

## Humboldt County Cannabis Cultivation Compliance Initiative Public Comments

7/9/2015 - Roseanne Revell - Website

This is definitely well thought out ordinance, best people to be on top of it as well as all unite to drive this thru. So much scrutiny n misunderstanding behind medical cannabis. People need to see that farmers n hard working people that protect welfare of environmental, economy, our children, well being for all. Showing this making clear guidelines not trying have room for error as much as possible as we are all well known to the scrutiny, instead errors makes growth so instead allow room for growth in all aspects of life.

7/9/2015 - Uri Driscoll - Website

It is obvious a lot of time went into this document and I tip my hat to the effort. However I find elements missing that ignore many of the concerns a lot of the rest of the community have and will express. For instance there is very little incentive to go along with this. A misdemeanor for not having a license means nothing. If one does not have a license why would they bother to follow the guidelines. There is no incentive to run a clean grow unless you are licensed. The environmental damage has been well publicized and the "brand" is having a meltdown. Water is obviously a main issue and there is no way to get around how much water big grows take. In all these proposals including Wood's I see nothing protecting the consumer from the poisons used on these plants and ultimately being inhaled. If Humboldt wants to resurrect its brand it is going to need to show it gives a crap about the environment and the lungs of its consumers. Otherwise might just as well buy the weed they will be growing along I-5.

7/9/2015 - Bill - Website

The county is in the process of changing some zoning for homes like mine in the area s.e. of Willow Creek from rural residential+agriculture to just rural residential. It sounds like this ordinance would make farming more than 600 square feet impossible on my 12 acre parcel and home when the zoning changes take effect. Is that correct?

7/10/2015 - Anthony - Website

This "Ordinance", along with your "Water Use Regulations" and "Tax Plans" are nothing but a bogus attempt to "legalize" large marijuana grows beyond simple medical marijuana needs. IF these scam proposals are approved, it will only complete your "end-around" current laws/ordinances. Your group is only trying to get Humboldt County to pass these proposals so that you can become "recognized" as larger grows than you are actually currently permitted to be; doing so then means the County is legally unable to enforce current laws against such grows. Your group is nothing but a wolf in sheep's skin; a large scam.

7/28/2015 - Daws - Website Reply to "Anthony"

Actually it is my impression that these ordinances are to be in preparation for, and in addendum to, the anticipated state wide legalization of cannabis for recreational use via ballot initiative in 2016. So yes, you are partially right in that it does concern expansion beyond medical use, but there is no intended hoodwinking going on.

7/10/2015 - Sunshine Johnson - Website

Growers that have a road association for their neighborhood must show they have paid their yearly dues when renewing certification with ag commissioner.

7/10/2015 - T Miller - Website

Well done. This is a necessary and well thought out first step towards creating legal guidelines for cannabis farming within Humboldt county. Just as there are many sizes and types of farms, and vineyards so to will there be many variations on the size and needs of Cannabis farms within Humboldt county and California as a whole. True, there is now, and always will be room to improve upon this ordinance, however it must begin somewhere, and this is a good beginning. As for concerns regarding water usage, storage, permitting, pollution and environmental protection , this is a growing issue that needs to be addressed not just for the Cannabis farmers but for all residence and industries, both within Humboldt county and California as a whole. There must be frame work within which to begin addressing these issues, this is the start of that frame work. A frame work created by the people, not imposed upon us by big AG. If we do not take the initiative to write and implement our own Best Practices ordinances, Big Ag will, to the detriment of all family farms, large or small. There is a brief window of time before legalization comes to California, HCCV is making a great effort to ensure that local voices and concerns are being recognized by the state before it dose. This ordinance is the first step of many that will help ensure there is still a place for family run farms when legalization comes. If we do not stand together now, then this industry that is the lifeblood of Humboldt County will be taken away from the family farmer as have so many industries in the past. Just as the farmers of Napa valley fought and won rights for family run vineyards, creating a vibrant and internationally recognized brand, so too can Humboldt take its rightful place as leader in the legal international Cannabis industry. May this be the first of many steps that will lead us to a thriving, legal, local and ultimately international economy.

7/11/2015 - Erin Kelley - Email  
To the Supervisors and CCVH,

I am very pleased to be able to comment on a proposal that seeks to resolve some of the problems that we have in this county regarding marijuana cultivation. I am a relatively new resident of the region (~3 years) but I have tried to educate myself, for example previously serving as a board member for the Mattole Restoration Council, which often grapples with the issues of marijuana cultivation.

As I have driven the rural backroads of this region, I have often thought to myself that this is what a vibrant rural economy looks like, in many respects. There is a renaissance happening: a lot of new trucks, and young people, and businesses that clearly cater to the industry. These are facets of the economy that I truly value. But I have also been privy to some of the destructive aspects of the marijuana industry, things that I cannot attribute to all growers (of course). But cleaning up a grow with a group of volunteers on the Hoopa reservation, removing yard after yard after yard of pipe reaching into sad little streams, it is difficult to defend the industry as a whole. I recognize the differences between private and “trespass” grows and so on. But we all see the worst that the industry is doing right now. It is helpful to begin to discuss (and encourage, and even sanction) its best.

In my view, marijuana is not a typical crop, and it should not be treated as a typical crop in this region. It has proliferated here because of a combination of prohibition and history – cheap land prices, the historical relocation of hippies from San Francisco to remote regions of Northern California, a burgeoning drug culture combined with increasingly militant attempts to extinguish it. The hills of Humboldt (and surrounding counties) are isolated, steep, and heavily forested – they are difficult to access and difficult to cultivate. Our marijuana land use history is therefore overlaid upon the timber practices of the middle and late 20th century, practices that often denuded hillsides and sent sediment into rivers that cradled unique salmon runs now lost or nearly lost. And the contemporary marijuana industry has grown to the point that it is worsening these problems and creating additional ones, as with the withdrawal of water in the summer, and the use of anti-coagulant rodenticides.

I have read (and perhaps this is true?) that the “average” grow in Humboldt County is approximately 2,500 square feet. If true, then the CCVH proposal allows grows up to four times of average to be grandfathered in, if the landowner can just fill out the proper paperwork. This does not address the problems that we see. I acknowledge that all the bureaucratic solutions to our problems will compound with the regulations that we impose, leading to more problems for the county and perhaps less buy-in from industry. But to use this as an excuse to say “sure, do what you’re doing” is wrong. It condones practices that we have seen degrade our watersheds and lead to distrust and bitter division in our communities. We should not condone what we cannot yet control. If the mega-grows of the Central Valley are coming, then we need to set up Humboldt as a truly special place – a model, perhaps, or just a place that truly values sustainable cultivation practices and builds its reputation upon that.

To achieve this, I have a few suggestions. These are just initial thoughts. The current proposal by CCVH is a good start. It opens a conversation between a (mostly) illicit industry and the community at large, most of whom are not very knowledgeable about the industry. But I would suggest that all of us are ignorant about best practices for marijuana cultivation, especially regarding the cumulative impacts to public trust resources. So the start is fine, but the very nature of this industry requires that the conversation be open and vibrant and that proposals be viewed as preliminary and tentative.

Ideas:

One is to dedicate some portion of future tax revenues (hopefully higher than the proposed excise taxes) to studying the impacts of marijuana and to setting up a Board of Forestry-type Marijuana Board, comprised of both industry and public, to compile and consider scientific evidence to really dial in regulations to be both effective and practical for growers. Another use for the taxes is to recruit and train marijuana cultivation compliance officers (or something like that). People who can devote time to cataloguing grows and verifying compliance.

Two, think about granting ministerial permits up to the “average” size, however calculated. Whether that is in square feet or in acres of cultivated land, it makes little difference to me. But I would like to see the metric used (square feet or acres) translated into things like typical practices and environmental consequences.

Three, start to think about a more thorough process for larger grows, one that may rest upon a model such as a Programmatic EIR, wherein a template is created based on an assessment of a large area, and all participants who wish to then practice under that CEQA permit fill out an expedited form in order to comply. So a watershed of people could get together, create a Programmatic EIR (which includes cumulative impacts analyses), and then sign up folks as they come in, who are demonstrating at that time that they are in compliance with the requirements of the permit.

Four, get rid of any grace period. When growers go for permits, they need to demonstrate compliance with whatever prohibitions are in effect. If growers are out of compliance, permits should be denied and the growers can then re-file at the time that they are in compliance.

Five, marijuana is not a compatible use on TPZ land – or if it is, then the grows need to occur within the 3-acre conversion exemption. I think it is a mistake to treat marijuana cultivation as an additional conversion and it defeats the purpose of TPZ land, which is really to maintain forests as working forests.

Six, treat marijuana as a special crop – a boutique crop, one that will likely soon be grown by the ton in the valley, but which may still have cache with the Humboldt label. Start a serious conversation not about tonnage or demand but about certification and salmon-safe practices and the creation of best management practices, to create a regulatory template that encourages the best marijuana cultivation, not barely acceptable cultivation.

I apologize if any of this is unclear – I am just trying to get my thoughts down. I'd be happy to clarify if there are questions. Again, thank you for beginning this discussion. It is helpful for all of us who live in this region to think about our largest industry. For the industry, this process is important as well: we are about to see massive changes with legalization, and we have the opportunity to create support for the marijuana growers who choose to remain here.

Sincerely,

Erin Kelly

(To be clear, I am speaking as a resident of Eureka, not in my professional capacity, but I am California Registered Professional Forester #3001 and an Assistant Professor in the Forestry Department at Humboldt State University)

7/13/2015 - Patrick Carr - Email

Hello,

I appreciate the opportunity to review and comment on your proposals.

My primary concerns are with the environmental impact of cannabis cultivation in Humboldt County. I believe that to develop proposals that safeguard our county's bounteous natural resources, the first step is to accurately quantify the impacts that cannabis cultivation currently has, and will have under varying scenarios of cultivation that taxation and regulation would likely lead to.

Unfortunately, the approach that your organization has taken has been to develop a proposal that first and foremost would receive support, or at least a level of support, among cannabis growers; and only secondly consider the needs of the environment in which we all live. This approach is not unlike that of any other industry advocacy organization. It's important to remember that claiming to support "mom and pop" operations is no guarantee of providing anything remotely close to environmental sustainability: after all, one could consider the Bush family a "mom and pop" operation, and the Koch brothers are certainly a family-run business.

At a starting point, I would hope that your organization would consider investing in processes not too different from those that are commonplace under the California Environmental Quality Act, as a means of bringing a greater degree of objectivity into the debate, and formally inviting public comment on the process and on the report that is produced. I think that this would be a key approach that CCVHumboldt could take that would reduce the risk of grievous environmental harm and notably increase the level of transparency and legitimacy that your organization seeks in its effort to gain public support for its important mission.

Without knowledge, we cannot make well-reasoned decisions on the major questions that CCVHumboldt raises.

Sincerely,  
Patrick Carr

7/14/2015 - Glory Ralston - Website



I suggest that you add in protection for neighborhoods that are in unincorporated areas that are made up of family homes with people raising their children and grandchildren and are not used for legal agriculture. There needs to be some protection built into this ordinance for traditional neighborhoods and families from the influx of marijuana farms. As the ordinance is written now, these farms will be allowed in all neighborhoods in unincorporated areas throughout Humboldt County as long as there is water and land. That is not what many families want to see in their neighborhoods. This alone could cause this ordinance to fail. These farms should be located in areas where legal agriculture is already established, not in family neighborhoods. With a section added to the ordinance to protect family neighborhoods from these farms, the ordinance has a better chance of passing. Without this, many people are worried for the future of their neighborhoods and will vote against the ordinance even if they are in favor of legal marijuana.

7/15/2015 - Tegan - Website

I am very happy to see people stepping up to create some regulation around this out of control industry. I'm clapping for you, let's just make sure we get some input. Good Work!

7/15/2015 - Uri Driscoll - Website

It seems another critical point that will not be addressed in an ordinance to openly grow marijuana is the fact that it is a class 1 drug. Other drugs and alcohol have very strict controls during production and distribution to prevent children from accessing it. Open grows will have none of those protections. Considering the radical increase in potency since it was first classified we really need to step back and acknowledge this is not like growing spinach. It is a psycho active drug. It does not stop being one just because some want to call it agriculture. I am all for seeing what can be utilized from this plant. We may find tremendous benefits and/or undiscovered problems. I would like to see a research component included and as I have stated before very strict controls on what can be used to grow these plants destined to be inhaled.

7/15/2015 - Farmer - Website

I echo the statements by TMiller and Uri, well said. I Commend The CCVH for their bringing regulation into the Conversation and Presenting this Ordinance to The Supervisors, they who have done Nothing but buried their collective heads in the sand and Silently sided with Law enforcement raids on Small and Large Farmers all the while seeing the County Benefiting fromTrickle Down Economics!! Regulation is for the Good of all residents of Humboldt County and the Environment. We have a Brand that's ingrained in our culture that Large Business Investors will take from This County if we let them. Good Job Luke and CCVH!

7/15/2015 - Ronzo - Website

I would like to commend the CCVH for their efforts.This clearly provides every responsible grower in Humboldt County a way to become compliant and legitimize their medical cannabis business.No responsible grower should have to go through the hell of being arrested for cultivating cannabis in a responsible manner.Thank you CCVH for kicking this door open.I truly believe this will start a new era of responsible earth-friendly growers.

7/20/2015 - Chrystal - Website

I am so happy to see this group of hard working citizens help to actively deal with some of the concerns regarding cultivation of cannabis. I love the ordinance, it is well written and well thought out and I appreciate the time and effort involved. The voters passed 215 almost twenty years ago and somehow we are still unregulated. Without making a super double standard upon cannabis, I am grateful to see a path to a solution. Thanks again for all your hard work. The community does see your move towards a real, environmental policy.

7/20/2015 - Daws - Website

After reading this proposal one question still remains, what is done concerning canopies under 600 sq ft that are established after the ordinance takes affect and that are for non-personal use? Forgive me if I missed it but in the wording it seems this option is not covered or accounted for. Would one then also need to apply for a business license and similarly comply with the same regulation and inspections as larger ones?

7/25/2015 - Rick Brennan - Email

Just a few comments that I have on the land use ordinance presented to the Board of Supervisors. I haven't watched it yet but it sounded like you made a clear presentation. I have no dog in this fight but I am for anything that will improve Humboldt's economy and improve the possibility of many types of jobs for our diverse population.

The Humboldt name in the cannabis world stands for top shelf quality and genetics known around the world. For Humboldt County to benefit from this is gift from God the Humboldt name and what it stands for needs to be preserved at all costs. The name Humboldt is everything. If there is a way to copyright the Humboldt brand of cannabis in some manner do it NOW. Be prepared to sue over it if need be.

I am very much in favor of a Co-op type of selling/buying and which follow the current Medical Cannabis law with a doctor's permission. I do not agree that the Supervisors should be the ones controlling the greater than the 10000 sq. ft. sites. I believe Co-op members should make that decision based on supply and demand as well as any 'downstream' operations (meaning after the harvest; prices, testing, quality, etc). The less the government is involved the better. Government increases cost and quality suffers in everything they touch. They cannot even handle the bureaucracy they've created now. Let's try to have the government as less involved as possible and try to get it into their minds that the less they take the more they will make if done correctly. They are wrecking Washington's cannabis industry with their taxes, regulations, etc.

I also don't believe giving the 'pre-existing' growers a break for 2 years. 6 months is plenty of time for these guys. They have the money. Speaking of that I believe the taxes should be doubled to \$1-\$2 per sq ft.

I have heard that the environmental groups have been pushed out of the construction of this ordinance. They need to be part of the whole process. Their input is invaluable and would greatly enhance the Humboldt brand. That being said, the environmentalists must be willing to compromise or we will end up with another pissing contest like the timber industry vs. tree huggers. No one wins when both could and more people lose their jobs. The environment people need to understand that people need jobs which enterprisers create. There's plenty of forest land and it's not going away but what could be more helpful for families than working in a true organic industry and it's offshoots that helps millions of people. I would hope the County Supes could help in this manner and actually do something that will create more real jobs that Humboldt cannabis could provide instead of just talking about how they work hard for jobs in Humboldt.

I also believe that your meetings should be better publicized for people's input. I would like to attend but I don't know where or when, Maybe an ad in the NCJ or Lost Coast Outpost. This need to be out in the open to be a real success.

\*\*\*\*\*

I can't believe that one of your founding member was caught dirty on the Ghost Mtn. bust. What was the bust for??? Environmental stuff??? If he was really screwing up environmentally then I think it might be over for you guys. How could that happen??? The first thing should have been to make sure everybody was clean environmentally. That was dumb and being dumb scares me. I really don't know how you can get over this. Man, that is not good for you guys but I'm only hearing one side. Do you have anything different???

Rick Brennan

7/27/2015 - Elizabeth Crowder - Email

My name is Elizabeth Crowder. I do not have Internet access so am sending this via a friend. Although I have not read the entire proposal in depth, it does appear that the CCVH wants to throw open any and all properties for cannabis farming, including TPZ lands.

Below in outline form are my concerns, ideas and suggestions for this or any other such sweeping proposal.

#### I. /Fire Safety

1. Establish safety regulations for installation of fuel tanks and lines.
2. Examine the effects of a greenhouse burn, i.e. does it melt or fling torches? How dangerous are the fumes?

#### II. Environmental

1. To prevent deforestation, apply strict guidelines in accordance with established forestry regulations. Clearing acres of trees for greenhouses is tantamount to logging a clearcut with no replanting or cleanup.
2. Wildlife is being forced to explore new sources for sustenance as well as nesting sites and other factors affecting life cycles. Establish requirements relating allowable size, density and placement of covered acreage to surroundings.
3. Air quality is compromised when too much oxygen-producing vegetation is covered by grow building which (a) effectively "seal off" acres of ground, and (b) produce exhaust from gasoline or Diesel generators.
4. Compare aerial photos or GoogleEarth images, taken a few years apart, from the 1990s up to now. Changes in tree growth and roads are easily traced. Images from the last 10 years illustrate the progression of environmental encroachments already in place. Night-time views are especially interesting.

#### III. Nuisance Factors

1. Noisy generators often run all night with accompanying light pollution.
2. Too many large loads of soil, fuel, and other supplies cause excessive wear on public roads.

#### IV. Other Thoughts and Suggestions

1. Establish a tax base for cannabis grow buildings.
2. Treat organic cannabis farmers like any other Certified Organic farmer.
3. Make sure plastic detritus from worn-out greenhouses and other sources is disposed of properly.

4. Count on having to monitor grow operations more often than once a year.
5. Apply ALL aspects to ALL growers, regardless of how long their operations have been in place.

Thank you.

7/28/2015 - Daws - Website

For the most part these ordinances seem very well thought out and deliberated, and I commended the CCVH for their efforts. However, there are significant problems with determining taxation on the basis of a one time measurement of canopy at the height of its peak total coverage. Though perhaps well intended, the current proposed system of parcel and canopy measurement can have unfair consequences for many different groups: for breeders and farmers that grow from seed and will have males to cull; for farmers that plan for multiple harvest times, growing different varieties maturing at different rates; and especially for those who simply get hit with a late run of bad luck and suffer ruined crops. For the last group this method of canopy measurement and taxation adds insult to injury. Not only do they suffer crop failure, but they are made to pay the same taxes as neighbors who did not suffer their fates -as if the crops were never ruined at all. Why should one be made to pay tax on plants that never make it to market? In the end, they suffer both wasted investments AND higher taxation.

Fortunately the solution is simple, allow for multiple and separate taxation on multiple and separately measured parcels, HOWEVER, in addition include the mandate that within a reasonably short period of time, such as one week (my personal suggestion), that said measured parcel MUST be harvested. Mandating that the measured parcels be harvested within a week of measurement forgoes all the aforementioned problems above. It allows for selective parcels to be measured at different times, accounting for different maturity rates; males are allowed to be culled beforehand (or to simply exist on unmeasured parcels), yet possible increases to canopy via further growth is still minimized, and possibility for subsequent crop ruin is also minimized -being unlikely to occur in such short time before harvest. I thank CCVH for their time and efforts, and hope we can eventually all come to agreement on initiatives truly best fitting for our community and for all of Humboldt County.

7/29/2015 - Ken Hamik - Website

There are many lessons in being on the right side of history. In 2015, we have met the enemy, and it ISN'T us. In Humboldt, we are community. And creating the future is what we are about to do. California Cannabis Voice of Humboldt has spent a year having conversations with many residents throughout even remote parts of the county who just a few years ago wouldn't come out of the hills. I've met these growers/healers and I have to say, they are some of the most talented, smartest and passionate individuals I've ever met. I've also sat in meetings next to law enforcement, bankers, medical doctors, environmentalists, the fine Board of Supervisors, city planners, Chambers of Commerce, and HSU/CR professors and students of this area over the past four years. You may know me as the guy with Humboldt soil on his orange shoes showing up all around the county. My business card says "strategic foresight: finding the dots that connect." I've spent over 30 years helping businesses, governments and other organizations plan more effectively for the future. I'm living in Humboldt now and I've seen the future. I'm trying to help create it through the re-opening of Hummingbird Healing Center where wellness education and health will be the model we believe others will want to emulate. Now that more of our leaders are coming together, it's still not all perfect. It will take a few years of healing and working together. But I believe that the recent Humboldt County Cannabis Cultivation Compliance Initiative presented by CCVH provides an important roadmap to protect the legacy and heritage of small growers as well as the environment and our water. The finer details can be worked out later: we need to act now. Recently, Lt. Governor Gavin Newsome's Blue Ribbon Commission issued its long-awaited report on the correct path towards legalization in California. Much of the work of CCVH and the Humboldt Board of County Supervisors (including a 6-county gathering of North Coast Supervisors) sent our voices to the rest of California. They are hearing us. I believe this shows they are awaiting our leadership on how to manage the future of the plant for all of our communities. We're the experts. This Ordinance provides a model for how we get from the past to the future. It recognizes that it's just another agriculture that deserves to put business licenses on the wall, pay taxes and adhere to proper compliance. Right now the framework of the Ordinance defines the right direction to make sure Humboldt isn't caught waiting for the train, but we are leaders driving the train. We need protect and preserve the local economics of being on the right side of history. And at this moment of history, that means moving this CCVH Ordinance forward as quickly as possible.



8/4/2015 - N.E.C. - Email

- Enforce existing laws now! The County does not need to—and should not—wait until a marijuana ordinance is in effect to take action against those currently threatening our watersheds and communities with irresponsible grading, illegal water diversion, and the unpermitted conversion of forestlands to marijuana grows.
- Enact a truly public process: The County should adopt a cannabis cultivation ordinance only through public process with input from County departments, state agencies and the public as a whole.
- Halt illegal water diversions: The County should require water storage and prohibit summer pumping to protect salmon streams and downstream residents.
- Stop the conversion of forestland to large-scale marijuana grows: The County should only allow commercial cannabis operations on agricultural land and on land specifically identified as appropriate for cannabis production.
- Prohibit pesticide use: The County should explicitly prohibit pesticide, rodenticide, fungicide and herbicide use on and around cannabis cultivation operations.
- Establish a responsible upper limit for the maximum cultivation area allowed per parcel: The County should say no to CCVH's proposal to allow grows 10,000 square feet and more on almost every rural parcel. Corporate mega-grows should not be allowed.
- Require compliance with all local and state environmental laws prior to issuance of business license and/or other certification: The County needs to close the loophole in CCVH's draft ordinance that would allow growers to skirt environmental laws for two years or more.
- Enact equal rules for all growers: The County should not grandfather in existing growers—especially those breaking local and state environmental regulations—while imposing tougher guidelines for new cultivators.
- Halt all new grows—including expansion of existing operations—until all environmental permits are obtained, particularly in watersheds providing critical salmon habitat.

- Ensure a sustainable funding source to rein in egregious environmental impacts —such as through fees, fines, and taxes—for program oversight and for enforcement.
- Ensure that the ordinance is consistent with state law.

8/5/2015 - Claire Perricelli - Email

The following guidelines for MJ regulation from NEC seem to me to be the way we should go. Having industries regulate themselves has a long and sordid history of environmental destruction, as we all know too well. Please take a strong stand for the county's environmental well being.

8/5/2015 - Katy Allen - Email

I have some strong concerns about your proposed cannabis ordinance. First, and foremost, I believe that any such ordinance should be developed through a public process, including county residents as well as county, state and federal representatives. Certain environmental qualifications need to be in place, as is obvious by observing what is happening currently with unregulated grows. 1. Summer pumping from rivers and streams should be prohibited. 2. Commercial cannabis production should only be allowed on agricultural land identified or zoned as appropriate for cannabis cultivation. 3. The use of rodenticides, fungicides and herbicides should be prohibited. When recreational cannabis use is legalized in California, the niche market Humboldt is best equipped to fill, in my opinion, is an organically grown product anyway. 4. All environmental laws need to be diligently enforced with no "grandfathering in" of any current grow sites that don't meet these standards. Too much damage has already been done!!!

8/5/2015 - Dwight Winegar - Email

Back to Resolutions and CCVH ... With the "legalization of (Recreational) Marijuana" in all other Pacific Coast States (but not including Hawaii so far), we know there will be an attempt to do the same for California next year. However this keeps raising questions of what OUR ballot measure (or "measures") may look like. It seems that we are laying a good and solid responsible ground work with CCVH for all that lies ahead. However, as I've seen spending part of my time in Oregon, there are many questions and situations yet to be understood or resolved. We can not let the significance and hard work on accomplishments in Medical Cannabis be disregarded or trivialized without respect in the bid for "recreational legalization."

8/5/2015 - Neal Latt - Email

Dear Clerk of the Board and Humboldt County Supervisors, Below are my comments in regard to the draft ordinance prepared by California Cannabis Voice Humboldt on large-scale marijuana grows. I am also concurrently submitting my comments to the CCVH website email. I ask the Humboldt County Board of Supervisors to: [Copy of NEC Comments issued August 4, 2015] Thank you for your consideration of my comments. Respectfully, Neal Latt

8/5/2015 - Sharon Fennell - Email

I fully support Hum Bay keepers proposals. Sharon Fennell

8/7/2015 - Susan Leskiw - Email

August 5, 2015

TO: Humboldt County Board of Supervisors

RE: Humboldt County Cannabis Cultivation Compliance Initiative Draft

I have read through the legal verbiage proposed by California Cannabis Voice Humboldt (CCVH). I am very concerned about some of the language used by CCVH, as follows.

[All page numbers and sections refer to the CCVH draft initiative found on the group's website.]

PAGE 2

- Section 3, Paragraph L – Compliance with rules and regulations should NOT be "voluntary."

- Section 3, Paragraph M – Rules and regulations “MUST”--not “can”--encourage compliance with State laws. The word “can” is meaningless in a document that is intended to regulate.
- Section 3, Paragraph P – I don’t understand the meaning of “implicated” in Line 1.

#### PAGES 5-6

- Section 8, 249-3 Duties of Agricultural Commissioner – The way this is written, it seems that only ONE individual, the County Agricultural Commissioner, can do on-site inspections. Given the thousands of cannabis grows in Humboldt County, there is no way that annual inspections could be done on every site without hiring new staff. The additional cost to government should be paid for through fees charged the applicants that benefit, similar to building permits and developer fees, NOT by all taxpayers. Many grows are in such remote areas that only one site visit could be done per day. That translates to around 250 inspections per year per staff person. When there are an estimated 8,000 to 10,000 grows now – do the math as to how many people it would take to inspect grows annually, if legalization explodes the number of cannabis farms! The coordination required to schedule inspections with owners who leave in the winter non-growing season, are located in areas without cell coverage, live behind locked gates, require 4-wheel-drive vehicles to access the property, etc, is daunting. A back-of-the-envelope calculation says an inspection should cost at least \$500.
- Section 9, Consistency with General Plan – Does “shall not eliminate” mean the total banning of growing cannabis OR does it mean that grows have to be allowed EVERYWHERE in the unincorporated areas of the County?

#### PAGES 7-9

- 178.1 Area, 600 sq ft or less -- There should be NO grandfathering of existing grows. Everyone should operate under the same rules.

- 178.1 Area, 600-6,000 sq ft – Grows over 600 feet should have to be authorized by the County with a Conditional Use Permit subject to public review, not a Ministerial Permit, and have to obtain a business license. I don't like the use of "must," which forces the County to issue a permit even before the grower has obtained required permits from State agencies. Two years is too long to allow operations that violate Humboldt County Code to continue – fix the violations BEFORE issuing a permit.
- 178.1 Area, 6,000-10,000 sq ft – Same comments as for smaller grows above.
- 178.1 Area, more than 10,000 sq ft – So there is to be NO upper limit for the size of a grow on a 5-acre parcel?
- 178.1, Calculation of Area – This formula is too complicated and time dependent. It doesn't specify that the measurement should be taken when the plant canopy is at its maximum size during the growing season. All the square foot measurements in this section should be scrapped and the NUMBER OF PLANTS should determine the various categories of grows.
- State Water Quality Permits – Compliance should not be met by simply submitting documents, but by the results of their evaluation by the Regional Water Quality Control Board.
- Renewal of Provisional License – My previous comments spoke to the need to fix violations BEFORE issuing a permit; there should be NO extensions beyond the too-generous 2 years.
- Section 178.2 – Cannabis cultivation should NOT be allowed in Timber Production Zones. Cutting down trees to obtain the sunlight needed to grow cannabis is the antithesis of producing timber. Earlier in the draft initiative (Sections 70.3 and 170.1), cannabis was classified as a horticultural crop within the General Agriculture Use Type, but adding this one phrase in this section sneaks it onto TPZ lands.

PAGE 10

- Section 178.3 – Allowing cultivation within 30 feet of a boundary on a 5-acre parcel is WAY too close to neighbors. It should be a minimum of 100 feet. After all, growers have 5 acres or more within to locate a grow. If cannabis is legalized, growers will not have to hide their activities, so would be tempted to grow closer to roads and neighbors.

PAGE 11

- Section 817-5, Fee – A \$25 fee is WAY too low to charge for a license. That is what the State ABC charges for a 1-day permit to have beer at a public reception! It does not come CLOSE to covering the cost to government of evaluating license applications that include visiting remote sites.
- Section 817-6, Issuance of License – Again, I don't like the use of "SHALL issue a license" in Paragraph 1 and "SHALL be issued" in Paragraph 2, as opposed to "may." In Paragraph 4, the failure of a County officer or department to object in writing within 30 days SHOULD NOT equal approval of a license application. This brings to mind the issuance of gun permits if background checks are not completed within a certain time frame -- we all know what problems that can bring! Later in that paragraph, the APPLICANT is given extra time beyond 30 days (termed "a reasonable period of time") to satisfy the objection.

PAGE 12

- Section 817-9, Revocation of Suspension – Requiring an enforcement officer to examine the suspended operation AND report the results to a court within 5 DAYS is not realistic.
- Section 817-10, Renewal of License – Again, I don't like using "WILL" as opposed to "may."

PAGE 13

- Section 12, Exclusions and Exemptions – Cannabis should be considered an "agricultural," not a "forest," product.

The draft initiative does not propose ANY fines or sentences for growers who fail to obtain a permit. And what about growers who operate two years under a conditional permit without fixing environmental problems (e.g., grading, water source, poison use), then walk away from the mess?

In closing, I find the CCVH website characterization of pot growers as "small farmers" and their operations as "family farms" to be disingenuous, when the group's proposed initiative language places NO limit on the size of allowable cannabis grows. We also know that there are many grows in Humboldt that are commercial in scope and run by out-of-area cartels – not everyone has a Mom-and-Pop, back-to-the-land operation!

There is no reason to set different rules for current growers than for new ones. Current growers may be violating environmental laws and should not be allowed 2 years or more to continue their operations before fixing these problems. Fees need to be set to cover the true costs of setting up this new permit system and fines established to fix negative environmental impacts.

Many people complain when Washington lobbyists write legislation that furthers their particular clients. Similarly, the CCVH draft initiative is extremely self-serving, written to make it easy for current growers. The County should NOT start with the group's proposed language, but let its own staff devise an initiative that then undergoes ample opportunities for public input.

We are not talking about rules to grow corn or tomatoes. If you live in an unincorporated area of Humboldt County like I do, cannabis is NOT just another crop. It has associated nuisances of odor, crime (high-value rip-off crop), traffic, and noise that should not be foisted on rural residents who are given no recourse. Recently, two people relayed to me how they can no longer go enjoy their second homes in Redway and Salyer respectively due to large grows next door. Most people have only one home and therefore no escape from having a large grow established practically on their doorstep. Is the County prepared to reassess homes that lose value due to nearby cannabis farming?

I find it scary to think that this initiative could be put on a ballot in its current form through collecting enough signatures, rather than have rules and regulations be created through public input on verbiage originating from trained County staff.

Thank you for allowing me the opportunity to comment.

Susan Leskiw

August 10, 2015 - Robert Platt - Email

Not a single permit will be granted to any homestead not meeting current building code regulations. for example Mary Jane in petrolia wants to apply to grow cannabis. However her hippy cabin was built in 1973. she will never meet current title 21 energy codes. she will never meet any building codes relevant to 2015. your proposed ordinance is skewed to say the least. if you've been working in conjunction with the building and planning department I would assume they mentioned this to you bozos. go cut some clones for jodrey. he needs to make some more coin off the backs of the community. If and when grass is legal in California. Your proposed ordinance will have no bearing on anything. GREAT JOB !  
JAJAJAJAJA

August 12, 2015 - Dan Ehresman - EcoNews Letter

Protecting Watersheds Needs to be First Priority in Pot Ordinance

August, 2015

By Dan Ehresman

Of all the serious environmental issues we face in our region, promoting meaningful marijuana policy and action is one of the most significant local issues that we have a real chance of influencing before it gets even worse. Policy makers on the North Coast and throughout California are working to fill regulatory holes left after passage of Proposition 215 while also preparing for the anticipated legalization of recreational weed in 2016. The impacts relating to an unchecked industry that is fragmenting forests, tapping watersheds dry and expanding every year have been previously discussed in EcoNews. Current legislation will have an impact—for better or for worse—on our region's burgeoning cannabis industry.

In advance of legalization, several bills are making their way through the state legislature with the aim to put in place a functional regulatory framework for medical marijuana while supporting responsible cannabis businesses. Current frontrunners in this field are AB 243, AB 266 and SB 643. After summer recess in early August, lawmakers will have three weeks to get bills through appropriations committees and onto Governor Brown's desk by October 11 for signature or veto.

After summer recess in early August, lawmakers will have three weeks to get bills through appropriations committees and onto Governor Brown's desk by October 11 for signature or veto.



Assembly Bill 243—Indoor and Outdoor Medical Cannabis Cultivation (introduced by North Coast Assemblymember Jim Wood) would authorize local oversight of commercial cultivation and generate revenue by imposing a tax that would be directed to fund program oversight, law enforcement, environmental oversight, and habitat restoration.

Assembly Bill 266—Medical Cannabis Regulation and Licensing (introduced by Assemblymember Rob Bonta) would establish the Governor’s Office of Medical Cannabis Regulation to coordinate and provide oversight of the licensing and regulation of various commercial cannabis activities. The bill would also establish the Division of Medical Cannabis Regulation within the State Board of Equalization, to license and regulate medical cannabis operations.

Senate Bill 643—Medical Cannabis Regulation (introduced by North Coast State Senator Mike McGuire) would establish the Office of Medical Marijuana Regulation within the Bureau of Business, Consumer Services, and Housing Agency and would require the bureau office to license and regulate dispensing facilities, cultivation sites, transporters, and manufacturers of medical marijuana and medical marijuana products, subject to local ordinances.

On the regional stage, Trinity County community members have come out in force to urge their Supervisors to enforce the County’s existing marijuana cultivation guidelines to stem the expansion of large-scale grows. Meanwhile, the Humboldt County Board of Supervisors continues to defer to industry group California Cannabis Voice Humboldt (CCVH) to write their own land use ordinance guiding cultivation on rural parcels larger than five acres.

#### CCVH Ordinance—Digging deeper

On June 30, 2015, CCVH unveiled their seventh draft cannabis cultivation land use ordinance. Despite having nearly a year and six drafts to incorporate concerns from environmental advocates and other concerned members of the public, CCVH’s leadership has instead retained core components that will perpetuate irresponsible, large-scale grows at the expense of healthy rivers, forests and communities.

- All grows must be held to standards that protect North Coast streams and salmon.

Unfortunately, the CCVH draft does nothing to stop water withdrawals from streams during times when fish and downstream residents need water most. Any proposal that moves forward must ensure that operations are either connected to a stable municipal water supply or have enough water storage to meet 100 percent of the dry-season irrigation needs without withdrawing from waterways during summer months when stream flows are low. Further, any ordinance needs to make clear that cultivators cannot be reliant on water trucking—an unsustainable loophole in the existing draft.

- Conversion of forestland to commercial marijuana production must stop.

CCVH's draft gives a free pass to commercial cannabis grows on forestlands and provides a pathway for other landowners to clearcut forests—thereby fragmenting wildlife habitat—to make way for even more large-scale grows. The timber industry has done tremendous damage to our forests and watersheds for decades; clearing hillsides and building more roads will only exacerbate the problems.

- Watershed carrying capacity needs to be addressed.

CCVH's draft does nothing to address the cumulative impacts of cultivation activities within a watershed. As a whole, existing operations—including public land trespass grows and irresponsible grows on private property—are resulting in unacceptable impacts to waterways, wildlife and downstream communities. New commercial grows should not be permitted until each watershed has been assessed and all cultivation activities are in compliance with environmental regulations.

- The use of pesticides and herbicides must be prohibited.

CCVH's draft allows for use and onsite storage of pesticides. Current practices allow growers to determine what pesticides are used—a health risk for wildlife and humans alike. Pesticide use should be explicitly prohibited.

- A sustainable revenue source is needed to ensure adequate enforcement.

CCVH's land use ordinance suggests an unrealistic fee structure that would fall far short of the sum needed to run the program itself, much less to support the enforcement that will be needed to get a handle on the environmental damage from existing water diversions and sedimentation from unregulated roads and clearings.

- Support sustainable, small-scale cannabis cultivators and take a firm stand against irresponsible grows that are doing harm.

CCVH's draft allows an unlimited number of permitted grows over 10,000 square feet. The draft also allows existing grows up to 10,000 sq ft canopy size (potentially over two acres of cultivated area) to continue with no environmental impact review. Due to the high market value of marijuana, allowing operations of this size and larger would effectively be a green light for mega-grows on over 14,000 parcels throughout the county. Our watersheds are already under severe strain from past logging practices and ongoing extreme drought. If there is to be a future for our region's salmon—and a truly sustainable cannabis industry—irresponsible grows must be reined in.

August 13, 2015 - Beverly Filip - Email

To All Concerned Parties,

I am writing to say that I am in complete agreement with the North Coast Environmental Center's response to this draft ordinance. I feel that it is a no-brainer that it is far more important to protect our rapidly dwindling and polluted watersheds than to protect our local pot grower's finances. Forest land should not be converted to commercial marijuana production any more than any other agricultural crop. 10,000 square feet is NOT a small scale "mom and pop" operation and it's time we stopped pretending that it is.

How is it that we as a community are having to listen to the industry (CCVH) say how they think they should be regulated? Doesn't this strike the Board as a HUGE conflict of interest? After all the input they have already received, why has CCVH not shown us that they are interested in preserving what we have left of our natural resources? CCVH comes across as wanting to preserve their finances at the expense of our community and the environment. I find that their proposed ordinance needs so much improvement that it should be thrown out and the Board should direct CCVH to sit down with our local environmental experts and talk until an ordinance emerges that is environmentally sound.

Sincerely,

Beverly

August 14, 2015 - Levon Durr - Email

Dear Community Members,

I'm writing you concerning California Cannabis Voice Humboldt cultivation ordinance for parcels over 5 acres. I understand the need for regulation concerning the cultivation of cannabis. As a resident of Humboldt County and a small business owner that has lived here for over 18 years, I have some major concerns regarding the cultivation of cannabis on non-agriculture zoned land. I have seen the destruction first hand and support the NEC wholeheartedly in their request to enforce and discontinue environmentally destructive land use practices. The idea that the current paradigm of clear cutting, road grading, river draining, commercial size grows, (10,000sq ft.), should be allowed and allowed to continue, is not what I believe to be in the best interest of our watersheds for our communities. Our watersheds have faced decades of abuse and it is our responsibility to find ways to have a healthy environment and economy without destroying our natural resources in the process.

The imminent legalization of cannabis offers us a chance as a community to bring cannabis out from behind five locked gates and off illegally graded mountaintops, down to agriculture lands, where the water table is high and the soil can be farmed in a sustainable manner. Let's embrace Humboldt County's legacy of entrepreneurship without continuing the loss of species habitat and destruction that has plagued our community in the past.

Thank you for your time,  
Levon Durr

August 14, 2015 - Meg Harper - Email

Dear Supervisors and CCVH,

While I believe regulation is a critical next step in the healthy development of the industry, I have very strong concerns about the draft cannabis cultivation ordinance proposed by California Cannabis Voice Humboldt.

In particular, I believe an inclusive public process should be used to determine appropriate regulation. This public process must incorporate voices interested in the conservation of our valuable forest land and threatened watersheds.

Further, in my understanding of the proposed ordinance, the size of operations proposed are much more suited to lands already zoned as agricultural rather than timber lands and rural parcels often requiring steep grading, clear cuts, and unpermitted water diversions. Operations of this size should not be permitted in our forested lands.

Additionally, I would ask that the County enforce existing regulations now and ensure that all farmers/growers are treated equally in any future regulation. Farmers with poor land management practices should not be "grandfathered in" under any circumstances.

Thank you for your time and consideration.

August 14, 2015 - Harriet Hill - Email

August 14, 2015

Kathy Hayes, Clerk of the Board  
Humboldt County Board of Supervisors

Dear Board of Supervisors:

Below are my comments on the current California Cannabis Voice Humboldt (CCVH) draft cannabis cultivation ordinance for parcels over 5 acres.

I have many concerns with this ordinance. I think that if it is passed, our county will continue to be subject to the declining health of its watersheds, deterioration of salmonid and other wildlife habitat, and fragmentation of forestland that is now being exacerbated by the largely unregulated cannabis growing industry in Northern California. Such impacts have been recently documented in the scientific literature by Carah et al. 2015, Bauer et al. 2015 and others.

Any such ordinance should:

Require that adequate water storage be provided and summer pumping prohibited to protect salmonid habitat and downstream residential users. Cannabis is estimated to use almost twice the water (6 gallons per day/plant; Bauer et al. 2015) as wine grapes. Surface water diversions for cannabis cultivation have been shown to significantly reduce or eliminate low stream flows in the summer, and therefore threaten the survival of rare and endangered salmon, amphibians and other animals. Trucking in water to maintain cannabis crops also should be expressly prohibited in the ordinance since such supplies may become unsustainable.

Not allow the grandfathering in of existing growers operations while imposing tougher guidelines for new cultivators. All growers must be subject to the same standards and meet state and local environmental laws.

Establish a less excessive upper limit for the maximum cultivation area allowed per parcel. CCVH's proposal to allow grows of 10,000 square feet and more on many rural parcels would continue the environmental devastation. Carah et al. states, "Marijuana plantations, even if relatively small in area, can have a disproportionately large impact on water resources and flow" due to the extremely low summer flow rates of our streams. This makes it important to also address the cumulative impacts of existing cannabis grows on each watershed before permitting new commercial grows.

Only allow commercial cannabis operations on agricultural land and on land specifically identified as appropriate for cannabis production rather than allowing the conversion of intact forestland into cannabis fields.

Discourage pesticide, rodenticide, fungicide and herbicide use, as well as the excessive use of fertilizers on and around cannabis cultivation operations.

Adopt a cannabis cultivation ordinance only through the standard public process with input from county departments, state agencies and the public as a whole. Also it should provide for a sustainable revenue source to support adequate enforcement of the ordinance.

Thanks very much for your consideration.

Harriet Hill

References Cited:

Bauer et al.:

<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0120016>

Carah et al.:

<http://bioscience.oxfordjournals.org/content/65/8/822>

c: CCVH

August 14, 2015 - Amy Gustin - Email

Message: I wanted to make sure you saw my opinion piece in the NCJ. I would appreciate it if you amended your ordinance to reflect these issues. You need to drastically scale back the size and number of grows that would receive permits, to be anything close to sustainable. Even 2000 square feet has a large impact when it is in the forest, and there are thousands of them.

RE: article

"Cannabis Crossroads"

<http://www.northcoastjournal.com/humboldt/cannabis-crossroads/Content?oid=3186348>

(To view the article, please click the above link.)

August 15, 2015 - Richard Bayne - Website

10, 000 square feet is less than half an acre, actually about a quarter acre. Many people have fruit orchards or grapes on their rural parcels much larger. There should be limits that are designed to block out large corporet grows and help the many mom and pops or family farms that are currently supporting rural families on even residential parcels... On TPZ lands set limits on clear cutting and toxic chemical use. Most of the grows are on steep mountains with watersheds that provide drinking water for communities. Set the limit for all grows to less than one acre of cultivated land. CCVH really needs to support the local families that are literally surviving on 30-120 plants in their back yards. These are the majority of the small family farms that have created the local economy. Unfortunately, under the present CCVH proposal, these farms would vanish and large, aggressive cannabis farms would dominate. Most of these small backyard grows are relatively environmentally responsible, whereas the big clear cut TPZ grows obviously are not.

The drought is not caused by cannabis farming. The toxic algae blooms are not caused by pot farming. Most of the water from the Trinity River is stolen by San Jaquen valley farmers. That's the primary cause. We live here. This is our water first!

Support responsible use of water by encouraging winter storage for late summer use and a responsible and fair permitting process.

Allow cannabis production on residential parcels. Definitely do not limit it to agricultural land.

August 17, 2015 - Bonnie Blackberry - Email

RE: Input on medical marijuana ordinance

I am a long time resident and land owner in southern Humboldt County who came here during the back to the land movement, before the marijuana gold rush. I have observed and experienced the impacts of more and more, bigger and bigger marijuana grows in my neighborhood, watershed and general area on parcels located in the Wildland-Urban Interface (WUI).

For me it abundantly clear that there are multiple impacts from marijuana grows other than water consumption and use of pesticides and waste discharges. The increased traffic on roadways, barking dogs and loud music, constant day and night generator noise, with green houses glowing throughout the night, all have negative impacts on the environment and neighborhood. The bigger the grow, the greater the impacts.

The following two items have negative environmental impacts which need to be addressed in the Humboldt County outdoor medical marijuana ordinance:



1. Noise Pollution: Noise from generators, pumps, fans, etc is a common nuisance associated with marijuana grows, the bigger the grow the more noise pollution. Generators are commonly used for grow lights, pumps, fans and processing machines , as well as providing for the electrical needs of the growers and workers. This noise is a nuisance for humans and wildlife. Human and wildlife neighbors are sick and tired of listening to marijuana growers running their generators etc day and night, night and day, rain or shine. Wildlife can't go indoors and close all the doors and windows in an attempt to shut out the noise. Occasional noise is expected, but constant, continuing noise doesn't belong in the Wildland-Urban Interface. Recommend: All noise from generators, pumps, fans, etc needs to be mitigated so that wildlife and human neighbors don't hear it.

2. Light pollution: Light pollution from night time glowing greenhouses is a growing problem. These glowing green houses, with grow lights (mostly powered by generators) have a negative impact on wildlife as well as being an eyesore for people living in the watershed. Recommend: All glowing greenhouses be required to be covered, blocking light during the night, from sunset to sunrise.

Let's move forward in a way which addresses all the negative impacts to the environment, the wildlife, and human neighbors. In town, bright lights and noise from life in the city is expected, but out "in the hills" aka Wildland-Urban Interface, more quiet and more consideration and appreciation for the natural environment is expected and necessary if we intend to preserve Humboldt's rural character.

Respectfully submitted,

Bonnie Blackberry

August 20, 2015 - Kali Rae -Website

Thank you for working so hard to better our community. These are my concerns:

This ordinance is written to address cannabis cultivation, and most cannabis cultivation currently is focused on producing dried female flowers. This is not the only product people cultivate cannabis for, however. There needs to be language developed so that it is understood not all cannabis is being cultivated for dried female flowers. Topicals, concentrates, spagyrics, essences, bioremediation, culinary, crafted wares, — as well as seed production, breeding, and research programs — need to be recognized with specific language so the unique needs of those growing with “alternative” purposes can be addressed.

For example, I make whole plant medicine. This means I am growing for root, stem, flower and seed, of both male and female plants. The strategies and agricultural practices I use are very VERY different then those used to produce large amounts of female flowers. There needs to be away where the environmental impact is assessed and addressed based not just on canopy size, but where the specific issues of the land parcel are taken into account.

I also would like to second Justin B’s comment.

“...negative impacts on watersheds caused by a century of Logging, Ranching and poorly designed and maintained roads..... [cannabis taxes] will not generate enough money to repair the environment and save the fish unless a post tax on a century of resource extraction shall be charged to the timber industry, collected and used to repair environmental damage.”

I felt that was worth repeating. It is a huge error of this community to become so concerned about the environmental impact of cannabis when the Timber industry has NEVER been held accountable, and committed crimes against the environment, our residents, and left us destitute once the resources were not as profitable. As I understand, the Timber industry had good players and bad players just like the Cannabis industry, and the good players didn’t win. Looking at why and how that happened may be helpful for us in our efforts to “be on the right side of history”  
Thank you.

August 20, 2015 - Joel Aigner - Website

Friday September 4th:

We will respond to: “Prohibit pesticide use: The County should explicitly prohibit pesticide, rodenticide, fungicide and herbicide use on and around cannabis cultivation operations.”

Really? That’s quite a blanket statement that leaves one wondering what planet this gentleman might be from.

Name one agricultural operator that doesn’t use pesticides in one form or another. Such a suggestion is simply silly. Define what’s acceptable? Yes. Hold operators accountable? Yes. Tie their hands behind their backs based on a fear based assumption that is entirely unreasonable? No.

Other points of contention include:

“Require compliance with all local and state environmental laws prior to issuance of business license and/or other certification: The County needs to close the loophole in CCVH’s draft ordinance that would allow growers to skirt environmental laws for two years or more.”

Moving from black to grey to white markets is a “process” and not an “event” and to require total compliance on day one is frankly an expectation doomed to be nothing but a failure for all parties involved.

Regulators will see their duties far exceed their bandwidths, no one will be allowed to remain in operation and the patients will suffer due to lack of medicine, plus it completely disincentivizes EVERYONE from trying to comply as it will be close to impossible for most, thereby continuing to encourage the black/grey market.

Also, to achieve meaningful compliance is not cheap, there is always a cost associated with it, whether it retrofitting a facility, training staff, digging wells or installing other water storage systems and often require both access to financing and/or lead time on production/build outs.

Frankly this individual seems extremely short sighted, antagonistic and the attitude may prove to be less than productive.

August 21, 2015 - Chrystal - Website

Thank you. Your hard work and dedication is not unnoticed. This is the most environmentally and socially sound piece of legislation that has ever been made regarding cannabis. A true example of democracy. Thank you, you are all a treasure to our community.

#### Excise Tax Initiative Comments

7/10/2015 - Jason - Website

I still am perplexed as to why anyone would want to pay a tax on canopy size. What is the purpose? Why would I not just continue to pay taxes on my income? I have been honest with the IRS regarding my income all along and have paid the appropriate taxes. Actually, I paid excessive taxes due to not being able to properly deduct expenses related to the grows/income. Why are the excessive taxes needed? Tax, tax, tax. I'm shocked and actually heart broken at what you are trying to do here. Despicable. What other normalized business has such layers of taxation? Do tell. We aren't legitimising anything, simply taxing it.

7/15/2015 - Ronzo - Website

I would like to see the revenue from taxing cannabis cultivation in Humboldt County provide funds for drug rehabilitation of those that are affected by addiction of any substance. Just maybe we can stop the affliction that has been put upon the entire county of Humboldt by those that are homeless and addicted to drugs.

7/21/2015 - Daws - Website

The wording for establishing canopy size seems screwy and problematic, for clarification and consistency please adopt the same wording and methodology used in your Cultivation Compliance Initiative, i.e.  $(\text{diameter of plant squared}) \times (\pi/4)$ . I also recommend further tiers of taxation such as \$5 per sq. ft on canopies over 10,000 sq. ft. This would have the benefit of added revenue, but more importantly of discouraging "mega-grows" and of protecting smaller farmers against lowered prices.

7/27/2015 - C'mon Man - Website

So now we are going to have a North Coast Regional Water Board fee of possibly \$10,000 a California Board of Equalization fee of \$50 a plant, a Humboldt County tax of a \$1 a sq/ft of an area used, not the actual plant canopy? God only knows what other agencies are going to add a tax on? So way to tax the small farmers right out of the industry. We are looking at anywhere from \$30,000-\$75,000 in taxes and permit fees each year. Talk about creating a system that caters to giant/ corporate farms and will keep the black market going. Atleast Colorado charges a one time \$25,000 license fee, not a yearly \$25,000-\$75,000 stick it in your ass fee. Typical California. You are going to regulate and tax everything so much, the California farms won't be able to compete, as our prices will have to be higher than all other legal states just to pay all these taxes and fees. It was a good try to get the county some revenue, but now that all these state agencies are piling on, we are screwed. Back to the drawing board CCVH. This doesn't fly anymore. Good try.

8/04/2015 - Bud Green - Website

~~BASIC COMMENTS: EVEN AT THE STATE LEVEL, THERE'S WIDE DISAGREEMENT ABOUT HOW TO IMPLEMENT SALES AND/OR EXCISE TAXES UPON CANNABIS PRODUCTION, AND WHETHER MEDICAL CANNABIS WILL BE TAXED AT A DIFFERENT RATE WHEN ADULT-USE LEGALIZATION ROLLS AROUND. THERE'S MORE THAN ONE WAY TO CRAFT A LOCAL TAX, AND CARE MUST BE TAKEN TO OBSERVE HOW OTHER STATE TAXES WILL BE APPLIED. IN THAT LIGHT, PAYING ATTENTION TO AB 243, SB 643 AND AB 266 AND THEIR ASSORTED TAX PROVISIONS IS USEFUL. FOR EXAMPLE, THE PER-PLANT FEE UNDER AB 243 MAY BE AMENDED TO A WEIGHT-BASED TAX POST-HARVEST. THAT'S MORE IN KEEPING WITH VALUE-BASED EXCISE TAXES, WHEREAS THERE'S NO REAL PRECEDENT FOR TAXATION BASED ON "CANOPY" OR CULTIVATION AREA. WITH THAT SAID, THERE IS SOME PRECEDENT FOR FEE-BASED PROGRAMS TO COVER THE REASONABLE COSTS OF ADMINISTRATION, E.G., THE PARCEL-SIZED FEES PROPOSED FOR PROPERTY INSPECTIONS UNDER THE NEW NORTH COAST WATER REGS. ALSO, YOU NEED TO DESIGNATE HOW THE TAXES AND FEES COLLECTED WILL BE DISBURSED, EITHER INTO THE COUNTY GENERAL FUND OR INTO A SPECIAL FUND SET UP FOR ENFORCEMENT AND ADMINISTRATION. YOU CAN DESIGNATE THE TAXES FOR OTHER PURPOSES, TOO, BUT THE POINT IS YOU HAVE TO DEMONSTRATE A NEXUS BETWEEN THE COLLECTION OF THE TAX AND ITS INTENDED PURPOSE(S). BREAKDOWN: PAGE 2, LINE 18: I'D ADD THE WORD "COMMERCIAL" FOR CLARITY. DISTINGUISHING BETWEEN PERSONAL AND COMMERCIAL CULTIVATION WILL BE IMPORTANT AT BOTH THE STATE AND LOCAL LEVEL. TAKE NOTE OF SB 643'S BROADER LANGUAGE AUTHORIZING TAXES ON "THE PRIVILEGE OF CULTIVATING, DISPENSING, PRODUCING, PROCESSING, PREPARING, STORING, PROVIDING, DONATING, SELLING, OR DISTRIBUTING MARIJUANA." AB 243: CULTIVATOR PAYS TAX AND ALSO FEES TO COVER COSTS OF INSPECTIONS. AB 266: "IT IS THE INTENT OF THE LEGISLATURE TO GRANT AUTHORITY TO THE BOARD OF SUPERVISORS OF A COUNTY TO IMPOSE APPROPRIATE TAXES ON FACILITIES LICENSED PURSUANT TO THIS CHAPTER." (FACILITIES/LICENSEES VS. ACTIVITIES) 2:21 -- CHANGE "CANOPY" TO "DEFINED CULTIVATION AREA." 2:30 -- DELETE "GROW AREA" DEFINITION. 3:7 -- CHANGE TO HUMBOLDT COUNTY TREASURER-TAX COLLECTOR. 3:14 -- THE EXEMPTION FOR PERSONAL USE IS CRITICALLY IMPORTANT AND BOUND TO BE CONTROVERSIAL. THIS LANGUAGE IS TOO VAGUE. SEVERAL APPROACHES IN THE STATE BILLS: AB 243: THIS SECTION DOES NOT APPLY TO A QUALIFIED PATIENT CULTIVATING MARIJUANA PURSUANT TO SECTION 11362.5 IF HE OR SHE CULTIVATES MARIJUANA FOR HIS OR HER PERSONAL MEDICAL USE AND DOES NOT SELL, DISTRIBUTE, DONATE, OR PROVIDE MARIJUANA TO ANY OTHER PERSON OR ENTITY. THIS SECTION DOES NOT APPLY TO A PRIMARY CAREGIVER CULTIVATING MARIJUANA PURSUANT TO SECTION 11362.5 IF HE OR SHE CULTIVATES MARIJUANA EXCLUSIVELY FOR THE PERSONAL MEDICAL USE OF NO MORE THAN FIVE SPECIFIED QUALIFIED PATIENTS FOR WHOM HE OR SHE IS THE PRIMARY CAREGIVER WITHIN THE MEANING OF SECTION 11362.7 AND WHO DOES NOT RECEIVE REMUNERATION FOR THESE ACTIVITIES, EXCEPT FOR COMPENSATION PROVIDED IN FULL COMPLIANCE WITH SUBDIVISION (c) OF SECTION 11362.765. THIS~~

~~SECTION DOES NOT PRECLUDE A COUNTY, CITY, OR CITY AND COUNTY FROM REGULATING OR BANNING THE CULTIVATION, POSSESSION, STORAGE, MANUFACTURE, TRANSPORT, PROVISION, DISTRIBUTION, DONATION, OR SALE OF MARIJUANA, OR ANY OTHER ACTIVITY, BY A PERSON SPECIFIED IN THIS SUBDIVISION, OR IMPAIR THE ENFORCEMENT OF THE SAME. **SB 643:** NOTHING IN THIS ACT SHALL HAVE A DIMINISHING EFFECT ON THE RIGHTS AND PROTECTIONS GRANTED TO A PATIENT OR PRIMARY CAREGIVER PURSUANT TO THE COMPASSIONATE USE ACT OF 1996. AND THE FOLLOWING PERSONS ARE EXEMPT FROM THE REQUIREMENT OF LICENSURE UNDER THIS PART: (A) A PATIENT WHO CULTIVATES, POSSESSES, STORES, MANUFACTURES, OR TRANSPORTS MARIJUANA EXCLUSIVELY FOR HIS OR HER PERSONAL MEDICAL USE AND WHO DOES NOT SELL, DISTRIBUTE, DONATE, OR PROVIDE MARIJUANA TO ANY OTHER PERSON OR ENTITY. (B) A PRIMARY CAREGIVER WHO CULTIVATES, POSSESSES, STORES, MANUFACTURES, TRANSPORTS, OR PROVIDES MARIJUANA EXCLUSIVELY FOR THE PERSONAL MEDICAL PURPOSES TO NO MORE THAN FIVE SPECIFIED QUALIFIED PATIENTS FOR WHOM HE OR SHE IS THE PRIMARY CAREGIVER WITHIN THE MEANING OF SECTION 11362.7 OF THE HEALTH AND SAFETY CODE AND WHO DOES NOT RECEIVE REMUNERATION FOR THESE ACTIVITIES, EXCEPT FOR COMPENSATION IN FULL COMPLIANCE WITH SUBDIVISION (C) OF SECTION 11362.765 OF THE HEALTH AND SAFETY CODE. NOTHING IN THIS SECTION SHALL PERMIT PRIMARY CAREGIVERS TO ORGANIZE THEMSELVES AS COOPERATIVES OR COLLECTIVES OF CAREGIVERS. **AB 266:** 19316. (A) THIS CHAPTER SHALL NOT APPLY TO, AND SHALL HAVE NO DIMINISHING EFFECT ON THE PROTECTIONS GRANTED TO, A PATIENT OR A PRIMARY CAREGIVER PURSUANT TO THE COMPASSIONATE USE ACT OF 1996. (B) (1) A QUALIFIED PATIENT WHO CULTIVATES, POSSESSES, STORES, MANUFACTURES, OR TRANSPORTS CANNABIS EXCLUSIVELY FOR HIS OR HER PERSONAL MEDICAL USE BUT WHO DOES NOT PROVIDE, DONATE, SELL, OR DISTRIBUTE CANNABIS TO ANY OTHER PERSON IS NOT, THEREBY, ENGAGED IN COMMERCIAL CANNABIS ACTIVITY AND IS, THEREFORE, EXEMPT FROM THE LICENSURE REQUIREMENTS OF THIS CHAPTER. (2) A PRIMARY CAREGIVER WHO CULTIVATES, POSSESSES, STORES, MANUFACTURES, TRANSPORTS, DONATES, OR PROVIDES CANNABIS EXCLUSIVELY FOR THE PERSONAL MEDICAL PURPOSES OF NO MORE THAN FIVE SPECIFIED QUALIFIED PATIENTS FOR WHOM HE OR SHE IS THE PRIMARY CAREGIVER WITHIN THE MEANING OF SECTION 11362.7 OF THE HEALTH AND SAFETY CODE BUT WHO DOES NOT RECEIVE REMUNERATION FOR THESE ACTIVITIES EXCEPT FOR COMPENSATION IN FULL COMPLIANCE WITH SUBDIVISION (C) OF SECTION 11362.765 OF THE HEALTH AND SAFETY CODE IS NOT ENGAGED IN COMMERCIAL CANNABIS ACTIVITY AND IS, THEREFORE, EXEMPT FROM THE LICENSURE REQUIREMENTS OF THIS CHAPTER. 3:18 NO PATIENT SHOULD HAVE TO FILE FOR AN EXEMPTION. THE USE OF PLANT COUNTS AND/OR DEFINED CULTIVATION AREAS SHOULD BE USED TO HELP DISTINGUISH SMALL-SCALE PERSONAL CULTIVATION FROM COMMERCIAL CULTIVATION. THINK "BRIGHT LINE" RULES OF ENFORCEMENT. 3:28 AS WRITTEN, THIS IMPOSES A TAX ONLY ON CANNABIS CULTIVATION (**AB 243**) BUT A WIDE RANGE OF CANNABIS ACTIVITIES IS COVERED HIGHER UP IN THE~~

~~INITIATIVE INCLUDING PROCESSING AND DISTRIBUTION. A SUPPLY-SIDE FOCUS ON CULTIVATORS ONLY MAY BE EASIER TO DIGEST AND ENFORCE LOCALLY, WHEREAS THE NEW STATE RULES MAY HELP PROVIDE GUIDANCE ON PROCESSING AND DISTRIBUTION. 3:31 NOT A FAN OF TAXES BASED ON PARCEL SIZE OR DEFINED CULTIVATION AREAS. WEIGHT-BASED TAXES, OR SIMPLER FEE-BASED PROGRAMS THAT SKIP TAXES ENTIRELY, SHOULD BE CONSIDERED. THE WINE INDUSTRY PROVIDES ONE TEMPLATE TO FOLLOW. 4:4 TREASURER-TAX COLLECTOR. DROP THE REBUTTABLE PRESUMPTION. THAT'S LIKE HOBBLING FOLKS WITH "LIMITED IMMUNITY," EXCEPT HERE YOU'RE GUILTY OF OWING THE TAX UNTIL PROVEN INNOCENT. 4:14 THE PHRASE "RETURN" IMPLIES THAT THE TAX COLLECTOR WILL PROVIDE A FORM AND PROCEDURE FOR PAYMENT. DON'T IMPLY THAT; SPELL IT OUT. 4:35 ADD THE KEY PHRASE "PER ANNUM." FIFTEEN PERCENT SEEMS EXCESSIVE; TRY "10 PERCENT PER ANNUM." 5:29-6:4 STRONGER APPEAL PROCEDURES ARE NEEDED. MORE ON THIS BELOW. 6:14 CERTIFIED MAIL, NOT "REGULAR"; FIVE CALENDAR DAYS. 6:40 VOIDABLE BY THE COUNTY OR THE PAYOR AT ANY TIME. 6:41-7:11 DELETE THE ONEROUS AUDIT PROVISIONS. LET THE STATE TAKE THE LEAD ON TAX COMPLIANCE. IF YOU WANT, MAKE NOTE OF THE TAX COLLECTOR'S INHERENT AUTHORITY TO COOPERATE WITH FTB/BOE. 7:22-27 DELETE "GOOD FAITH" EXEMPTION, WHICH ONLY INVITES "THE DOG ATE MY TAXES" TROUBLE. MAYBE ADD A GOOD-FAITH PROVISION THAT THE TAX COLLECTOR SHALL PROMINENTLY DISPLAY TAX REQUIREMENTS ON THE COUNTY WEBSITE AND ALSO PUBLISH THEM AT LEAST ANNUALLY IN A NEWSPAPER OF GENERAL CIRCULATION. 7:28-8:7 DELETE RECORDS PROVISION, OR MODIFY TO STATE SIMPLY THAT COMMERCIAL CULTIVATORS ARE REQUIRED TO COMPLY WITH ALL RELEVANT STATE AND LOCAL STATUTES PERTAINING TO FINANCIAL RECORDS AND REPORTING. AIN'T NOBODY GOING TO COUGH UP THEIR BOOKS FOR THE COUNTY, NOR SHOULD THEY. 9:12-35 APPEALS SHOULD NOT BE HEARD BY THE COUNTY ADMINISTRATOR OR SOME LOWER-LEVEL STAFFER. THE HEARING SHOULD TAKE THE FORM OF AN ADVERSARIAL, QUASI-JUDICIAL HEARING HELD ACCORDING TO THE PROCEDURES AND PROTECTIONS OF THE ADMINISTRATIVE PROCEDURES ACT (APA), WHICH INCLUDE THE PROVISION OF A NEUTRAL HEARING OFFICER OR BODY WITH AT LEAST SOME LEVEL OF LEGAL TRAINING. REFER TO [HTTP://WWW.CACITIES.ORG/RESOURCES-DOCUMENTS/MEMBER-ENGAGEMENT/PROFESSIONAL-DEPARTMENTS/CITY-ATTORNEYS/LIBRARY/2013/2013-ANNUAL-CONFERENCE-CITY-ATTORNEYS-TRACK/9-2013-ANNUNAL-ADAM-U-LINDGREN-COMMON-ISSUES-IN-QU](http://www.cacities.org/resources/documents/member-engagement/professional-departments/city-attorneys/library/2013/2013-annual-conference-city-attorneys-track/9-2013-annual-adam-u-lindgren-common-issues-in-qu)~~