



From: [Karla Avila](#)
To: [commentletters](#)
Subject: comments for proposed new statewide Cannabis Cultivation General Order
Date: Wednesday, September 6, 2017 11:48:52 AM

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, I believe it is imperative to the success of the Order and the mission to mitigate environmental impacts on watersheds for comments from participating farmers to be heard and seriously considered.

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.

There are several factors that will make the proposed regulations a significantly detrimental barrier to entry for the vast majority of our region's small farmers, especially the smallest commercial farmers Type 1 and particularly Specialty Cottage 1c who cultivate only 25 plants per year, and utilize less water for irrigation than most rural households do for basic domestic uses. Typically well under 100,000 gallons per year, often more in the range of 25,000-70,000 gallons annually are utilized by a Type 1c farm. Why is there also no consideration for the fact that these small farms utilize a very small amount of external inputs that have the potential to runoff as compared to large farms. A cottage farmer operating under the BMPs of the current North Coast Regional Order can demonstrate that they utilize less water and less fertilizers/nutrients or external inputs than most rural households use for domestic purposes alone, and in an amount that is so minuscule it is questionable whether or not they should be required to pay fees at all, much less be required to follow the same level of regulatory requirements as a large commercial operation. These farmers cannot generate enough revenue to even begin to cover the new required expenses that could be involved unnecessarily in the new statewide Order, regardless of garden size or amount of externally sourced inputs, including requiring highly specialized individuals in order to complete one's paperwork and Resource Protection Plans, requiring a certified engineer's sign-off on grades over 25%, and the sudden changes/increases in setback distance requirements from surface waters and wetlands when compared with the North Coast Region's Order, even when we can demonstrate that we are meeting all of the requirements and Best Management practices of our order, which is CEQA completed, and we can demonstrate that we are creating zero run-off, discharge and zero negative environmental impacts; in many cases, we are reversing negative impacts and creating circumstances and conditions for optimal environmental conditions and even beneficial impacts compared to baseline. The CEQA has already been completed on our North Coast Order, and we should continue with our own regional order for at minimum its intended 5 year duration. I am also greatly alarmed by the requirement for complete forbearance from surface water diversions without any timeframe given for completion of compliance, such as the 5 years given by our North Coast Region's Order that allows farmers an appropriate amount of time to remediate any issues and come into full compliance without undue financial hardship that would result in many small farmers no longer being able to participate at all.

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. Since enrollment in 2016, it has cost us \$35,000 thus far in costs for compliance with our current order, including basic fees, supplies such as drip irrigation systems, mulch, engineered plans for rainwater catchment systems, and large water storage. 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, 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. We are soil scientists, we are the stewards of our land, we are environmentalists and we are passionate about protecting our watersheds. We want this Order to work. Please make sure it works for us. 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.

Thank you again for the opportunity to comment.

Sincerely,
Karla Avila

Karla Avila is a fourth generation homesteader and organic farmer in Trinity County. Her 3-acre family farm has served as a model of sustainable, integrative small-scale farming and restorative agriculture, soil health practices, permaculture and water conservation methods. Current research and lecture topics focus on water conservation methods including rainwater harvesting earthworks and catchment systems requiring zero energy or electricity, integrating biodynamic and permaculture practices into cannabis cultivation, and helping set environmental standards and best management guidelines for achieving true sustainability on a small scale by utilizing only resources and fertility inputs that come from the land itself and treat the farm as one interconnected living organism. Karla studied biology at Yale College.