

# California Department of Food and Agriculture

## Medical Cannabis Cultivation Program

### Scoping Report

*Prepared for:*

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



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

*Prepared by:*

Horizon Water and Environment, LLC  
180 Grand Avenue, Suite 1405  
Oakland, CA 94612

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**Acronyms and Abbreviations**

Act	Medical Cannabis Regulation and Safety Act
CDFA	California Department of Food and Agriculture
CEQA	California Environmental Quality Act
EIR	environmental impact report
GHG	greenhouse gas
NOA	notice of availability
NOP	notice of preparation
PEIR	program environmental impact report
MCCP	Medical Cannabis Cultivation Program (also Program, Proposed Program)

# EXECUTIVE SUMMARY

## Overview

This Scoping Report summarizes the comments and questions raised during the public scoping period for the preparation of a program environmental impact report (PEIR) by the California Department of Food and Agriculture (CDFA) for the Medical Cannabis Cultivation Program (MCCP, Program, or Proposed Program). The scoping period during which interested parties were invited to comment on the environmental issues and concerns regarding the Program began on September 1, 2016, and ended on September 30, 2016.

This Scoping Report includes:

- a summary of the public scoping process,
- a summary of key issues identified during the scoping period, and
- a description of future steps to be taken in the rulemaking and environmental review process.

## Summary of the Scoping Process

A Notice of Preparation (NOP) was distributed inviting the public to offer comments during the 30-day scoping period. A total of 321 written comments were received.

In addition, eight public workshops were held throughout California. The public was notified of these workshops through CDFA's listserv, publication of notices in nine newspapers throughout the state, and other means. Approximately 968 individuals attended the scoping workshops. The workshops included a number of topical stations, with staff available to engage in discussion and answer questions. Ancillary materials were provided, and a court reporter was available to receive comments. Forty-seven oral comments were provided at the workshops.

## Summary of Comments Received

Comments were generally sorted into one of three categories based on their relevance to (1) the proposed Program regulations, (2) the Program's Program Environmental Impact Report (the PEIR), or (3) issues outside of the scope of the PEIR. The following text provides a summary of the comments. Chapter 3 of this Scoping Report provides additional details on the comments received.

## Comments on the Proposed Program Regulation

As part of the scoping process, CDFA requested feedback on seven goals to inform development of the Program regulations. The seven regulatory goals were as follows:

- **Regulatory Goal 1:** Define Terms Used in Cannabis Cultivation.
- **Regulatory Goal 2:** Define the Application Process and Requirements for Licensing.
- **Regulatory Goal 3:** Identify the Cultivator License Types by Light Source and Site Size; Clarify Allowable License Combinations; Outline Renewal Process and Set Licensing Fees.
- **Regulatory Goal 4:** Specify Requirements to Mitigate Environmental Health and Public Safety Issues.
- **Regulatory Goal 5:** Outline Cultivator Responsibilities for Compliance Inspection.
- **Regulatory Goal 6:** Specify Track and Trace Requirements.
- **Regulatory Goal 7:** State License Violations and Appropriate Penalties.

Responses to these goals and additional comments related to the regulations are summarized below. The comment subcategories related to CDFA's Proposed Program regulations included regulatory goal responses (Regulatory Goals Nos. 1 through 7), license types sought, type 3 limits, nurseries, inspections and records, track and trace, and other.

- Responses to **Regulatory Goal 1** provided definitions for cannabis cultivation terms (canopy, flowering, immature, mixed-light cultivation, premises, and propagation).
- Responses to **Regulatory Goal 2** indicate a preference for online cultivation license applications (but also the availability of paper applications); not banning weapons or firearms at cultivation sites; and, generally, plans to apply for three or fewer licenses.
- Responses to **Regulatory Goal 3** are diverse and include responses to site area restrictions, lighting requirements for mixed-light, limiting Type 3 licenses, and estimating the number of applied-for licensed cultivation sites by one person.
- Responses to **Regulatory Goal 4** relate to the following key requirements for environmental health and safety mitigation measures: require USDA farm spray logs for pesticides and odor control for indoor facilities; allow organic chemicals or targeted pesticides; require optimal watering, water and soil recycling, and green waste; use common methods of security; and distribute clones/juvenile plants to cultivators, dispensaries, members of collective, or solely to a distributor.
- Responses to **Regulatory Goal 5** recommend establishing requirements for record content and storage duration for business-related documents, material records, and enhanced employee-related records.
- Responses to **Regulatory Goal 6** include a variety of suggestions for track-and-trace methods, though the most popular was to track a produced product by batch number and purchase order from the time the plant is a seed or clone and throughout its life stages all the way through distribution.



- Responses to **Regulatory Goal 7** focus on handling enforcement in an expeditious manner, and defining minor and serious violations more clearly.
- **License types sought** concerns are generally associated with license quantity limitations, costs of cultivation licensing and applications, manufacturing and dispensary license requirements, cultivation area limits, cottage licenses, and methods to distinguish license types from one another.
- Input on **Type 3 limits** is limited to two comments recommending limits for primarily outdoor grows based on their watershed-related effects, and applying limits only to cultivation operations proposed after the implementation date for CDFA's MCCC licensing program.
- **Nursery**-related comments express concerns about pests, facility cleanliness, nursery stock licensing and label requirements, licensing costs, scale and space of nurseries, distributor and dispensary roles, and consistency for nursery-related terms and definitions.
- **Inspections and records**-related comments identify concerns associated with costs to local and county departments; unique identifier database access for local agencies; unannounced and/or law enforcement-escorted inspections; quantity of inspections per year; product damage or pest infestation from site or cannabis material inspections; provision of a grace period to address violations; and specific recommendations for record content.
- The **track-and-trace**-related regulations produced numerous unique comments. In general, the comments provided address recommendations or concerns related to certain track/trace technologies and ensuring the technology was compatible with a variety of hardware and software systems; data encryption; tracking individual plants or particular plant stages/sizes; using agricultural produce traceability methods; tracking cannabis products through all stages of cultivation; tracking cannabis weights; providing electronic tracking; allowing law enforcement or third parties uniform access to the tracking information; requiring open standard; protecting personal patient information; tracing products back to the respective cannabis sources; tracking staged flower harvests; and administrative management needs and costs of the track-and-trace program.
- **Other** comments received that are related to regulations include the following:
  - Protection of federally granted certified organic farmers from cannabis cultivation;
  - Concerns regarding the background of cultivators, their businesses, and/or their funding mechanisms (past felonies, live out-of-state most of year, foreign countries controlling cannabis land or water usage, large corporations);
  - Applicability of regulations to agricultural marketing cooperatives;
  - Providing a regulated marketplace for growers to comply with cultivation regulations;
  - Incentivizing organic farming by cannabis growers;

- ❑ Requiring a state cultivation license prior to construction of cannabis cultivation facilities;
- ❑ Allowing for on-site consumption/sales (i.e., farm tours, bed & breakfast, events);
- ❑ Logistics of storage of cannabis products following testing and timing of transport to dispensary;
- ❑ Mitigating violence from cannabis cultivation, addressing illegal activities and black market as best as possible;
- ❑ General concern on timing of MCCP licensing program;
- ❑ Cannabis product pricing due to overregulation;
- ❑ Quicker application process;
- ❑ Equal opportunity concerns and priority recommendations for variety of cultivators related to small businesses, racial imbalance in cultivation industry, certified organic farms, cultivators that have already met local and statewide requirements, existing cultivation operations); and
- ❑ Prohibiting cannabis cultivation until 215 card program is revised.

## Comments Relevant to the Environmental Review

The following is a summary of comments received that pertain to EIR comment categories relevant to the Proposed Program and preparation of the draft PEIR.

- **General cultivation practices** for medical cannabis were discussed in numerous distinct comments. These comments include recommendations or concerns regarding demand and supply, cultivation techniques and restrictions, and general program-related recommendations.
  - ❑ Demand and supply comments include determining the number of qualified California medical cannabis patients, their consumption methods (medical products), and typical cannabis amount consumed; the amount of plant material (canopy area) required for these products; general cannabis production and sale regulation; and the availability of funding mechanisms for cultivators.
  - ❑ Cultivation technique-related comments include an organic certification program; noxious weed species prevention; amount of light exposure for each cannabis cultivation stage; alternative farming techniques; micropropagation and managing propagation materials; preference for outdoor cultivation; allowing cultivators to sort cannabis material into raw materials; pesticide and nutrient usage, storage, and disposal; proper equipment maintenance; and zero waste indoor cultivation facilities.
  - ❑ Comments related to CDFA's program and ensuring proper compliance include developing a cultivation checklist tool for use by CDFA and others; preventing illegal growing and sale of cannabis; defining mixed-light cultivation; allowing participation in CDFA groups/panels; implementing chemical or carbonized

mechanism-based standards for cultivation facilities; cannabis extraction methods; conversion to industrial hemp by current cannabis farmers.

- **Aesthetics**-related comments primarily relate to impacts on day and nighttime scenic views or scenic resources from cannabis cultivation operations equipment, land clearing, light pollution, or the cannabis grower's temporary living accommodations. Additional concerns related to impacts on coastal viewsheds and minimizing security issues through use of visual barriers and lighting.
- **Agriculture and forestry** comments include concerns with land clearing or conversion of farmland, agricultural, or Timber Production Zone areas to cannabis cultivation; compatibility between cannabis cultivation operations and other surrounding agricultural areas; local zoning or Williamson Act contracts; spread of pests and diseases; regulation/enforcement concerns; a desire to limit grow sites to previously disturbed agriculture-zoned areas; and forest fragmentation and compliance with Forest Practice Act.
- **Air quality and odor**-related comments generally relate to grower compliance with local, state, and federal air quality laws; ventilation systems and airborne contaminants; and generating air quality impacts from cultivation transportation operations, dust from cleared lands, use of diesel-fueled equipment, and planned or accidental fires or burning that result in emissions.
- **Biological resources**-related comments and concerns include general compliance with existing laws and regulations, particularly related to the protection of endangered and native species and their habitats; appropriate biological mitigation and monitoring measures; the effects of hazardous chemicals on native species; impacts on aquatic habitats and natural aquifers; prohibiting cultivation operations in Timber Production Zones and in timberland/woodland to avoid impacts on native wildlife habitat; harmful effects of light pollution on wildlife migration patterns; foreign soils and corresponding potential pathogens; wildfire risk; soil degradation; noxious weed species; limiting number of cultivation sites; use of protective suits to minimize pest spreading; species-specific concerns (Pacific fisher, marbled murrelet); genetic modification; wastewater and chemical dumping; and fish screening and passage at water diversions.
- **Cultural and tribal cultural resources** comments primarily relate to land grading and land clearing activities and potential effects on archeological or historic resources; consideration of tribal community concerns; discovery of human remains or tribal burial ground sites; and proper mitigation for any impacts that could adversely affect cultural resources.
- **Geology and seismicity**-related comments include concerns associated with erosion, sedimentation, disposal of foreign soils, contamination of soil or water from improper storage, soil degradation, and the proper usage, storage, and disposal of nutrients. Other comments include recommending a geotechnical services report for cultivation sites, and implementing more stringent regulations and enforcement to protect against effects of land terracing.
- **Energy use and greenhouse gas (GHG) emissions** concerns include GHG and high energy use associated with indoor cultivation sites; emissions from long distance

travel to cultivation sites; direct and indirect impacts of GHG emissions at cultivation sites overall; consistency with plans, policies, regulations that address GHG emissions; potential emissions-reducing scenarios or alternatives; usage and disposal of appliances such as generators, butane canisters, and propane; and the promotion of energy efficient practices and appliances. Recommendations for energy use and GHG emissions include implementing carbon taxes; initiating a credit system to reward energy-reducing cultivation operations; preparing a systematic and comprehensive discussion of climate change impacts caused by cannabis cultivation; requiring cannabis operations to calculate baseline carbon footprint and develop a plan to minimize it over time; conducting an energy audit; requiring renewable energy sources; maximizing energy usage during off-peak hours; penalizing against unmitigated GHG emissions; developing a statewide certification program; and not restricting lighting.

- **Hazards, hazardous materials, and human health**-related comments express concerns associated with the spread of pests and diseases; impacts to crops and livestock; use, transportation, and storage of hazardous materials and protecting against the spillage/runoff/drainage of these substances; adequate evaluation and regulation of potential hazards on/near cultivation sites; potential health ramifications from noxious odors and fumes; increased wildfire risk; proper sanitation practices; emergency vehicles or evacuations; safety measures for structures and workers; increased crime/loss of safety; light pollution impacts on human health; equipment maintenance; recall of cannabis products due to human health threats/consequences; and informing applicants of chemicals that may/may not be used on a cultivation site.
- **Hydrology and water quality**-related comments relate to including applicable provisions of the Porter-Cologne Water Quality Control Act in the MCCP regulations, and compliance with federal and state water regulations, including adopted best management practices. The comments express concerns regarding potential surface water and groundwater supply and quality impacts of cannabis cultivation due to cannabis water use, cultivation site placement/locations, nutrient/pesticide application in an irrigation system, improper handling/storage of hazardous materials, planting medium, obstructing natural water flows, improper wastewater disposal, wildfire impacts, importing water via water trucks from unmetered town hydrants, and erosion and runoff. Reporting/tracking-related requirements suggested in the comments include information on water storage and use; linking reporting across state agencies; well-drilling and irrigation records; specific provisions for bulk water haulers; analyzing water diversion rates and periods; procedures for drought/forced water restrictions; periodic system-wide review; and leak detection assessment. Other comments provide specific water-saving techniques or technologies.
- **Land use and planning** comments include concerns associated with housing shortages, improper planning and construction practices, increased coastal development, establishing proper setbacks from sensitive receptors and habitats, not allowing cultivation on public lands, land use violations, proper transportation routes/emergency access for cultivation sites, physical division of established communities, and numerous recommendations related to the specific MCCP cultivation license allowances and restrictions, including square footage.

- **Noise**-related comments include a suggestion to use noise complaints as a significant impact under the CEQA checklist, proper study of varying noise levels, excess noise exposure, and traffic and/or mechanical equipment noise at cultivation sites.
- **Population and housing** concerns are associated with population growth in communities as a result of cannabis cultivation, and housing shortages due to increased real estate property values from real estate demand for cannabis cultivation.
- **Public services**-related comments expressed the following concerns and recommendations: effects on emergency response and evacuation; restricting the use of agricultural water for cannabis irrigation; costs to local and county departments for a potential need for increased law enforcement and public service agencies (police, fire); harassment and rights violations from law enforcement towards growers; potential increased crime; required law enforcement training on the MCCP regulations; establishing new sheriff sub-stations near cultivation sites; and adequate security at Board of Equalization district offices.
- **Recreation** comments include concerns that outdoor cannabis would affect public recreational trails, and the loss of recreational facilities from conversion of coastal land to cultivation sites.
- **Transportation and traffic**-related concerns include increase in use of public and private roads to and from cultivation sites, illegal road construction, and increases in development of parking lots.
- **Utilities and service systems** comments include concerns associated with solid waste/trash accumulation and disposal near or within cultivation sites; use of substandard septic systems; increased demands on utilities regarding electrical, mechanical, and plumbing infrastructure; and compliance with solid waste regulations. Recommended actions include studying possible need for wastewater system expansions, implementing remedial programs that provide waste disposal for cultivators, and preparing a waste management plan.
- **Alternatives analysis**-related comments generally request a detailed and complete consideration of alternatives in the PEIR, including a focus on how alternatives would comply with applicable regulations, reduce cannabis-related GHG emissions, and avoid or minimize watershed and special-status species impacts.
- **Cumulative considerations** comments express concerns regarding cumulative impacts on biological resources, sensitive natural areas or natural resources, and watersheds; indoor cultivation activities and corresponding GHG emissions; growth and influx of people and economic impacts; impacts of other manufacturing, distribution, transportation, testing, and dispensary sites; and the effects of delayed enforcement.
- Comments on the **overall CEQA process for the PEIR** include appreciation for the scoping meetings and the opportunity for the public to provide comment. Some comments did not favor the scoping meeting format or the NOP. Other comments were submitted regarding administrative and technical questions concerning the scoping meetings.

## Other Comments Outside the Scope of the PEIR

In addition to comments directly related to the regulations and the PEIR topics, comments were submitted that related to topics that are potentially outside of CDFA's jurisdiction and/or are broader cannabis-related social or economic topics. These are summarized as follows:

- concerns about potential increased cannabis demand,
- offers of assistance in developing the regulations and requests to meet with CDFA staff,
- requests to provide the public with a compiled list of local government agencies, and
- general comments indicating support or opposition towards the MCCP and legalization of cannabis as a whole.

## Next Steps

### Development of Regulations

Comments received in the scoping process that relate to the scope and content of the regulations will be used to inform the development of the MCCP. CDFA will review comments, questions, and solicited feedback pertaining to the Program's regulatory goals; and consider the best ways to implement the requirements of the Medical Cannabis Regulation and Safety Act. It is anticipated that the following topics would be addressed in the regulations:

- definitions,
- applications for cultivation licenses,
- licensing,
- cultivator requirements,
- track-and-trace requirements,
- inspections, and
- enforcement.

### Development of Draft PEIR

Comments that relate to the scope and content of the CEQA analysis will be used to inform the analysis contained in the draft PEIR. The draft PEIR is anticipated to be available for public review and comment in the summer of 2017.

## Ongoing Outreach

Outreach will occur through the Program's webpage and mailings. Interested parties who want to receive automatic Program updates via email can sign up at for the MCCP listserv at

[https://www.cdfa.ca.gov/subscriptions/?cdfa\\_list\\_isd\\_medical\\_cannabis](https://www.cdfa.ca.gov/subscriptions/?cdfa_list_isd_medical_cannabis). Those with questions are encouraged to send an email to the following address: [calcannabis@cdfa.ca.gov](mailto:calcannabis@cdfa.ca.gov); or can call (916) 263-0801. Questions can also be mailed directly to Rachele Kennedy, Senior Environmental Scientist, at the following address:

California Department of Food and Agriculture  
Attn: Rachele Kennedy  
Medical Cannabis Cultivation Program Comments  
1220 N Street, Suite 400  
Sacramento, CA 95814

### *Program Website Updates*

The MCCP PEIR website (<https://www.cdfa.ca.gov/is/mccp/>) will be available to the public throughout the CEQA process. The website will be updated for the public to review as additional information becomes available about the Program or the CEQA process. This will include notice regarding circulation of draft regulations, the draft PEIR, and notification of public comment periods for these documents.

### *Other Opportunities for Public Involvement in the Draft Regulations*

The public will have the opportunity to submit comments on draft regulations. CDFA will announce the availability of draft regulations and the comment period through its listserv and other means. The draft regulations will be made available for download in electronic format on the website, and, to the extent feasible, as a hard copy upon written request to CDFA. Interested individuals, agencies, and organizations will be able to submit comments throughout the comment period, either online at the Program PEIR website or by mailing comments to CDFA, as directed.

### *Other Opportunities for Public Involvement in the PEIR*

The public will have the opportunity to submit comments during the public review period for the draft PEIR, which will be for a period of at least 45 days. This comment period will begin with circulation of the draft PEIR. CDFA will announce the availability of the draft PEIR and comment period by issuing a public Notice of Availability (NOA) to the State Clearinghouse, the 58 California county clerks, responsible and trustee agencies, agencies with jurisdiction by law, and other interested individuals and agencies who have joined the Program listserv or otherwise requested notice (via standard mail and/or email). CDFA will also post the NOA on the Program PEIR website and issue newspaper announcements as appropriate. The draft PEIR will be made available for download in electronic format on the website, at a variety of libraries throughout the state, and, to the extent feasible, as a hard copy upon written request to CDFA. Interested individuals, agencies and organizations will be able to submit comments throughout the comment period, either online at the Program PEIR website or by emailing or mailing comments to CDFA, as directed in the NOA.

During the public review period CDFA also will conduct public workshops throughout California at accessible locations, similar to those conducted during the scoping period.

### Background

In late 2015, the State Legislature passed, and Governor Brown signed into law, the Medical Cannabis Regulation and Safety Act (Act). This Act, initially consisting of three separate bills (Assembly Bills 243 and 266, and Senate Bill 643) and subsequently amended (e.g., Assembly Bills 2516, 1575, and 21), outlines a new structure for regulation and enforcement of medical cannabis production and use in California. The Act addresses issues such as cultivation, manufacture of cannabis products, quality control and inspection, distribution, dispensaries, and prescriptions for patients.

The Act establishes new licensing procedures for various aspects of the production process and identifies a number of state agency responsibilities. The Act includes tasking the California Department of Food and Agriculture (CDFA) with licensing medical cannabis cultivation and establishing a “track and trace” system. The track-and-trace system involves development of a unique identifier for each plant, a reporting system, fees, and documenting the transport path of plants from cultivation to distribution as a medicinal cannabis product.

In compliance with the Act’s requirements, CDFA is developing regulations to establish a licensing program for medical cannabis cultivation and to establish a track-and-trace system. These are collectively referred to as the Medical Cannabis Cultivation Program (MCCP, Program, or Proposed Program). CDFA is preparing a program environmental impact report (PEIR) to provide the public, responsible agencies, trustee agencies, and permitting agencies with information about the potential environmental effects associated with the adoption and implementation of these statewide regulations. The PEIR will be prepared by CDFA in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. CDFA will be the lead agency pursuant to CEQA and will consider CEQA-related comments from responsible and trustee agencies, property owners, and interested persons and parties regarding the scope and content of the environmental information to be included in the PEIR.

### Overview

This Scoping Report summarizes the comments and questions raised during the public scoping period for the preparation of a PEIR by the CDFA for the MCCP. In addition, this report summarizes comments regarding MCCP regulations, which were also solicited during the scoping process, not all of which are directly related to the CEQA process or the PEIR’s scope and content.

Scoping is the process conducted to determine the coverage, focus, and content of the PEIR as prescribed by CEQA. Scoping helps to identify the range of actions, alternatives, environmental effects, and mitigation measures for in-depth analysis in the PEIR. This



process also helps to select methods of assessment and to eliminate from detailed study those issues that are not relevant to the project or required under CEQA. In addition, scoping is an effective way to identify and consolidate the concerns of any interested parties, which may include project proponents and opponents, and interested federal, state, and local agencies, among others. The scoping process for the PEIR is described in more detail in Chapter 2 of this Scoping Report.

As part of the scoping process, CDFA requested feedback on seven goals to inform development of the Program regulations. The seven regulatory goals were as follows:

- **Regulatory Goal 1:** Define Terms Used in Cannabis Cultivation.
- **Regulatory Goal 2:** Define the Application Process and Requirements for Licensing.
- **Regulatory Goal 3:** Identify the Cultivator License Types by Light Source and Site Size; Clarify Allowable License Combinations; Outline Renewal Process and Set Licensing Fees.
- **Regulatory Goal 4:** Specify Requirements to Mitigate Environmental Health and Public Safety Issues.
- **Regulatory Goal 5:** Outline Cultivator Responsibilities for Compliance Inspection.
- **Regulatory Goal 6:** Specify Track-and-Trace Requirements.
- **Regulatory Goal 7:** State License Violations and Appropriate Penalties.

In addition, CDFA requested feedback on defining and analyzing 10 license types for medical cannabis cultivation. These license types, as defined during the scoping process, are:

- **Type 1**, or “specialty outdoor,” for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises or up to 50 mature plants on noncontiguous plots.
- **Type 1A**, or “specialty indoor,” for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.
- **Type 1B**, or “specialty mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting, at a maximum threshold to be determined by the Department, of less than or equal to 5,000 square feet of total canopy size on one premises.
- **Type 2**, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet inclusive of total canopy size on one premises.
- **Type 2A**, or “small indoor,” for indoor cultivation using exclusively artificial lighting of between 5,001 and 10,000 square feet inclusive of total canopy size on one premises.
- **Type 2B**, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting, at a maximum threshold to be determined by the Department, between 5,001 and 10,000 square feet inclusive of total canopy size on one premises.

- **Type 3**, or “outdoor,” for outdoor cultivation using no artificial lighting of from 10,001 square feet to 1 acre inclusive of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.
- **Type 3A**, or “indoor,” for indoor cultivation using exclusively artificial lighting of between 10,001 and 22,000 square feet inclusive of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.
- **Type 3B**, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting, at a maximum threshold to be determined by the Department, of between 10,001 and 22,000 square feet inclusive of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.
- **Type 4**, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

The intended use of this Scoping Report is to assist CDFA with development of regulations, inform the public regarding key issues that have been identified, and incorporate CEQA-related comments into the PEIR’s administrative record. As such, this Scoping Report includes:

- a summary of the public scoping process,
- a summary of key issues identified during the scoping period, and
- a description of future steps to be taken in the environmental review process.

## Chapter 2

# CEQA SCOPING PROCESS

The California Environmental Quality Act (CEQA) Guidelines provide guidance for the scoping process. Scoping has the following general objectives:

1. to identify the concerns of the affected public and agencies;
2. to help define the issues and alternatives that will be examined in detail in the program environmental impact report (PEIR), while simultaneously assisting in the identification of issues that are of little or no concern; and
3. to appropriately scale the environmental review process by obtaining early feedback on the scope and content of the PEIR.

The California Department of Food and Agriculture (CDFA) is committed to a planning process that includes strong public involvement. The process will be based on sound science, and be open and transparent.

## Notice of Preparation

CEQA requires formal public announcement of the intent to prepare an environmental impact report for a proposed project. In compliance with the State CEQA Guidelines (14, California Code of Regulations, Section 15082), CDFA issued a Notice of Preparation (NOP) on September 1, 2016 (see **Appendix A**). The NOP presented general background information on the Program, the scoping process, the environmental uses to be addressed in the PEIR, and the anticipated uses of the PEIR.

The NOP invited the public to offer comments and attend workshops during the 30-day scoping period September 1 through September 30, 2016. Some comments were received after the close of the scoping period; these comments were still considered in developing this Scoping Report.

The NOP was mailed to each of the 58 California county clerks, responsible and trustee agencies, agencies with jurisdiction by law, as well as other interested individuals, agencies and organizations. The NOP mailing list and related Program contact information are included in **Appendix B**.

## Public Outreach

This scoping workshop information was published in *Eureka Times Standard*, *Redding Record Searchlight*, *The Sacramento Bee*, *Oakland Tribune*, *San Luis Obispo Tribune*, *The Fresno Bee*, *Los Angeles Times*, *Riverside Press Enterprise*, and CDFA's website ([www.cdfa.ca.gov/is/mccp](http://www.cdfa.ca.gov/is/mccp)). Affidavits certifying publication of newspaper notices are

included in **Appendix C. Table 1** lists the NOP publication date and county of coverage for each newspaper.

**Table 1. Newspaper Notices**

Newspaper	County	Date Published
Eureka Times Standard	Humboldt	September 1, 2016
Redding Record Searchlight	Shasta	September 1, 2016
Sacramento Bee	Sacramento	September 1, 2016
San Francisco Chronicle	San Francisco	September 1, 2016
San Luis Obispo Tribune	San Luis Obispo	September 1, 2016
Fresno Bee	Fresno	September 1, 2016
Los Angeles Times	Los Angeles	September 1, 2016
Riverside Press Enterprise	Riverside	September 1, 2016

In addition, the scoping information was provided to the following news media outlets as a public service announcement the week prior and/or the week of the workshop.

**Table 2. Public Service Announcements**

Newspaper	County
Eureka KMUD	Humboldt
Oakland KQED	Alameda
San Luis Obispo KVEC	San Luis Obispo
Coalinga KTEA	Fresno
Desert Hot Springs KNWQ	Riverside

## Public Workshops

To provide the public and regulatory agencies with an opportunity to ask questions and provide comments on the scope of the PEIR, eight public scoping workshops were held during the NOP review period. CDFA conducted these workshops at different locations throughout the state because of the Program's standing as a "project of statewide, regional, or area wide significance." The workshops were held to solicit input from the public and interested public agencies regarding the nature and scope of environmental impacts to be addressed in the draft PEIR. Approximately 968 individuals attended the workshops. The scoping workshop dates, times, and locations were as follows:

September 13, 2016, 4- p.m.  
Sacramento Convention Center  
(Room 202)  
1400 J Street, Room 202  
Sacramento, CA 95814

September 14, 2016, 4-7 p.m.  
Red Lion Hotel (Sierra Room)  
1830 Hilltop Drive  
Redding, CA 96002

September 15, 2016, 4-7 p.m.  
Red Lion Hotel (Pacific Room)  
1929 4<sup>th</sup> Street  
Eureka, CA 95501

September 21, 2016, 4-7 p.m.  
Courtyard by Marriott  
(Grand Ballroom)  
1605 Calle Joaquin  
San Luis Obispo, CA 93405

September 22, 2016, 4-7 p.m.  
Harris Ranch  
24505 West Dorris Aveue  
Coalinga, CA 93210

September 27, 2016, 4-7 p.m.  
Pasadena Convention Center (Ballroom F)  
300 East Green Street  
Pasadena, CA 91101

September 20, 2016, 4–7 p.m.  
 Oakland Marriott  
 1001 Broadway  
 Oakland, CA 94607

September 28, 2016, 4–7 p.m.  
 Miracle Springs Resort and Spa  
 10625 Palm Drive  
 Desert Hot Springs, CA 92240

## Workshop Format

All workshops used the same format, and interested parties were invited to attend one or all workshops. At each workshop location, CDFA staff welcomed attendees. At the greeting table, guests were asked to sign in and were given a brief description of the available handouts, the open workshop format, and the process for submitting comments. Handouts provided included copies of the NOP (Appendix A); Pre-Regulation Workshop Survey (**Appendix D**); Medical Cannabis Cultivation Program (MCCP) Frequently Asked Questions (**Appendix E**), MCCP Fact Sheet Summary (**Appendix F**); and Summary of Statute and Regulatory Goals (**Appendix G**). Comment forms (**Appendix H**) were available for guests to use in providing written comments, either at the workshop or at a later date. These items were also available as downloads on the CDFA MCCP website.

The room was divided into topical stations, each of which included several poster boards (**Appendix J**) with information about various aspects of the MCCP and CEQA process. Each station was manned by CDFA and/or consultant staff to answer questions and help describe the regulatory and PEIR processes. A court reporter was also available at each meeting to take oral comments. Additionally, a looping 10-minute Microsoft PowerPoint presentation was available for viewing throughout the workshop (**Appendix I**). The PowerPoint presentation and posters were available on the CDFA MCCP website.

## Participating Staff

The following CDFA representatives and supporting consultants participated in one or more of the scoping workshops:

**Department of Food and Agriculture**

Amber Morris  
 Crystal D’Souza  
 Michele Dias  
 Lindsay Rains

**Horizon Water and Environment, LLC**

Michael Stevenson  
 Megan Giglini  
 Julie Allison

**Blankinship and Associates, Inc.**

Mike Blankinship

**Enercon Services, Inc.**

Tom Trexler  
 Jeff Warshauer  
 Michael Smith

**Nicholas Communications**

Rebecca Nicholas

**Ardea Consulting**

Joe Sullivan

## Workshop Attendance

At each workshop, attendees were asked but were not required to sign in and provide contact information. Copies of attendance sheets are provided in **Appendix K**.

## Comments Received

### Oral Comments

A total of 47 individuals provided oral comments during the public workshops.

### Written Comments

Agencies, organizations, and individuals provided written responses to the NOP by submitting electronic mail (email) or hand-written comment or speaker cards during the scoping period. Out of a total of 322 written comments received, 298 were emails, 20 were comment cards, and four were handouts (**Table 3**).

**Table 3. Numbers of Comments Received**

Entity Type	Emails	Comment Cards	Handouts
State Agencies	8	0	0
Local and Regional Agencies	17	1	0
Native American Tribes and Affiliated Organizations	5	0	0
Organizations	25	2	1
Individuals/Landowners/Local Residents	243	17	3
<b>Total</b>	<b>298</b>	<b>20</b>	<b>4</b>

Near the conclusion of each workshop, CDFA staff reminded attendees that written comments would be accepted anytime during the scoping period.

## Chapter 3

# SUMMARY OF COMMENTS RECEIVED

All comments received in response to the Notice of Preparation (NOP) will be considered during preparation of the draft program environmental impact report (PEIR). Oral comments received during the scoping workshops were documented by a certified court reporter. Transcripts of these comments, along with comment cards and hard copy handouts and letters submitted during the meetings, are included in **Appendix K**. In addition to these meetings, a total of 298 comments were received via email during the scoping period and are included in **Appendix O**. **Figure 1** provides a geographic depiction of the physical locations of commenters, as provided by commenters.

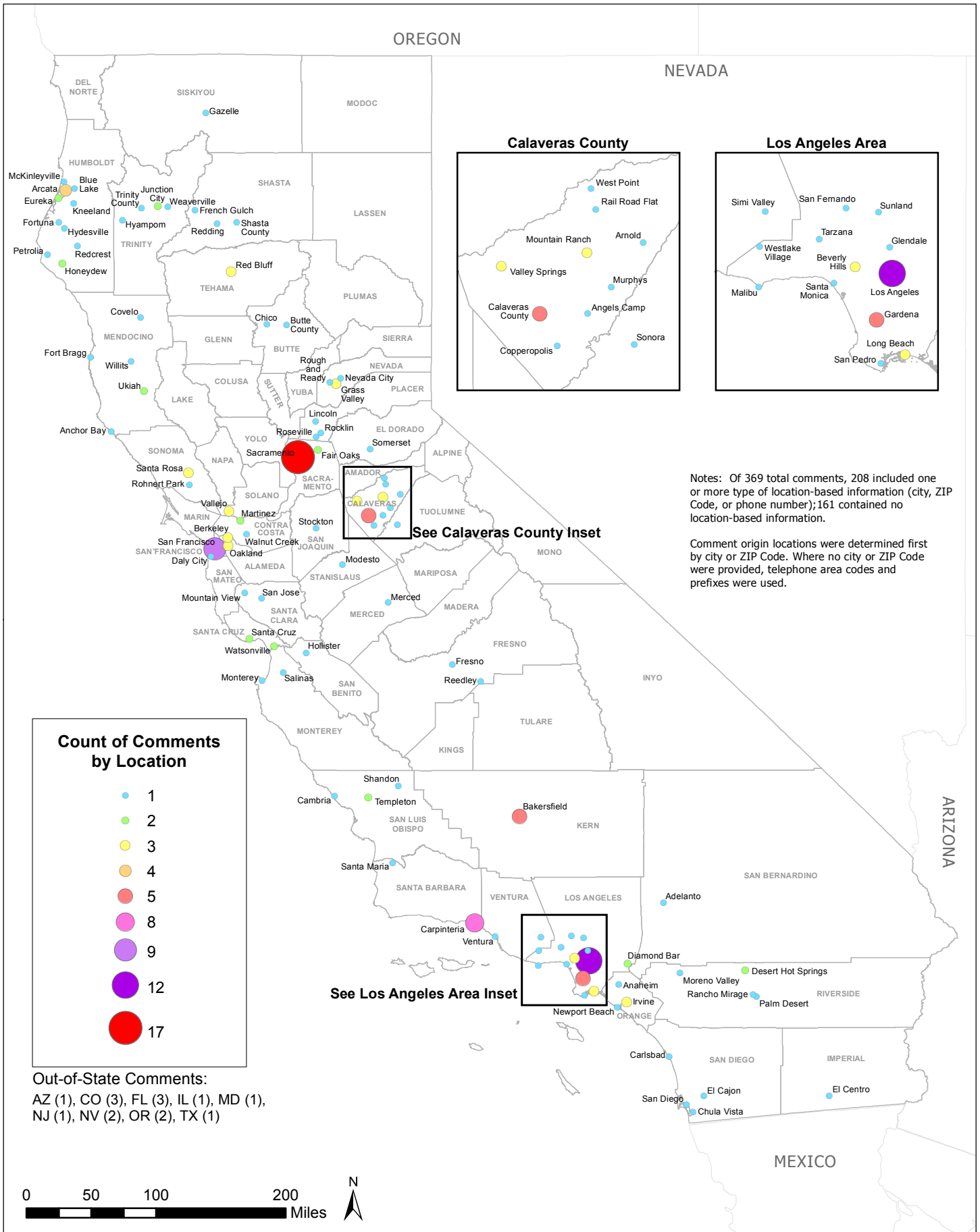
## Review of Scoping Comments Received

To ensure that a neutral and transparent analysis is used to review and categorize all public comments received, this Scoping Report includes copies of the original documents submitted (see Appendices **L, M, N, and O**). The issues presented in this section are not intended to replicate the comments received verbatim, but rather to provide a synopsis of the comments received and capture the general views and opinions of the commenters.

The following pages summarize the comments received and report them categorically under specific comment categories pertaining to the Medical Cannabis Cultivation Program (MCCP, Program, or Proposed Program) regulations and PEIR. These categories are listed below.

### **Comment Categories Relevant to the Proposed Program Regulations:**

- Regulatory Goal Responses (Regulatory Goals Nos. 1 through 7) (pages 3-4 through 3-11 of this report)
- License Types Sought (pages 3-12 through 3-13)
- Type 3 License Limits (page 3-13)
- Nurseries (pages 3-13 through 3-14)
- Inspections and Records (pages 3-14 through 3-15)
- Track and Trace (pages 3-15 through 3-18)
- Other (pages 3-18 through 3-20)





### **Comment Categories Relevant to Program Description Development and the Environmental Review of Resource Areas in Appendix G of the State CEQA Guidelines:**

- General Cultivation Practices (pages 3-20 through 3-22)
- Aesthetics (pages 3-22 through 3-13)
- Agriculture and Forestry (pages 3-22 through 3-23)
- Air Quality and Odor (pages 3-23 through 3-24)
- Biological Resources (pages 3-24 through 3-26)
- Cultural Resources and Tribal Cultural Resources (page 3-27)
- Geology and Seismicity (page 3-27)
- Energy Use and Greenhouse Gas Emissions (pages 3-27 through 3-29)
- Hazards, Hazardous Materials, and Human Health (pages 3-29 through 3-30)
- Hydrology and Water Quality (pages 3-30 through 3-34)
- Land Use and Planning (pages 3-34 through 3-36)
- Noise (page 3-36)
- Population and Housing (page 3-36)
- Public Services (page 3-37)
- Recreation (page 3-37)
- Transportation and Traffic (page 3-38)
- Utilities and Service Systems (page 3-38)
- Alternative Analysis (page 3-39)
- Cumulative Considerations (page 3-39)
- PEIR CEQA Process (page 3-40)
- Others (pages 3-40 through 3-41)

The following briefly summarizes the major perspectives from review of all comments. Parenthesized numbers next to each summarized issue correspond to individual comment letter codes, to aid in identifying the source(s) of each comment (see Appendices L through O).

## **Comment Categories Relevant to Proposed Program Regulations**

The following comments received pertain to Proposed Program regulations.

## Regulatory Goal Responses (Regulatory Goal Nos. 1 through 7)

### *Goal #1: Define Terms Used in Cannabis Cultivation.*

#### ***Canopy***

- Should be defined as the aerial or **birds eye view** of mature plant coverage excluding aisles and rows between plants. By definition the canopy would be measured by the outer edge of the upper portion of the mature plant. (1) (11) (14) (15) (16) (22) (23) (23) (34) (40) (50) (61) (65) (68) (76) (77) (78) (80) (81) (89) (141) (148) (165) (169) (171) (176) (179) (180) (184) (192) (193) (199) (248) (267) (268) (272) (274) (275) (280) (368)
- Should be defined as the square footage measurement of **surface medium**. For example, a 2-foot by 2-foot grow bed would equal 4 square feet of canopy. This could also refer to the exterior dimensions of a greenhouse or cultivation area. Concerns associated with individual plant canopy being too variable to measure effectively. (2) (12) (24) (39) (41) (42) (44) (84) (114) (117) (129) (142) (144) (146) (148) (183) (246) (271) (333)
- Should be defined as the **top third layer of the foliage** of one or more plants. (56)

#### ***Flowering***

- Associated with the process where the **plant begins to bloom and produce a flower** or harvestable “bud.” Indoor flowering periods are often triggered by periods of less than 12 hours of light a day. (1) (3) (11) (12) (14) (15) (16) (24) (39) (40) (41) (42) (50) (56) (61) (65) (76) (78) (80) (81) (89) (114) (117) (129) (144) (146) (148) (169) (171) (176) (179) (180) (184) (192) (193) (248) (268) (275) (280) (368)
- The **final stage of cultivation** prior to harvest. (2) (23)
- Recommendation to incorporate the word “**mature**” into the definition of flowering. (34)

#### ***Immature***

- Should be defined as the **beginning stages of the growth cycle** including sprouting and vegetative growth, up until right before the flowering stage. (1) (2) (5) (11) (12) (22) (23) (24) (34) (56) (76) (80) (81) (84) (89) (114) (117) (129) (144) (148) (169) (171) (176) (267) (268) (275) (333) (368)
- Recommendation to replace this term with “**vegetative.**” (16) (34) (42) (129) (146) (184)
- For plants grown with artificial or mixed-light, associated with plants grown with **18 or more hours of light.** (41) (78)
- Should be defined as a **plant less than 8 inches tall** or less than 3 months old. (51) (77) (84) (180) (199) (274)

***Mixed-Light Cultivation***

- Associated with **cultivation within greenhouses where synthetic light is added** in addition to natural light during periods of low sun in order to prolong typical growing seasons. Often characterized by a retractable or transparent roof that can be covered. (1) (2) (5) (11) (12) (15) (16) (22) (24) (34) (39) (40) (41) (50) (56) (61) (65) (66) (76) (77) (80) (81) (114) (117) (141) (144) (146) (165) (169) (179) (180) (184) (192) (248) (267) (268) (274) (275) (280) (333)
- Associated with **starting the juvenile plants under grow lights** before being moved outdoors. (42) (176) (183)
- Recommendation to **divide “mixed-light” into two tiers** based on wattage per square foot and/or number of harvests per year. (78)

***Premises***

- Should be defined as the **physically segregated portion of a parcel** designated for cultivation. This could include the entire parcel or limited sections depending on the use. (2) (5) (11) (12) (14) (15) (16) (22) (23) (24) (40) (44) (51) (56) (76) (77) (78) (80) (81) (114) (129) (141) (148) (165) (169) (176) (192) (267) (280) (333)
- Should be defined by the **parcel boundary or property line** of the licensee-operated business. (41) (61) (65) (84) (89) (146) (171) (176) (180) (183) (184) (192) (199) (246) (274) (275) (368)

***Propagation***

- Associated with **starting plant growth either from seed or clone**. (2) (16) (23) (42) (56) (61) (65) (76) (77) (78) (80) (81) (84) (114) (129) (146) (169) (171) (176) (180) (183) (192) (267) (274) (275) (333) (368)
- Should be defined as the **reproduction** of a specific plant strain or characteristic. (11) (12) (15) (24) (41) (42) (148) (199)
- Should be defined as the period **2 to 3 months before planting, cloning, and transplanting** plants into the ground to establish a healthy crop. (14)
- Should be defined as **producing one’s own seeds or clones**. (39) (40) (89)

***Other***

- Regulations should **define “wholesale” and “retail” nurseries**. (96)

*Goal #2: Define the Application Process and Requirements for Licensing.*

***The Program is considering using an online application process, as well as a traditional paper method. Which application method would you prefer?***

- Recommendation to use an **online application** as the most efficient, cost-effective method, and preferred method. (1) (2) (11) (12) (8) (15) (16) (24) (34) (39) (40) (41) (46) (50) (56) (61) (65) (72) (76) (77) (81) (82) (87) (88) (89) (114) (117) (141) (143) (144) (145) (146) (147) (148) (165) (168) (169) (179) (180) (182) (183) (186) (190) (192) (193) (195) (198) (246) (248) (267) (268) (272) (276) (280) (333)
- Recommendation to use a paper method or have a **paper application** accessible. (14) (15) (16) (46) (50) (56) (61) (65) (76) (77) (142) (145) (148) (165) (182) (190) (194) (246) (267) (268) (273) (274) (280) (368)
- Concern about the **lack of access** that some cultivators have to internet and suggest that local agriculture offices should be able to assist cultivators with completing an application. (12) (78) (87) (142)

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

- Concerns over ability to protect self and property in **remote areas** without access to firearms when dealing with wild predators and delayed law enforcement response times. (1) (11) (14) (34) (41) (65) (78) (87) (117) (137) (141) (145) (146) (168) (169) (183) (190) (268) (271) (275) (280) (334) (339) (164) (312)
- Recommendation to allow licensed **security guards** to protect cultivation sites in the event of a firearms ban. (2) (11) (39) (49) (50) (76) (80) (175) (179) (180) (193) (271) (274)
- Recommendation to implement a **weapons and firearms ban**. (8) (15) (61) (72) (82) (88) (147) (182) (272) (276) (333)
- Concerns over a violation of **2nd amendment rights**. (16) (17) (24) (42) (63) (77) (89) (143) (148) (187) (248) (267)
- Concerns over the inability of a cultivator to properly **protect their operations** if firearms were restricted. (12) (17) (34) (80) (114) (144) (186) (192) (194) (195) (196) (199) (246)
- Concerns associated with **feeling unsafe** if weapons and firearms on cultivation sites are prohibited. (70) (105) (136) (137) (164) (312)
- Concerns associated with **firearms** on licensed cannabis cultivation sites. (98) (100) (147) (282)
- Since some growers are conducting cannabis cultivation **operations inside of residences**, recommendation to establish a setback limit beyond homes where firearms are not allowed. (246)

***How many applications do you anticipate submitting?***

- Plans to submit **three or fewer applications**. (1) (5) (14) (15) (24) (34) (39) (40) (50) (62) (65) (77) (81) (88) (114) (117) (144) (145) (146) (148) (165) (169) (183) (187) (193) (198) (271) (272) (273) (276)
- Planning to submit **up to 10 applications**. (2) (34) (41) (56) (87) (195) (275) (333)

***Goal #3: Identify the Cultivators License Types by Light Source and Site Size; Clarify Allowable License Combinations; Outline Renewal Process and Set Licensing Fees.***

***What is the acreage you feel is reasonable for the cap? How about for indoor and mixed light? How will this impact your business model?***

- Concerns associated with a **4-acre restriction**, as corporations are allowed to grow and compete with smaller farmers. (1) (41) (129)
- Recommendation to allow for **individual parcel limitations** as long as cultivators can have multiple licenses for multiple locations. (11) (15) (16) (42) (61)
- Recommendation that outdoor grows should have **less size restrictions** than mixed-light and indoor grows. (12) (8) (17) (23) (39) (56) (171) (190) (192) (273) (368)
- Recommendation to **not finalize the site restrictions** until a more accurate evaluation of consumer demand is determined. (24) (34) (51) (81) (180) (186) (267)
- Recommendation to include **Type 4 licenses** in the same 4-acre limit as the other license types. (34)
- Concern that certain counties and cities (e.g., Humboldt) have **already permitted cultivation plans** in excess of 4 acres. (34)
- Concern that **4 acres is too large** and would prefer stricter restrictions. (72) (88) (89) (114) (142) (145) (146) (165) (174) (190) (193)

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

- Recommendation to **not require manufacturing licenses** for cannabis production farms which are by nature suited to perform **dry sieving for “kief” or “shake” as well as joint rolling** to sell to a dispensary. (24) (34) (42) (61) (77) (78) (81) (89) (129) (143) (146) (180) (186) (190) (193) (196) (274) (333)
- Recommendation to require a manufacturing license for the use of carbon dioxide, hydrocarbons, or other **chemical solvents** to extract resin. (39) (72) (77) (78) (81) (142) (143) (192) (193) (274)
- Concern that any action taken to modify and/or add materials to cultivated product must perform **quality control and be regulated as manufacturing** and subject to necessary license. (40) (114) (183) (267) (272)

- Recommendation to **require a manufacturing license** for any cultivator that wishes to **trim, process, or in any way add value** to their product. (50) (72) (174) (248)
- All **fees (application, licensing, penalties, etc.) should reflect the full cost** of maintaining and providing environmental protection, monitoring, and restoration. (46) (100) (136) (282)
- Concerns associated with the **impacts of cannabis taxation and fees** on growers, especially small growers. (122) (236) (308) (323) (70)

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

- The **ability to cultivate, manufacture, and transport** product are main functions of our business model. (1)
- Plans to request **multiple cultivator licenses**. (15) (24) (42) (50) (114) (117) (141) (144) (145) (190)
- Would request **all or most licensing types**. (41) (56)

***What do you think is a reasonable amount of lighting to be used and still be considered a mixed-light cultivation site?***

- Recommendation that a reasonable mixed-light grow operation is approximately **40,000 watts or +/- 40 lights**. (1)
- Recommendation to not restrict the use of supplemental lighting but encourage or require use of **solar** and renewable energy sources and/or efficient lighting such as **LED**. (11) (14) (275)
- Concerns about being able to appropriately determine lighting limitations given **locational differences and personal preferences** in cultivation style. (12) (24) (34) (39) (41) (89)
- Recommends to have the threshold set at approximately **35 to 50 watts per square foot**. (16) (56) (88) (143) (145) (171) (186)
- Recommendation to **set limitations on what is safe for the building** or structure to handle, in regards to fire hazards. (42)
- Recommendation to **prohibit artificial lights**. (65)

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

- Concerns that Type 3 licenses would be **unobtainable to small local farmers** and communities due to prior convictions and/or lack of financial resources resulting in large monopolies. (1) (12) (42)
- Recommendation to limit Type 3 licenses based on **applicant's experience** in running large-scale operations, proximity to populated area, security, and environmental impacts. (2) (15) (61) (81) (180) (333)

- Recommendation to base Type 3 license distribution based on **climate and local regulations**. (11) (39) (42) (56) (81) (141) (143) (144) (171) (192) (267) (272)
- Concerns that the **size of Type 3 licenses promotes lower grade cannabis** with limited medicinal benefit and should be highly restricted. (14) (88) (145)
- Concerns that the limitation on Type 3 Licenses would **not allow cultivators to redeem licensing and operation costs**. (24) (34) (41) (44) (61) (76) (174)
- Recommendation to **prohibit or restrict Type 3 license** until the consumer demand is better evaluated. (40) (114) (129) (193)

*Goal #4: Specify Requirements to Mitigate Environmental Health and Public Safety Issues.*

*How do you currently address potential environmental impacts at a cultivation site?*

- Recommendation to require USDA farm **spray logs for pesticides and odor control** for indoor facilities. (2) (333)
- Recommendation to treat the growing of cannabis **just like any other farmed crop**, such as grapes for wine production. (24)

*Do you conduct targeted pesticide use?*

- Recommendation to incorporate the use of **organic chemicals** and preventative measures, such as neem, olive oil, garlic, ladybugs, castile soap to treat mildew and pests. (14) (39) (56) (88) (89) (117) (165) (168) (169) (268) (272) (273) (368)
- Recommendation to allow **targeted pesticide use** when determined to be necessary to prevent the contamination of the facility or spread of disease/pests. (24) (40) (42) (50) (61) (77) (78) (81) (148) (267)

*Do you use optimal watering times? Do you recycle water and/or cultivation materials?*

- Recommendation to establish **optimal watering times and recycling program for water** and soil. Primary methods for responsible watering includes the use of drip-irrigation systems, mulching, water catchment, and soil amendments. (5) (11) (12) (15) (27) (34) (39) (40) (42) (50) (56) (61) (62) (65) (80) (114) (141) (143) (144) (168) (169) (179) (183) (199) (267)
- Recommendation to require **green waste** from the cultivation process to be used to amend soil. (24) (34) (39) (42) (56) (65) (77) (80) (88) (89) (114) (141) (143) (168) (183) (280)

*How do you currently secure your cultivation site? Alarm system? Fencing? Security guard?*

- Incorporate **common methods of security**, including fences, alarms, access codes, video surveillance, dogs, lighting, and neighborhood watch. (1) (2) (5) (11) (15) (23) (24) (34) (39) (40) (41) (42) (50) (56) (61) (62) (65) (81) (87) (88) (89) (114) (117)

(141) (143) (144) (146) (165) (169) (171) (172) (179) (180) (190) (192) (199)  
(248) (272) (273) (280) (368)

- Recommendation to **require a dwelling unit on site** as well as for the property to be securely fenced. (16) (368)

***Do you sell plants to a dispensary for sale to patients? Or do you sell plants to cultivators for flower production? How much research and development goes on at a nursery site? Do you regularly propagate from seed?***

- Distributes clones and juvenile plants to **members of collective**. (14) (15) (61) (65) (117) (146) (173) (192) (274)
- Distributes clones and juvenile plants to **cultivators and dispensaries**. (15) (39) (40) (56) (61) (78) (114) (142) (173) (192) (280)
- Distributes **solely to a distributor** and not to retail. (24)
- Concern that **seed propagation must occur at a nursery** because the strains are engineered to produce limited to no seeds. (50)

***Goal #5: Outline Cultivator Responsibilities for Compliance Inspection.***

***What measures do you currently take to make your site safe for inspection?***

- Recommend open communication with regulators and **notification prior to inspections**. (5) (11) (12) (23) (24) (34) (40) (42) (146) (169) (275)

***What type of records do you currently retain?***

- Concerns associated with the **lack of record keeping** at cultivation sites. (12) (65) (196)
- Recommendation to **require seller's permit and patient recommendations** to be retained on the premises. (14) (34)
- Recommendation to **require business-related documents** including: expense reports, time frame of activity, inspection reports, production weights, QA/QC reports, and other documents related to the cultivation activity. (15) (24) (40) (61) (88) (129) (144) (180) (192) (193) (268)
- Recommendation for a mandatory **2-year filing period** for any documents related to cultivation. (16)
- Recommendation to require **material records** including water/feeding records, compost tea recipes, fertilizers, pesticides, and fungicides. (39) (40) (41) (81) (129) (141) (142) (143)
- Recommendation to **require employee training, tax, and sanitation records**. (40) (42) (180)



*Goal #6: Specify Track and Trace Requirements*

- Recommendation to **track produced product by batch number and purchase order** from the time the plant is a seed or clone and throughout its life stages all the way until distribution. (2) (11) (12) (15) (40) (61) (78) (142) (145) (171) (187) (192) (333) (358)
- Recommendation to follow and implement the **same requirements the California Department of Public Health** uses to track produce. (6) (129)
- Recommendation that plant count should be **tracked at cloning or planting**. (14) (8)
- Recommendation to implement a **risk-based inspection system (RBIS)** that works by targeting businesses that are most likely to be non-complaint with laws and regulations. (23) (84)
- Recommendation to **barcode (QR Code) plants** so they can be easily tracked from seed to shelf by regulator, cultivator, and buyer. (24) (267)

*Goal #7: State License Violations and Appropriate Penalties*

- Recommendation that a **violation should be handled in one month**, 30-days, which is a desired time for a noncompliance hearing to be held. (1) (12) (50) (51) (62) (72) (76) (81) (114) (117) (143) (169) (179) (194) (273)
- Recommendation that license appeals and similar offenses should preferably be handled **within 60 to 90 days**. (15) (40) (61) (144) (192) (272) (276)
- Recommendation to **revoke licenses** in cases of complete disregard for proper adherence to program. (2) (16) (23)
- Recommendation to establish a **scoring system** of penalties. (11)
- Recommendation to have **inspector work with licensee** to immediately fix non-compliance issue. (24)
- Recommendation to **define as minor offenses incidents** beyond cultivator control or correctable violations such as reporting errors which could be immediately resolved. (6) (12) (8) (15) (23) (24) (40) (50) (51) (56) (61) (76) (78) (81) (84) (88) (143) (144) (169) (171) (268) (273)
- Recommendation to **define serious violations with irreversible environmental hazards and pollution, mistreatment of employees, illegal activities** such as illicit drug sales, and disrupting the local community. (1) (2) (12) (15) (16) (23) (24) (50) (61) (76) (78) (81) (84) (88) (141) (142) (143) (144) (169) (171) (179) (268) (273) (333)
- Recommendation to **define serious violations with intentional sale of product to an unauthorized purchaser** and/or the unrecorded sale of cannabis. (40)

## License Types Sought

- Clarify any **production size requirements or limitations on a Type 4 license** since the law does not provide any clarification for this. (96)
- Concerns associated with the **overall limit on the number of cultivation licenses** that any one applicant or parcel may hold. (80) (232) (233) (265) (268) (308) (9) (32) (360) (44) (154) (174) (232)
- Concerns associated with the **total area/acreage** that an applicant may place under cultivation. (8) (9) (72) (154) (8) (72) (174)
- Suggestions regarding the circumstances when a **manufacturing license** would be needed in addition to a cultivation license. (174) (267)
- Require a **separate license for any manipulation to the cannabis plant** that would be considered manufacturing a cannabis product, such as joints, dry sieving, and water concentrating. (8) (72)
- Concerns associated with the **simplicity and adaptability of licensing rules**. (32)
- Concerns associated with licensing and application **costs**. (32) (36) (100) (136) (161) (194) (268) (294) (295)
- Concerns associated with the **number of cities and counties** that are moving forward with cannabis licensing under MCRSA in order to help determine how many licenses will be needed. (33)
- Suggestions regarding the **numbers of each type of license** that can or should be issued. (33)
- Concerns associated with determining the **best equation for issuing cultivation licenses** at any given time. (33)
- Questions surrounding the **number of licenses permissible based on acreage of parcels** and/or questions and concerns surrounding **acreage limitations**. (113) (154) (233) (265) (308)
- Cultivation permits need to **allow for processing operations** such as: drying, curing, trimming, sorting, packaging, warehousing. (130)
- Suggestions regarding the approach to allowing separate licensees to **operate on the same parcel**. (34) (35)
- Questions regarding how many **licenses an individual and their family members** and associates may hold. (233)
- Can **licenses be switched** between different cannabis cultivation classes? (233)
- Consider allowing parcels of a sufficient size to **receive additional cultivation permits** under the same license. (34) (35)
- Suggestions that the approach to defining mixed light should **consider the amount of energy use**. (130)

- Regulations should clarify whether a **dispensary can sell immature plants** and/or whether it can hold a nursery license for this purpose. (36) (96)
- Regulations should clarify whether a **Type 10 or 10A Dispensary can hold a Type 4 license** and sell immature plants, or alternatively sell (but not produce) live plants under the Type 10 license. (196)
- The regulations should allow licensed cultivators to **transport harvested cannabis** from a cultivation site to a processing site without the need for a Type 12 license. (36)
- The regulations should allow cultivators to hold a **dispensary license (10A license)**. (36)
- The **number of 10A licenses** should be limited to protect small growers (194) (196)
- Clarify any **production size requirements or limitations on Type 4 licenses**. (36)
- Add an **additional license type for a specialty cultivator** that is up to 2,500 square feet. (161)
- Support for development of **cottage licenses**, including home-based operations. (66) (228) (231) (326)
- Provide **provisional licenses for small farmers** in order for them to have ample time to meet the new regulations. (232)
- Will there be an **opportunity to upgrade cultivation licenses** upon renewal? (342)

### Type 3 Limits

- CDFA's **limit mandate on Type 3 licenses** should be applied to cultivation operations that were proposed after the date state licenses become available. (9)
- Limit Type 3 permits to mostly outdoor grows and also limit them based on the effect they will have on any given **watershed**. (164)

### Nurseries

- Regulations should specify how nursery requirements related to **pest detection, prevention, quarantine, and overall cleanliness** will apply to cannabis nurseries. (13) (43) (96)
- Cannabis nurseries should be subject to existing **nursery stock licensing requirements** and **label requirements**. (13)
- Concerns associated with the **consistency of cannabis nursery stock definitions** and terms. (43) (110)
- Require that any **cannabis nursery stock** that is produced, sold, or distributed come from a Type 4 licensed retail or wholesale nursery. (96)
- Consider a **simplified compliance process for retail nurseries** that are not related to dispensaries. (153)
- There should be **no limit on the size of a nursery**. (154) (251)

- Suggestion that there is **no purpose for limiting nurseries** to four licenses of 1 acre each, versus one license for 4 acres. (154)
- The ability to have **mature plants to produce seeds** is needed for the nursery production process. (225)
- Concerns that **licensing costs for small nurseries** could be cost-prohibitive. (295)
- Opposition to the requirement for a **distributor**. (331)
- Regulations should address **wholesale cannabis seed production** for resale and strain development. (96)

## Inspections and Records

- Utilize the **U.S. FDA’s Food Safety Modernization Act** as a comprehensive model for drafting the regulations and inspection procedures established in the MCCC. (6)
- Require all permitted operators to keep and **maintain all records** related to business sales, material inventory, staff, MSDS sheets for materials that are used, and other state and local required records. (8) (53) (72) (93)
- Questions and concerns regarding the **number and timing of inspections**, both as it relates to individual licensees and the overall CDFA inspection process. (8) (72) (257) (309)
- Cannabis cultivation should be an **internal system/database for local governments** to be able to file complaints with the state and have those associated with a license keep track of issues that arise. (8)
- Concerns associated with access to the **unique identifier database** by local agencies. (8) (72)
- Provide **advanced notice before inspections**; do not conduct “surprise” inspections as some locations are not open to the public. (30) (248) (267)
- Address how cannabis seeds will be subject to existing requirements for **sampling** to detect disease and, if they meet the **specific requirements, certification of seeds for packaging, labeling, and sale**. (13) (344)
- Provide **grace periods** for technical violations or imperfect recordkeeping. (30)
- Records of **plant destruction** as well as **events in the cannabis life-cycle** that fall outside of expected parameters should be compiled. (32) (124) (172)
- Cultivation operations must **maintain records** that include planting records, propagation records, pesticide use records, and harvest records. (53) (93)
- Develop **standard protocol for inspections** and provide the CAC with guidance regarding the submission of Pest Damage Records and collection of pest samples related to cannabis cultivation. (96)
- Concerns associated with the **costs to local and county departments** for resources used to ensure that grow sites are safe and in compliance with regulations through proper investigations and on-site visits of these areas. (102) (315)

- Concern regarding cannabis cultivation **site expansions** after the preliminary permit inspections are completed, and how this would be prevented. (109)
- Inspections should occur **prior to or shortly after license approval**. (100) (136)
- Law enforcement should not be **unnecessarily involved in inspections**. (164) (251)
- Law enforcement should have **warrantless access**. (279)
- Appoint a representative from each grow site who will be tasked with **escorting inspectors** onto cannabis sites. (164)
- Each site should have **records** of total plant count, weight of dry flowers, and proper records of all disposed cannabis flowers, plants, and dried flowers. (172)
- Concerns regarding **improper handling** (e.g., exposure to air) during product testing. (222)
- Utilize **QR code tracking** in order to keep records of cannabis products. (267)
- Require all inspector personnel to **wear protective suits** in order to prevent the potential spread of pests to habitat areas outside of cultivation sites. (244) (290)
- Require **third party certifying/inspection agencies**. (64)

## Track and Trace

- Utilize concepts of **produce traceability** implemented by the agriculture industry when developing track-and-trace requirements. (6)
- Require all cannabis products to be **tracked through various stages of cultivation** such as production, manufacturing, processing, handling, transportation, sales, and consumption. (6) (8) (72) (73) (279)
- Concerns expressing the importance of tracking cannabis **through all stages**. (102)
- Track the **weight of cannabis plants** before and after transport. (8) (72) (73) (124) (172)
- Tracking the **weight of non-psychoactive plant matter** is not necessary. (262)
- Track the record of cannabis **clone purchases, vegging, flowering, and harvest dates**. (15) (61) (73) (124) (279)
- Each cannabis seed must be **registered for germination with State**-required tags. (124)
- **Tracking of seeds is not necessary**. Plants should be tracked from 8 inches. (248)
- **Electronic forms of tracking** need to be made available that are approved by the state. (248)
- Require all cannabis businesses to **provide periodic data** to relevant state and local regulatory agencies that includes volume and tracking data from seed-to-sale systems as well as retail data from point of sale systems. (32)

- Suggestions regarding the size of a plant before a **unique identifier** is required – 8-inch clones, 1-foot plants. (15) (61) (360)
- Develop an **online database** where the public can search for detailed information regarding the license holder and his/her cannabis operation(s). (8) (72)
- Track-and-trace technology is paramount to the successful implementation of a program that maintains system integrity and **prevents infiltration of non-licensed products**. (19) (245) (332)
- Allow for **existing tracking systems** and technology utilized by current cannabis businesses to integrate with CDFA track-and-trace procedures. (32) (45) (68) (86) (237)
- Tailor track-and-trace CDFA procedures to adhere to best practices with respect to **encryption for data**. (32)
- Tailor track-and-trace CDFA procedures to provide **uniform third party access** to collected data to the extent permitted by the state and local governments. (32) (247)
- Tailor track-and-trace CDFA procedures to **protect personal information of patients** to the extent mandated in MCRSA.
- Tailor track-and-trace CDFA procedures to **minimize administrative burden** to cannabis businesses. (32)
- Tailor track-and-trace CDFA procedures to **require an open standard** and ability to source goods from third parties. (32)
- Tailor track-and-trace CDFA procedures to be **compatible with a variety of hardware and software systems**. (32) (45) (68) (86) (237)
- The track-and-trace system should allow all licensee-facing system activities to be performed by a secure open-access **API** (Application Program Interface). (32)
- The API should have a **bidirectional integration, be real time, be accessible to any front-end application** that has been validated and has appropriate credentials, and have version control. (32)
- Suggestions that there be flexibility to **tag entire plant batches and lots** instead of individual plants. (36) (130) (206) (259) (358)
- Concerns that **tagging individual plants is ineffective** and how it does not provide any information as to how much product will be available. (239)
- Develop a track-and-trace program that allows **the state, local jurisdictions, and/or law enforcement to access to data**. (36) (172)
- Utilize **barcoding, QR and/or RFID tagging** in the track-and-trace program. (45) (124) (267)
- Cannabis products must be **traceable back to their respective cultivation sources**. (53) (93) (269)
- How will the track-and-trace program apply to **staged harvests** of the cannabis flower? (67)

- The track-and-trace system should **end at the point the product is delivered** and enters a dispensary's point-of-sale system. (68) (86)
- Comment on how **small-scale, indoor cultivation** that utilizes fully monitored facilities is **beneficial to the track-and-trace system**. (83)
- There should be specific **labeling requirements** contained in the track-and-trace system. (90)
- How will cannabis products that are **transported by air** be tracked? (102)
- Promotion of **Greeniosk Track, Trace/Seed to Bank Technology**. (107)
- Provide **GPS** tracking and tracing of all pickup/delivery vehicle movements. (124)
- **How do I participate in the track-and-trace program?** (127)
- The track-and-trace system being developed into the MCCP program needs to be carefully examined and **thought out before implementation**. (331)
- Concerns associated with the difficulty in being able to track cannabis due to its **perishability**. (331)
- **Humboldt's County's predictive model** of tracking cannabis is a better method than tagging individual plants. (196)
- Research **Colorado's track-and-trace program** instead of trying to develop an entirely new program. (241)
- Request to **provide consultation** on the development of the track-and-trace program. (245) (332)
- Only the **finished cannabis product** should be tracked through the track-and-trace program. (254)
- The track-and-trace program should **monitor labor costs, workflow methodology, and plant life cycle**. (262)
- The track-and-trace program should only **monitor how many plants were planted, what their yield produced of medical quality**, and where they went. Anything more than this is unnecessary and counterproductive. (268)
- Concerns associated with the **potential cost of maintaining** the track-and-trace program on local government agencies. (315)
- Use **FlowHub or GreenBit** as the primary track-and-trace software. (324)
- Concern that the **track-and trace-program is not practicable**. (347)
- Concerns associated with the proper tracking of cannabis products that are **transported throughout the state**. (102) (124)
- Concerns associated with the required items on a **transporter's manifest** for transportation of cannabis goods. (328)
- Concerns associated with the **required documents that must accompany transport drivers**, establishing the necessary thresholds for transporter licenses, and driver check-ins and reporting. (124) (328)

- Require **special DMV endorsement** for transport drivers. (124)
- Concerns associated with applying for a **separate transporter’s license** or if transport is allowed under a cultivation permit alone. (130)
- Transporters should be allowed to **transport cannabis between any two license holders**. Specifically, they should be able to move cannabis from the cultivator to licensed testing labs, processing facilities, manufacturers, and distributors. (167)

## Other

- Provide access to a **regulated marketplace** for growers as an incentive to get them to comply with regulations on their cultivation operations. (31)
- Incentivize the adoption of **organic/probiotic farming** by cannabis growers. (262)
- Concerns associated with **felons receiving licenses** and permitting to conduct cannabis cultivation operations. (59)
- Concerns associated with the **proper treatment of workers** on cultivation sites. (59) (99)
- Concerns associated with **out-of-state growers** who conduct cannabis cultivation operations during grow season and then return to their home states afterwards. (59)
- **Restrict granting and renewal of licenses** to individuals or sites that have prior violations or convictions. (75) (100) (136) (282)
- Concerns associated with **funding for regulations**. CDFA must take into account any costs accrued from requirements at the local level. (96)
- Require **obtaining a cultivation license** prior to constructing cannabis cultivation facilities. (253)
- Concerns associated with the influence, control, and operations of **illegal criminal organizations** (gangs, cartels, drug traffickers, etc.) over cannabis cultivation in California. (99) (354)
- Concerns associated with mitigating any **violence** that results from cannabis cultivation. (345) (354)
- Prevent **foreign countries, citizens, or businesses** from owning or controlling any cannabis land or water usage associated with cannabis cultivation in the state of California. (124)
- Prevent the **importing or exporting of cannabis** produced in California to a foreign country. (124)
- Concerns associated with the specifics of **how ownership rules apply to cooperatives**. (130) (233)
- Concerns associated with the **date on which cannabis purchases and distribution must begin to pass through licensed distributors and cultivators**. (130)



- Will the state allow for **on-site consumption/sales** (i.e. farm tours, bed & breakfast, events, specialty markets)? And will this also require prior pass through distribution? (130)
- Can a product produced on a farm be maintained in a secure location on site once a sample has been taken for **testing** by the distributor? Or does an entire batch have to be transferred to distribution and held off site until transferred to a purchaser (i.e., dispensary)? (130)
- Does **Desert Hot Springs** follow its own laws set by the city council prior to the 2018 cannabis regulations or will the new regulations overrule them? Specifically, for limitations on canopy size. (159)
- Recommendation to **eliminate Proposition D** (City of Los Angeles measure), which sets a cap on the number of medical cannabis dispensaries. (139) (152)
- Concerns associated with the illegal distribution and sale of cannabis through the **black market**. (150)
- Any **rules established** that seek to protect the environment should be **applied to all agricultural operations** and not just to cannabis. (185)
- Allow for cannabis farmers to join **agricultural marketing cooperatives** in order to ensure small farm survival. (185)
- Concerns associated with the **financial impacts** on the pricing of cannabis from over-regulation. (200)
- Concerns associated with the **protection and grandfathering of pre-MCCP growers** who have been providing medical cannabis to California well before this program was proposed. (209) (265)
- Concerns associated with how long-time growers are going to **prove to the government** that they were operating either 100 percent or 90 percent legally prior to the MCCP. (244)
- Concerns associated with **providing insurance and surety bonds** for cannabis growers and their cultivation sites. (252)
- Concerns associated with the **testing/laboratory model** that existing growers use as a way to control the cannabis market. (279)
- **Small farmers should get priority** for receiving cultivation licenses over large companies to allow for a competitive economic marketplace. (323)
- **Certified organic farms should be given a fast track into the program** because they have already proven that they can follow rules and regulations. (281)
- The application process should be a quicker process in general. (323)
- Individuals who have **felony conviction(s) dating back more than 10 years** should be allowed to obtain a cannabis license as well as be able to work at cultivation sites, dispensaries and other cannabis-related positions. (308)

- Prohibit cannabis cultivation until the state has cleaned up the **215-card program** that has been abused by doctors who are writing prescriptions for patients who do not have medical conditions. (318)
- Concerns associated with the **equal opportunity** to participate in the cultivation licensing process **for African Americans and other minorities**. (337)
- Concerns associated with **racial imbalance** in the cultivation industry. Recommends that the PEIR include a section that aims to address this issue. (356)
- Concerns associated with the **types of entities that will be receiving cultivation licenses**. (227)

## Comment Categories Relevant to the Environmental Review

The following comments received pertain to EIR comment categories relevant to the Proposed Program and preparation of the draft PEIR.

### General Cultivation Practices

- Information and calculations to assist in **determining the number of qualified patients** in California in order to better determine the current demand for cannabis. (33) (35)
- Determine the **methods of consumption** employed by patients in order to determine how much cannabis needs to be cultivated for each one. These methods include inhalation, consumption in edible form, topical and concentrated forms, and consumption in solution. (33) (35)
- Determine the **average amount of cannabis that is consumed per patient** annually in order to further assist CDFA in developing the MCCP. (33) (35)
- Determine the **amount of cannabis required to manufacture each consumption method**. (33) (35)
- Determine **the amount of cannabis flowers** that plants produce. (33) (35)
- Determine the **approximate area of plant canopy** required to produce California's annual supplies of cannabis. (33) (35) (78)
- Information and calculations regarding the **number of each license type** needed to fulfill demand. (33) (35)
- Develop a **cultivation checklist tool** that can be used by CDFA, other agencies, and local governments to evaluate environmental impacts of cannabis cultivation license programs. (31)
- Implement the certified organic designation and **organic certification program** for medical cannabis cultivation (California Business and Professions Code Section 19332.5) sooner than 2020. (46) (47) (100) (136) (282)
- Require all materials used in the cultivation of cannabis to be **approved for use in organic production**. (48) (101)

- Establish a **program for organic certifying agents** to certify cannabis as meeting USDA organic standards. (48) (147)
- Suggestions regarding the **definition of mixed light**. (130) (208) (246)
- Allow cultivators the opportunity to **sort their cannabis material** into different raw materials for packaging, such as shake, dry sieve, water concentrating. (66)
- Most people in the cannabis industry **prefer outdoor cultivation** over indoor cultivation grows. (218)
- Comment providing information on **micropropagation** and tissue culture properties for use in cannabis cultivation. (226)
- Comments providing **farming techniques** (such as water use, staged harvest) that can prove to be beneficial to cannabis cultivation or the environment. (164) (246) (285)
- Joints, dry seeding, water concentrating, and rosin should be considered **non-solvent extracts** and, therefore, should not be considered within the scope of cultivation. (246)
- Request to be included in any **CDFA groups or convening panels** that may be established to help provide more insight on cannabis cultivation operations. (28)
- Concerns associated with an **availability of any programs or partnerships** that would allow licensees to receive grants, loans, matching funds, or tax credits to install renewable energy systems for cultivation operations. (34)
- Recommendations on how to **manage propagation materials** used for cannabis cultivation operations. (53) (103) (269)
- Suggestions regarding the **number of plants allowed per person or caregiver** for personal or medical use. (82)
- Concerns regarding the public health and safety and environmental impacts of **illegal growing and sale of cannabis**. (98) (101)
- Concerns associated with the potential loss of cannabis variety due to **overly restrictive regulations**. (103)
- Concerns associated with the **lack of adequate square footage for cannabis grows** to provide enough space between plants so that growers can work comfortably. (203)
- Implement standards for commercial cultivation facilities through **carbonized or chemical mechanisms**. (205)
- Comment describing **the duration of light exposure** needed for each step of the cannabis cultivation process. (246)
- Comment describing the **recordkeeping** of each cannabis strain as well as their total yield. (246)
- Information regarding the **types of cannabis extraction methods** currently in use. (268)

- **Treat small plants with pesticides** rather than treating them during flowering. Treating them when they are small will prevent traces of pesticide in the final product but will still be effective in saving the plant. (289)
- Consider the **transition from cannabis cultivation to industrial hemp cultivation** for current cannabis farmers. (301)
- Growers are using **20-foot-high hoop houses**, which do not require permits, to maximize their cultivation. (314)
- Concerns associated with the **correct projection of how much cannabis** will need to be produced as well as **how many licenses** should be issued in the next couple of years. (33)

## Aesthetics

- Concerns associated with potential impacts to scenic resources and public views related to **land clearing**, including hilltop grading, removal of trees and vegetation. (10) (29) (75) (104)
- Concerns associated with potential impacts to scenic resources and public views from **cannabis cultivation operations equipment**, including views of large water tanks, greenhouses, and the construction of walls and security fencing for indoor, outdoor, and mixed-light cultivation sites (10) (20)
- Concerns associated with cannabis cultivation development and infrastructure on **coastal viewsheds**, sensitivity to existing coastal terrain, natural features, and historic structures and landscapes; and considerations being made to the design of new structures in the coastal zone to be compatible with the character and zoning of the surrounding area. (20)
- Concerns associated with impacts to **day and nighttime views** from additional development and infrastructure associated with cultivation sites, such as the use of exterior and artificial lighting. (20) (29) (85) (106) (123) (140) (259) (307)
- Recommendation to **prohibit any light pollution that impacts nighttime views entirely**. (75) (82) (102)
- Recommendation to use **visual barriers and lights** for security purposes. (34) (35)
- Concerns associated with the influx of cannabis growers' **temporary living accommodations** into local communities that affect the scenic value of the neighborhood. (366) (367)
- Cover grows with **blackout cloth** when lights are on in order to prevent light pollution. (75)

## Agriculture and Forestry

- Concerns that **excessive land clearing** as a result of outdoor cannabis cultivation has potential to result in loss of oak woodlands, timberlands, open space, and other forest environments. (10) (100) (210) (282)

- Concerns that outdoor cultivation can result in the **conversion of farmland and agricultural land** from grazing and other crops to cannabis or non-agricultural uses. (10) (20) (29) (104)
- Analyze how large-scale cannabis operations and other non-soil dependent accessory structures may result in the **conversion of prime and/or nonprime agricultural lands** to non-agricultural uses. (20)
- Concerns associated with the **compatibility** between cannabis cultivation operations and the existing agricultural production areas on surrounding lands, and impacts on the adjacent operations. (20) (29) (102)
- Evaluate other **potential alternatives** that would accomplish the purposes of the cannabis cultivation program while avoiding potential agricultural conversion to non-agricultural uses. (20)
- Examine any potential conflicts with existing zoning for agricultural use or **Williamson Act contract**. (29)
- Suggestions that cannabis cultivation in **Timber Production Zones** should not be allowed, and/or that its impacts be evaluated in the PEIR. (26) (46) (47) (100) (101) (120) (136) (147) (282)
- Concern regarding the potential land use impacts on **neighboring timberlands** caused by cannabis cultivation site establishment. (104)
- Grow sites should be **limited to agriculturally zoned lands** that have already been disturbed. (102)
- Consider mitigations including without limitation requiring that all cultivation sites located on timberlands demonstrate compliance with the **Forest Practice Act**. (104)
- Address the potential for **forest fragmentation** caused by cultivation sites and include measures to minimize and mitigate it. (26) (106) (120) (312)
- Consider **climate change adaptation measures** for improving forest adaptation to land clearing and deforestation for cultivation operations, such as replanting. (46) (47)
- Safety concerns surrounding **illegal cultivation site activities within forests**. (366)
- Concerns associated with the **protection of federally granted certified organic farmers** from any impacts brought about by cannabis cultivation. (215)

## Air Quality and Odor

- Concerns associated with **odors** released from cultivation sites. (3) (10) (71) (75) (83) (91) (98) (118) (119) (138) (247) (255) (311) (314) (346) (364) (365)
- Concerns associated with the **potential health ramifications** that noxious odors and fumes from cannabis cultivation sites may cause. (3) (29) (85) (91) (98) (119) (298) (313) (314) (319) (346)

- Incorporate **air quality permit and air quality regulatory compliance requirements** for the licensee from the state or regional air quality management district. (3) (20) (47) (100)
- Cultivation sites should comply with the **Clean Air Act**. (120) (136) (282)
- The analysis should include examination of the potential air quality impacts caused by **excessive energy consumption** including the use of generators and diesel-fueled equipment. (3) (20) (29) (46) (47) (80) (102) (120) (255)
- The analysis should include examination into the potential air quality impacts caused by **transportation operations** related to cannabis cultivation. (20) (29) (46) (47) (102) (120)
- The need for the proper **evaluation of air quality** in the PEIR. (47) (67) (71) (91) (100) (120) (136) (247) (282) (319) (346)
- Concerns that manufacturing processes on both indoor and outdoor cultivation sites can lead to **fires, burning, or other accidents that negatively affect air quality**. (3) (46) (104) (255)
- Comments on the benefit of **existing timber stands** and how they help to improve air quality. (100) (120) (282)
- Recommendations on acceptable **ventilation systems** for use on cultivation sites. (28) (53) (93) (269) (319) (340)
- Infrastructure on cultivation sites need to be designed to monitor and control any **airborne** contaminants released into the air due to production. (80)
- PEIR should consider the need for **dust control** on lands that have been cleared for cannabis cultivation. (255)
- MCCP regulations should reflect the **cap and trade regulations** administered by the California Air Resources Board (CARB). (46)

