

From: [Jacob Johnson](#)
To: [commentletters](#)
Subject: comments for statewide Water Board Order
Date: Wednesday, September 6, 2017 12:05:50 PM



I am writing to submit public comment regarding the draft of the proposed statewide commercial cannabis cultivation order. I am a cottage farmer in Trinity County and already enrolled and have a WDID under the North Coast Region's R1-2015-0023 Order. Thank you for the opportunity to comment.

The North Coast region and our watersheds have been most heavily impacted by unregulated cultivation, and it is most important that regulations for our region reflect the unique needs of the area geographically and demographically in order to achieve the goal of reducing environmental impacts of cannabis cultivation.

I am strongly opposed to the increases in setback distances from surface water and in the reduction of slope allowance from 35% to 25%, as well as the removal of the 5-year window provided by the North Coast Order, which is I believe absolutely critical in granting farmers entry and a reasonable amount of time to be able to remediate an entire property. We live in a water-prolific river valley and much of the agricultural land in our region is nearby to and relies on surface water or shallow groundwater wells. The requirements for set back distances and forbearance are severe and would block many North Coast farmers from being able to participate in the order at all without extreme financial hardship that would create a certain barrier to entry for the smallest of farmers in particular, and derail the entire intent of the Order to mitigate the environmental impacts on our watersheds. I implore you to please consider not putting such a high wall in front of the responsible farmers who are voluntarily complying that they cannot make it through.

I believe the proposed regulations would only work for the largest of farms, those cultivating Type 3 licenses only. Those of us with Type 1 licenses, and I believe also many with Type 2, will suffer greatly from these proposed changes or will not be able to participate in the program at all due to exorbitant costs or inability to move their garden site to the new required setback distances. I believe these requirements are severe and excessive, and I don't believe these requirements are necessary in order for a small farm such as a cottage Type 1c farm to be able to demonstrate no negative environmental impacts. The Best Management Practices and regulations of the North Coast Region's Order are excellently written, were thoroughly developed, and work for small farmers in our region. We should be able to remain under the North Coast Order, for at least 5 years as we were originally granted, or we should be grandfathered into the statewide order but only be required to comply with the distances and other further requirements of the North Coast Order. Furthermore, the statewide order should be changed to reflect the North Coast Order for the setback distances and slope requirements, particularly for smaller farmers located in the North Coast Region and who had already been enrolled with our North Coast Regional Order. The North Coast Region's Order has completed a CEQA state environmental review, demonstrating that the Order is achieving its intended goal of mitigating negative environmental impacts, and in fact, when BMPs of the North Coast Order are followed, a small farm can certainly demonstrate that it is a model of positive environmental impact. What the state needs to focus its most heavy regulation on is the very large and new Type 3 cultivation activities that will begin after 2018. The North Coast Region's Order better reflects the needs of both our watershed and our farmers. With too many barriers, there cannot be enough participation from small farmers to truly mitigate environmental impacts in our region.

I propose that the smallest of farmers, Type 1C cottage 25 outdoor licensed farmers be exempt from the majority of this proposed new order. Or that you change it to be more like the North Coast Regional Order. At the minimum current enrollees in the North Coast Order should be allowed to continue operating under our Regional order for the 5 years duration that our regional Order was intended.

Finally, I would also highly recommend that both the North Coast Order and the statewide Order be changed to allow food for personal consumption being cultivated on the same property should NOT be considered part of the total cultivation area for which we have to pay fees. It is highly punitive to have to pay fees to grow your own food not for commercial purposes. And, please make sure that the Order paperwork can be completed in its entirety by the farmer himself without the need to hire specialized individuals to complete our paperwork.

In its current form, the proposed regulations will eliminate most of us from participating due to setback distance

requirements, increased slope requirements, forbearance requirements, requirement to hire specialized or certified individuals to complete enrollment paperwork, and extremely high costs. It is imperative that it be changed.

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Sincerely,
Jacob Johnson