food and Agriculture
1220 N Street, Room 400
Sacramento, CA 95814

Sent via e-mail: calcannabis.peir@cdfa.ca.gov

RE: SCH# 2016082077; Medical Cannabis Cultivation Program, Statewide, California

Dear Ms. Morris:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). Both SB 18 and AB 52 have tribal consultation requirements. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of
6. **Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
   a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
   b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. **Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
   a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
   b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. **Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. **Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. **Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
   a. Avoidance and preservation of the resources in place, including, but not limited to:
      i. Planning and construction to avoid the resources and protect the cultural and natural context.
      ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
   b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
      i. Protecting the cultural character and integrity of the resource.
      ii. Protecting the traditional use of the resource.
      iii. Protecting the confidentiality of the resource.
   c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
   d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
   e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
   f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. **Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be
SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor’s Office of Planning and Research’s “Tribal Consultation Guidelines,” which can be found online at: https://www.opr.ca.gov/docs/09_14_05Updated_Guidelines_922.pdf

Some of SB 18’s provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. (Gov. Code § 65352.3 (a)(2)).

2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.

3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city’s or county’s jurisdiction. (Gov. Code § 65352.3 (b)).

4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
   a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
   b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor’s Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and “Sacred Lands File” searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

**NAHC Recommendations for Cultural Resources Assessments**

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
a. If part or all of the APE has been previously surveyed for cultural resources.
b. If any known cultural resources have been already been recorded on or adjacent to the APE.
c. If the probability is low, moderate, or high that cultural resources are located in the APE.
d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
   a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

   b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project’s APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,

Gaye Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse