September 26, 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,

The M-24 Ranch Association (M-24) would like to submit the following comments regarding the Medical Cannabis Cultivation Program and make suggestions for the regulations that are soon to follow. M-24 is a planned community development subject to the Davis Stirling Common Interest Development Act.

Many planned developments and homeowner’s associations across the State have restrictions in their deeds which prohibit the commercial use of property within those developments. For example, all the properties within the M-24 Ranch Association in Calaveras County are subject to Covenants, Conditions, and Restrictions (CC&Rs) which restrict land use to residential and recreational use and specifically prohibit commercial use of the property. Unfortunately, many cannabis growers ignore these restrictions and have applied to the county for commercial growing licenses – and are indeed growing significant amounts of cannabis in otherwise residential, family neighborhoods. M-24 solicited the assistance of Calaveras County to enforce these restrictions, but the County has declined to do so.

As the California Department of Food and Agriculture (CDFA) is likely aware, judicial enforcement of CC&Rs is extremely expensive and time-consuming on the part of a homeowner’s association. For smaller HOAs in rural areas, like M-24, enforcement of the CC&Rs is either cost-prohibitive or so expensive that the HOA must choose between maintaining its core facilities or preserving the residential character of the community. In an effort to rectify this dilemma, M-24 proposes the following suggestions be included in the cultivation regulations that you will soon be considering:

1. Require the counties and cities to respect recorded deed restrictions prohibiting commercial use of property when considering applications for cannabis cultivation permits. Specifically, develop regulations to require the counties and cities to deny commercial licenses for cultivation on such deed-restricted properties. Most CC&Rs are recorded with the individual county in which the property lies, meaning local governments have ready access to these documents. Counties and cities can rather easily
determine if a property has a “no commercial use” restriction. Furthermore, counties and cities have the authority to ask the applicant on their application forms if they have any deed restrictions on commercial use. This is a simple question that could help resolve a much greater problem later in the process. Simply asking the question will put the applicant on notice that he/she must consider the community interests.

2. CDFA should include regulations to deny a state-issued commercial cannabis license to any applicant who seeks to grow cannabis on deed-restricted property. As noted above, CC&Rs are not difficult to research to determine if a grower should not be planning a commercial cannabis farm on a deed-restricted property. Additionally, CDFA should add a question to the license application regarding private restrictive covenants. Applicants are expected to answer the questions truthfully, so inquiring about CC&Rs or other property use limitations will force applicants to think about whether or not they can run a commercial operation in a residential neighborhood.

M-24 recognizes that neither the cities/counties, nor the state has an obligation to enforce private deed restrictions, absent the HOA petitioning a court. However, in an attempt to limit such expensive lawsuits which drain both personal and county resources, M-24 proposes that both the state and the local jurisdictions take a proactive approach and deny commercial cultivation licenses to growers on deed-restricted properties. Additionally, M-24 would like to require the following (or similar) question be asked of commercial cannabis cultivator applicants: Are there any deed restrictions, Covenants, Conditions and Restrictions or other limitations on commercial use of the property on which you seek to grow cannabis?

Thank you for your attention to these matters. We look forward to partnering with our state and local jurisdictions to make our residential communities just that – residential.

The contact information for M-24 Ranch Association is as follows:

M-24 Ranch Association
P.O. Box 81
Mountain Ranch, CA 95246
M24news@yahoo.com
Amber Morris  
Medical Cannabis Cultivation Comments  
1220 N St., Suite 400  
Sacramento, CA. 95814

Re: Medical Cannabis Cultivation Comments

Dear Ms. Morris:

Please consider the following when providing information to those responsible for regulations concerning future cannabis cultivation.

Felons: Currently I know of two instances where felons are conducting cannabis operations. They got around regulations by placing the property and permit in a partners or wife’s name. The regulation should be expanded to exclude all persons either residing, working or profiting from or at a cannabis cultivation site from being felons.

Worker’s Compensation: After talking to local growers there is a number of plants which an individual can reasonably tend by themselves. That number is somewhere between 50 and 100 plants. This is assuming that said individual makes an attempt to maintain a reasonable lifestyle without working the grow from sunup to sundown. If an individual is not listed as being a partner in said operation then they are an employee and therefore subject to all regulations covering employees. Therefore; the state should require evidence of Worker’s Compensation Insurance and Employee With Holding along with employee background check records prior to issuing grower permits.

Water: Grow sites should not be allowed to import irrigation water. With statewide concern about future water supplies and the knowledge that the water situation is not going to improve as our population continues to grow this needs to be addressed. Currently Calaveras County Water District will allow an individual or business to purchase water which goes to cannabis grow operations. Personally I find it to be wrong when I can purchase all the water I need to grow dope while someone served by the same water district is advised to conserve water by allowing their lawns to die. In conclusion; if the grow site cannot provide proof that the site contains an adequate ON SITE water supply then such site does not get a permit.

Proof of Residence: Currently individuals from other states are flocking to California to reap the financial benefits of cannabis cultivation. Upon end of grow season many of these people return to their home states taking their dollars with them. As a hunter I am required to reside in California for a period no less than six months before the State of
California will issue me a hunting license. Of course a non-resident can purchase an out of state license but the important thing here is that the state has the authority to limit licensing to those individuals residing within the state.

Thank you for your time and consideration on this matter.
Pre-Registration Survey

WCCP

Sept 2016
# 1 Define terms used in Cannabis Cultivation

- Canopy: The above ground portion of plant canopy, formed by the collection of individual plant crowns. Also the total extent of the outer layer of leaves of an individual or group of trees. In this instance, the shaded area cast by a canopy of cannabis could be measured as Yes.

- Flooding: The point at which all vegetation is submerged under water. This一般 includes soaking of the entire plant in water.

- Flowering: The stage of development where the flowering begins. The dark length (light cycle) is switched to 12 hr. This varies from species to strain seed even from the same plant. This should be measured as Yes.

- Transition: Any point in the growth cycle before the onset of flowering, such as the vegetative phase or early flowering phase.

- Mixed Light Cultivation: Any combination of artificial light that is used to bring the plants from vegetative/pre-flowering phase into the flowering phase. This should not include supplemental lighting used in a nursery/propagation area.

- Propagation: To breed specimens of a plant. Examples include seeds, cuttings, cloning, grafting, all are and called propagations.
I appreciate applying for 2-3 licenses.

- Education is the key to freedom and peace. They have a time and place for agricultural use. Pepper
  A Firearm is a tool used for all tools, neither good nor bad. Lacrosse
  and football with only equipment that is unknown to the
  teacher. That a person will not be able to predict. Has
  another example. Peace officers have this.

- These with criminal intent will argue gestures still. Are
  teachers, local enforcement personnel, and local law enforcement.
  Once in the hands of criminals, their crimes are actually
  enforced personnel. In their presence, it is not always
  would be nothing to help. Perhaps local business law
  A Firearm has both at the pacific war on the peace,

Social health, only preference are the expense of our environment and
from those outside hands county overtime meaningfully, the goal is
in my opinion as if may help prevent capital investment
- The paper model of application could be best

2
I believe it is necessary for us to develop and use responsible food management systems that allow for a more sustainable future. The larger the operation is, the more negative impacts will be. Without the exception of capital investors whose goal is to see a profit, all local farmers, companies, and organizations are committed to doing what is best for the planet and its people.

The exception is the operation, which is a smaller, more sustainable. The larger the operation is, the more negative impacts will be. Without the exception of capital investors whose goal is to see a profit, all local farmers, companies, and organizations are committed to doing what is best for the planet and its people.

Philippi Morris 1.0 is another example of the same. The impact of consuming is known, and local farmers, companies, and organizations are committed to doing what is best for the planet and its people.

Propagating, growing, maintaining, care, harvest, drying, and composting are all part of the cultivation process. At the end of this process, the plant is ready for delivery to the consumer. Any process that produces the final product is ready for delivery to the consumer. Any process that produces the final product is ready for delivery to the consumer. Any process that produces the final product is ready for delivery to the consumer.

This is closing the material cycle and part of a holistic land management approach to cultivation.
Environmental Health & Safety Issues

County wide adoption of organic growing practices should be a baseline. Cultivation should take place from a holistic agricultural standpoint. Soil building and a heal of organic earthcare is essential. Landscaping and irrigation practices are key. We are blessed with long agricultural practices that have been passed down through generations. The health of our soil is important for a healthy ecosystem. We have a chance to show the world what we value most, the health of our beautiful landscape. I personally use a combination of techniques prescribed by the principles of organic agriculture. We focus on plant health and growth. This would include the use of compost, mulch, and cover crops. As an added measure, I would like to see a buffer strip of native plants. This would help increase the biodiversity of the landscape and reduce the use of chemicals. In addition, it would boost local economies as local contractors would be utilized.

Currently, I secure my garden with an 8 ft. deer fence and camera. As much as $200 is lost to the deer. They eat all the vegetables. I hope to add a fence as the deer are a nuisance. I prepare from both seed and cuttings. As much as possible is grown from seeds. Some plants are started in the house, but I would prefer to grow them from seed.
I grow outdoors in a mixed flower/vegetables/other botanicals garden. I've never had any issues with pests or diseases. I keep my garden mowed regularly, and my primary measure is to keep it safe. I keep my garden layout and planting schedules and other interventions

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#5 Cultivator Responsibilities

I grow outdoors in a mixed flower/vegetables/other botanicals garden. I've never had any issues with pests or diseases. I keep my garden mowed regularly, and my primary measure is to keep it safe. I keep my garden layout and planting schedules and other interventions

#6 Track & Trace

The regulations regarding recording and maintaining should be scaled according to the license type with the type 3 licence having the most stringent rules. The licence decreases as production increases. Industry growers should get their licence as early as possible to ensure their production is in line with the licence requirements.

Besides tagging each individual unit, we need to keep track of the product and the record of production. The most feasible time for inspection of product would be after the final drying and monitoring phase.
Thanks as each case is very site specific.
I'm not at liberty to say what would be appropriate
or recommend or should carry the most severe penalties.
Even without degradation resulting from civilization

Videre and Phalere
Re: Input, comments Implementing Medical Cannabis Regulation and Safety Act (MCRSA)

Dear Dpt. Food & Ag.,

I respectfully offer the comments below based on my following experience – 15 - year medical cannabis activist, 7+ year (2005-2011) SF dispensary owner, current chairman, Berkeley Medical Cannabis Commission, and about to initiate SF DPH dispensing permit process.

Reg. Goal 1 Cultivation Terms – Canopy, "top layer of the plants' buds and leaves... looking down... floor not visible" - Ed Rosenthal Flowering, "capitate glands that appear on newly formed plant parts take on 3rd form. Some glands are raised to height of 150 - 500 mm when stalk elongates, possibly due to greater activity. ...stalk composed mostly adjacent epidermal tissue...capitate-stalked glands appear during flowering & form densest cover on female flower bracts" - The Marijuana Grower's Guide, Frank & Rosenthal Immature, "immature plants, heads lie flush or appear not to have stalk & are called 'capitate sessile'... actually have stalk one cell high, may not be visible beneath globular head. head composed usually 8, up to 16 cells, form convex rosette... cells secrete cannabinoid-rich resin... accumulates between rosette & outer membrane... gives spherical shape, gland measures from 25 - 100 mm across. In fresh plant material about 80-90% contents will be cannabinooids, rest primarily essential oils." - The Marijuana Grower's Guide, Frank & Rosenthal Mixed Light Cultivation, "cultivation using combination natural & supplemental artificial lighting at maximum threshold determined by licensing authority, of less than or equal to 5,000 sq. ft. total canopy size on 1 premises." - Sean D. Ramsey, Reform & California Compliance Lawyer Premises, cultivation location (indoor or outdoor), secured through ownership or rental. - CP Propagate, breed, grow, cultivate – Oxford Dictionary

Reg. Goal 2 Application Process, Requirements – Question #1: On-line preferred, with paper method backup. Question #2: As a gunshot wound victim, NO FIREARMS! Question #3: As primarily a dispensary owner (who has contracted many times with cultivators), personally I would only consider Type 1A and/or Type 2A. For other primary cultivators, in the interest of quality medical production as well as lower cost potential, I could make the case for multiple licenses at different locations, sizes, indoor/outdoor mixed.

Reg. Goal 3 Licensing, Types, Size, Light Source, Combinations – Reasonable Acreage, outdoors, 4 acres, perhaps up to 10 acres, depending on case-by-case review. Indoor and mixed light, 30,000 sq. ft. 2-4 acres (case-by-case basis). Again, as above, in the interest of quality medical production as well as lower cost potential, I could make the case for multiple licenses at different locations, sizes, indoor/outdoor mixed. Manufacturing – not necessary for cultivators using their own byproducts, but manufacturer licensing necessary for manufacturers not cultivating their own byproduct – purchased elsewhere. Site number, again, personally, I would consider Type 1A and/or Type 2A. For other primary cultivators, in the interest of quality medical production as well as lower cost potential, I could make the case for mixed light in mixed locations, sizes, indoor/outdoor mixed. Mixed lighting – regrettably unable to offer personally significant information based on my lack of experience, unfamiliarity... although the increase in mixed lighting production has been dramatic over the last 5 years, and especially this year... so there are experts out there to be heard from. Type 3 limit, would recommend unlimited, if many equally qualified applicants, but otherwise, judgment based on cultivation history recommendations, responsible previous cultivation operations, quality and cost of previous production.

Reg. Goal 4 Requirements, Health, Environment, Safety – Currently type 1A cultivation area personally, with type 2A, 3A & type 1, 2, 3 anecdotal experience. Pesticides infrequently in all types of gardens; Optimal watering times, yes in all gardens; Recycling, personally, absolutely! Security, locks, guards, surveillance cameras. Plant Sale, fellow patients personally, other cultivators to dispensaries, other clone producers propagate to sell to other cultivators, these clone producers are most involved with strain research, larger outdoor cultivators are more frequent seed users.


Reg. Goal 6 Track & Trace – Cultivation flow, personally now attempting 5 indoor crop cycles, currently crop cycles per year, 3-4. Movement, Tracking, record of clone purchase, vegetation, then flowering, then harvest date, likewise for other cultivation type licenses

Reg. Goal 7 License Violation – License appeal, 30-90 days to make the best case, offer explanation. License Violation, minor - incomplete or omission of relevant records; moderate - incorrect harvest amount, overstated expenditures; serious - large-scale fraudulent activity, extortion, ongoing illegal activity, worker maltreatment, abuse.

Additionally, I will offer further comment and express ideas about the Program Environmental Impact Report (PEIR). Regarding the Draft PEIR and Public Review, important subjects deserving most attention - Agriculture & Forestry Resources, Geology & Soils, Hazards & Hazardous Materials, Hydrology & Water Quality, Land Use & Planning, Noise, Population & Housing, Transportation & Traffic, Utilities & Service Systems. Also the complex nature of subject and bureaucratic process require and are best served with more public review and input, so that I would suggest a 60 day minimum.

Regarding Applications for Cultivation Licenses, local licensing and California Environmental Quality Act (CEQA) - in my experience (chairman BMCC) unfortunately I have observed a frustrating lack of ordinance action by elected officials, too often with the tired excuse of "waiting for state regulations" or Prop 64, legalization, or the election itself and the possibility of different officials. Likewise, some counties have enacted cultivation bans, some reversioning, others not. Specifically, I would like the BMIR to initiate some contact with local governments for the purpose of encouraging revue, input, and action. In my view, the Bureau has done an excellent job of interactions with "stakeholders" and should continue this successful process. I have not had sufficient experience or knowledge of CEQA documentation to provide comment. Incomplete Applications - for many the application process will be unfamiliar and perhaps somewhat daunting, therefore I would suggest a more liberal time line for re-submission, addition and correction. Petition of License Denial - after surviving 2 SF review processes (Planning Dept. LOD & Board of Appeals), 60 days at least is more reasonable.
Regarding Cultivation Requirements — *Pesticides*, the Department of Pesticide Regulation (DPR) developing guidelines for the use of pesticides will be especially important and significant. I suggest similar interaction and input from experienced “stakeholders” in the fashion of BMCR public activity.

Regarding Track & Trace Program — *Unique Identifiers*, I suggest 1 ft. plants and consider 8 in. plants large clones, subject to failure. Again, I suggest similar interaction and input from experienced “stakeholders” in the fashion of BMCR public activity.

Regarding Enforcement — *Appeal Process*, again, after surviving 2 SF review processes (Planning Dept. LOD & Board of Appeals), 60 days at least is more reasonable.

Thank you for your attention and consideration. I will include my “bio” as well and wish you good luck on a successful PEIR and regulation process with public input.

Yours truly,

[Signature]

PS — Bio
I would like to make the following comment on the Medical Cannabis Cultivation Program, to be filed in the record for:

- Programmatic Environmental Impact Report (PEIR)
- Regulations
- Both PEIR & Regulations

**Regulatory Goal #4:**

We have 3rd party compliance checking cooperative farms to ensure compliance for environmental impact. We do not allow pesticides, fungicides, herbicides. Soil cultivation & health is prime focus. Compost Tea from Dr. Ingham's (Free) website is recommended to our cooperative farmers. We recycle where possible & use optimal watering times. We secure our farms with fencing & locks. We do not sell plants to patients.

We are working on a cooperative model for cloning & propagation from seed.

**Regulatory #5:** We retain records digitally & they may be obtained through our legal counsel.

**Regulatory #6:** 30 days seems reasonable for a violation hearing.
I would like to make the following comment on the Medical Cannabis Cultivation Program, to be filed in the record for:

- Regulatory Goal #2: Online application preferred (I am in the process of setting up a new business and online is preferred).

  - No firearm ban - most of us are law-abiding citizens. Those who wouldn't have firearms are law-abiding citizens.
  - 3 applications would be submitted by me.

- Regulatory Goal #3:
  - There are cultivators that also create salves, tinctures, etc.
  - I would apply for the largest cultivation license to keep my options open.
  - I would likely apply for 3 cultivation sites as we are looking at adjoining land.
  - I believe lighting the industry will change dynamically, to limit quantity allowable may not be viable for some, it is trying to solve in coming years. Also consider output etc.

(Attach additional pages as needed)
Comment Card

I would like to make the following comment on the Medical Cannabis Cultivation Program, to be filed in the record for:

☐ Programmatic Environmental Impact Report (PEIR)  ☒ Regulations  ☐ Both PEIR & Regulations

I feel it would be DANGEROUS for us cultivators to NOT be allowed to have guns, we would be targets. Criminals have guns. So why would good law abiding citizens be protected by the 2nd Amendment? Not be allowed. Hence, especially when we will be the ones targeted for cash. Since we can not put this in the banks. So this is COMPLETE NON-SENSE. Thank you.
Comment Card

Name: [Redacted]
Address: [Redacted]
Email: [Redacted]

Organization (if applicable):

Do you wish to be added to the project mailing list?
☐ YES ☐ NO

I would like to make the following comment on the Medical Cannabis Cultivation Program, to be filed in the record for:

☐ Programmatic Environmental Impact Report (PEIR)  ☐ Regulations  ☑ Both PEIR & Regulations

THIRD-PARTY CERTIFYING BODIES THAT HAVE BEEN ACCREDITED BY THE STATE WATER BOARD, SUSTAINABLE CULTIVATION LAB TESTING, ETC

California taxes for indoor cultivation to offset environmental impact and power draws on existing electric grids.

(Attach additional pages as needed)

Please respond by
SEPTEMBER 30, 2016
Comment Card

Name: FIRST LAST

Address: STREET (APT)

CITY, STATE ZIP

Organization (if applicable):

Do you wish to be added to the project mailing list?

☑ YES ☐ NO

I would like to make the following comment on the Medical Cannabis Cultivation Program, to be filed in the record for:

☐ Programmatic Environmental Impact Report (PEIR) ☐ Regulations ☒ Both PEIR & Regulations

Carbon Taxes for indoor cultivation to offset environmental impacts and encourage reduced carbon footprints, production facilities.

- State accredited third-party certifiers for:

  - Sustainable production practices.
  - Organic-based production/manufacturing
  - Water & design compliance

(Attach additional pages as needed)

Please respond by SEPTEMBER 30, 2016
Name: FIRST LAST

Address: STREET (APT)

CITY, STATE ZIP

Email:

Organization (if applicable):

Do you wish to be added to the project mailing list?

☐ YES ☐ NO

I would like to make the following comment on the Medical Cannabis Cultivation Program, to be filed in the record for:

☐ Programmatic Environmental Impact Report (PEIR) ☐ Regulations ☐ Both PEIR & Regulations

Cannabis tax for indoor cultivation to offset environmental impacts and insufficient power grids.

State accredited third-party certifying bodies for:

- sustainability
- organically farmed manufactured products
- nursery production
- water bond compliance
- land usage design

(Attach additional pages as needed)

Please respond by SEPTEMBER 30, 2016
CDFA:

I will comment on those items on which I have an opinion.

1—DEFINITIONS:

CANOPY: surface area of plant as seen from directly overhead. Total canopy is the sum of the canopies of all the individual plants in the garden.

FLOWERING: flowers are forming and growing daily—distinct from merely showing sex, which happens much earlier.

IMMATURE: not yet flowering

MIXED LIGHT CULTIVATION: growing in a greenhouse with supplemental artificial light.

PREMISES: the property

PROPAGATE: to clone or plant from seed

2—PROCESS AND REQUIREMENTS:

ONLINE OR PAPER: I think either is fine.

WEAPONS BAN: My cultivation site is very isolated and I feel the need to be able to protect myself, therefore I’m opposed to a weapons ban.

NUMBER OF APPLICATIONS: I expect to submit one.

3—LICENSING: I will initially be applying for 10,000 square feet of canopy. I feel very strongly that growing sites need to be kept small, otherwise there will surely be a glut on the market. I think 4 acres per applicant is too much. There is no fair way to limit numbers for a license type. If a size license is considered so large that it has to be limited, it should not be offered at all.
Use of lights should be prohibited, period. California is setting an example for the rest of the country in combatting global warming. It is absurd to use lights when there is so much sunshine. It is a flagrant waste of energy. Indoor growing was the result of Prohibition. It has no place in a legal system. Indoor growing also increases need for pesticides and other chemicals.

4—ENVIRONMENTAL AND SAFETY ISSUES: I currently propagate from seed, and there is a considerable amount of research and experimentation in strain development. Growing seeds has to be done separately from the main garden, and there need to be provisions in place to allow seed production. A cultivator who starts his own plants should not be required to have a separate nursery license.

I grow organically and use the no-till method. There is absolutely no pesticide, fungicide, or chemical use of any kind. Since there is no tilling, all cultivation materials are recycled and there is no erosion and no run-off. Irrigation is gravity fed from a nearby spring, so there is no need for generators. Any pumping that is needed is done with solar panels and a solar-direct pump. Plants are heavily mulched, which reduces the need for water.

My growing site is 15 miles from the nearest county road, behind three locked gates. It is also fenced with a 6 foot woven wire fence.

5—INSPECTIONS AND RECORDS: My site is safe and available for inspection at any time. I don’t currently keep any records.

6—TRACK AND TRACE REQUIREMENTS: The whole cultivation process and harvest take place on site. I currently have a small garden, and the cannabis grown is mostly for personal use. Anything I have left over is sold to a collective to recover costs. When I have my commercial license and production increases, I will be
selling more to a collective. Canopy size should be determined prior to but close to harvest time.

7—VIOLATIONS: serious: exceeding limits on size of garden or number of plants; moderate: remediable environmental concerns; minor: inadequate fencing

8—COMMENTS: Limits placed on the different categories should be in terms of area under cultivation and never on number of plants. Placing a limit on the number of plants, leads to efforts to grow monster plants—starting plants early, necessitating the use of lights, using excessive fertilizers, etc-- with negative environmental consequences

Submitted by [Obstructed Text]