## Biological Resources

- Concerns regarding the potential for “take” of **California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA)-listed species** due to any project-related activity. (4) (29) (82) (106) (312)
- Concerns regarding the **potential diversion or obstruction of natural flows** involving any river, stream, or lake or any **change or use of bed material, channel, or bank; or any disposal of debris, waste, or other material into these areas** that would substantially affect any existing fish or wildlife resource. (4) (20) (100) (101) (120) (282) (311) (312)
- Ensure **compliance with federal Clean Water, Clean Air and Endangered Species Act (ESA)** provisions from states, counties, and license holders for the use of hazardous materials and/or chemicals in order to preserve water quality and wildlife. (46) (47) (100) (136)

- Require that **local ordinances regarding pesticide** use that are more restrictive than state or federal requirements take precedent over federal Clean Water, Clean Air and Endangered Species Act provisions. (46) (47) (100)
- Concerns associated with the **impacts of pesticide and chemical usage** and how it can harm wildlife and the environment. (149) (282) (309) (367)
- Concerns associated with the **disclosure of adequate mitigation and monitoring measures** in the PEIR involved with the take of CESA or NPPA-listed species and the diversion, alteration, or use of any river, lake, or stream. (4)
- **Disclose any information where site-specific impacts on biological resources are unknown** and acknowledge that further environmental analysis is needed for these areas. (4)
- Concerns regarding potentially negative impacts on **animal species** populations and habitats caused by cannabis cultivation operations. (10) (26) (29) (75) (101) (102) (140) (312)
- Concerns regarding the **development of areas adjacent to Environmentally Sensitive Habitat Areas (ESHAs)** that may or may not significantly impact these ESHAs. (20)
- **Restrict grow sites from being planted in areas that are important habitats for threatened or listed species** and in ESHAs or areas listed as critical habitats for species. (102)
- Prohibit cannabis cultivation operations on **Timber Production Zones and in timberland/woodland**. (147) (282)
- **Provide analysis on alternatives** to any proposed cannabis cultivation project to prove that the least damaging feasible alternative was chosen. (20)
- Concerns regarding the potential impacts of **siting cannabis cultivation near rivers, creeks, wetlands, or other sensitive habitats**. (26) (75)
- Concerns regarding the **impact of hazardous chemicals on native species** located in cultivation sites. (29)
- Thorough **habitat assessment reports** should be prepared by qualified biologists for locations where cultivation sites are located. (29)
- Retain a **qualified biologist to perform site assessments**. (29)
- Concerns associated with the **harmful effects of light pollution on wildlife migration patterns**. (123)
- Implement **more stringent regulations and enforcement** to address the serious impacts that are causing significant stress on wildlife in sensitive natural areas and watersheds. (46) (47) (100) (136) (282)
- Concerns associated with the evaluation of any **cumulative impacts on all species** listed as sensitive, threatened and/or endangered. (46) (47) (82) (100) (101) (102) (120) (136) (282)

- Concerns associated with the impact of **noxious weed species** within cultivation sites and mitigation measures to prevent them from infesting areas beyond these sites. (46) (47) (100) (101) (136) (120)
- Address the **preservation of natural ecological processes** to maintain the current balance of species populations and diversity. (46) (47) (100)
- Concerns associated with the **use of foreign soils** that are known to spread pathogens that harm or kill local plant and wildlife species. (101) (102)
- Concerns associated with the **increased risk of fires caused by cultivation operations** that could lead to the destruction of biological resources. (104)
- Concerns associated with the potential for **soil degradation** due to lack of knowledge in biological (regenerative) agricultural vs. chemical agricultural practices. (120) (301)
- Concerns associated with the proper **consideration for wildlife habitats, corridors, and ecological hotspots**. (120) (301)
- Concerns associated with the **depletion of natural aquifers** due to cannabis cultivation. (121) (367)
- **Coordinate between local, state, and federal agencies** when reviewing permit applications and violations in order to mitigate damages to sensitive natural areas more effectively. (100) (147)
- **Limit the number of cultivation sites** and total acreage of these areas in consideration of the overall environmental impact they will cause. (282) (313)
- Require all inspector personnel to **wear protective suits** in order to prevent the potential spread of pests to habitat areas outside of cultivation sites. (244) (290)
- Agricultural practices related to cannabis cultivation must **provide a way to regenerate biological soil diversity and enhance wildlife**. (301)
- Protection of **state water resources** must be a paramount issue addressed in the MCCP. (309)
- Specifically evaluate each outdoor and indoor cultivation license issued for potential impacts on the **Pacific fisher**. (312)
- Concerns associated the impacts on **marbled murrelets** due to attraction of predatory corvids by littering of food waste. (312)
- Prohibit medical cannabis from being **genetically modified using recombinant DNA technology**. (312)
- Consider the **dumping of wastewater and chemicals into watersheds in Calaveras County** that came about due to unregulated cannabis cultivation when drafting regulations for the MCCP. (366)
- Analyze **fish screening and passage** at water diversions. (21)



## Cultural Resources and Tribal Cultural Resources

- Concerns associated with the negative impacts on cultural and historic resources from **land grading and land clearing activities**. (10)
- Conduct surveys to determine the degree of impact cultivation sites would have on historical/archeological resources including any **human remains or tribal burial ground sites**. (29) (54)
- Concerns regarding the potential disregard for **tribal community concerns** who are located near cultivation sites. (120)
- Ensure **proper mitigation of any impacts from cultivation sites on cultural resources** within tribal lands. (52)
- Concern regarding the **lack of ability for tribes to obtain licenses** to cultivate on tribal lands. (214) (216) (217)

## Geology and Seismicity

- Perform a **geotechnical services report** on cultivation sites. (29)
- Concerns associated with **erosion and sediment impacts** such as sediment pollution, mass sedimentation, and erosion from rain events. (20)
- Concerns associated with the **disposal of potentially foreign soils** that may be imported to an area for cannabis cultivation. (82) (102)
- Concerns associated with the potential for **soil degradation** due to lack of knowledge in biological (regenerative) agricultural vs. chemical agricultural practices. (120) (301)
- PEIR should evaluate an analysis of **soil and water contamination due to leaks and improperly stored soil additives like fertilizers and pesticides, and fuels and supplies** for generators used to power grow lights and fans is necessary as well. (20)
- Implement more stringent regulations and enforcement to address the serious impacts of cannabis cultivation operations and materials on **land terracing**. (46) (47) (100) (136) (282)
- Concerns associated with proper **usage, storage, and disposal of nutrients** used in cultivation. (53) (103) (269)

## Energy Use and Greenhouse Gas Emissions

- General concerns with greenhouse gas emissions and high energy consumption associated with **indoor cultivation sites**. (10) (17) (46) (47) (106) (120) (170)
- Recommendations to **encourage outdoor, sun-grown cultivation** that uses much less energy than indoor cultivation. (17) (67) (69)

- Concerns regarding the extent of carbon dioxide emissions due to **long distance traveling to cultivation sites**. Recommends that sites be located in close proximity to towns. (75) (104)
- The PEIR should include proper analysis and evaluation of the **direct and indirect impacts of greenhouse gas emissions** on the environment. (29) (46) (67) (71) (101) (120)
- Recommendations that the state use the **Council of Environmental Quality’s work on greenhouse gas emissions and climate change impacts** as a guideline for the PEIR. (46) (47) (120)
- **Plans, policies, or regulations** need to be put into place to mitigate greenhouse gas emissions. (29) (46) (47) (80)
- Lights should not be restricted (**light restrictions**). (34) (246)
- Work with other state agencies to **develop a statewide certification program** for sustainably grown indoor cannabis cultivation in order to mitigate greenhouse gas emissions. (46) (47) (100) (120) (282)
- Comments on the benefit of **existing timber stands** and how they help to offset greenhouse gases through carbon sequestration. (46) (47) (100) (104) (120) (147) (282) (312)
- Concerns associated with the **number of indoor cultivation permits issued**, and the associated cumulative impact of greenhouse gas emissions. (46) (47) (100) (101) (120) (282)
- Concerns associated with licensee compliance with the **federal and state Clean Air Acts**. (47)
- The PEIR should consider **potential emissions-reducing scenarios or alternatives** that could be used to offset energy usage and greenhouse gas emissions caused by cannabis cultivation. (67)
- How will the enforcement process penalize against **unmitigated greenhouse gas emissions violations**? (46) (47)
- Comment recommending the maximization of electricity **usage during off-peak hours** only for cannabis cultivation with minimal overlap into peak hour usage. (68) (80) (86)
- Implement a **carbon tax** on indoor grows to reduce fossil fuel and electrical energy usage that is needed to run indoor cannabis cultivation. (64) (69)
- Require all cannabis operations to **calculate their baseline carbon footprint and develop a comprehensive plan to minimize** it over time. (80) (301)
- Require indoor and greenhouse cultivation sites to conduct an **energy audit** that identifies energy sources and energy consumption per amount of crop produced and/or per surface area of crop production. (80)
- Require cannabis operations to make an effort to move towards **renewable energy consumption** such as using wind and solar energy, hydropower, biomass, etc. (80)

- Promoting **energy-efficient practices and appliances** will help to reduce greenhouse gas emissions. These practices and appliances include but are not limited to energy-efficient lighting, heating and cooling systems, smart equipment and reduction in use of petroleum generators. (80) (301)
- Provide local community members who are affected by any greenhouse gas emissions from cultivation sites with an **MSDS on each type of gas that is released**. (91) (346)
- Initiate a **credit system that rewards cultivation operations** when and/or if they operate with low greenhouse gas emissions rather than penalizing them for high emissions. (244)
- Concerns associated with the **unchecked usage and disposal of greenhouse gas emitting appliances** including generators, butane canisters, and propane. (307)
- Include a systematic and comprehensive discussion of the **impacts of climate change** caused by areas where cannabis cultivation is prevalent. (46)

## Hazards, Hazardous Materials, and Human Health

- Concerns with the potential for the spread of **pests and diseases** to agricultural crops due to a lack of pest and disease screening on cannabis seeds and clones. (344)
- Impacts to **crops and livestock** as a result of the use of toxic chemicals. (13) (29) (46) (120)
- Concerns associated with the **use, transportation, and storage** of hazardous materials including fuel, fertilizer, and pesticides. (10) (15) (29) (53) (82) (83) (98) (101) (102) (103) (120) (140) (215) (255) (263) (269) (300) (307) (309) (355) (364) (365)
- Concerns associated with hazardous material **runoff and drainage**. (10) (46) (83) (98) (100) (101) (106) (136) (140) (207) (263) (300) (309) (311) (355) (366) (367)
- Evaluate how cannabis cultivation operations will address **protection against spillage** of hazardous substances which will include proper containment and cleanup procedures and adequate safety training and protocol. (20) (28) (53) (82) (93) (269)
- Concerns associated with the adequate **evaluation and regulation** of potential hazards on and near cultivation sites. (18) (20) (48) (147) (149) (203) (247)
- Concerns associated with the **potential health ramifications** that noxious odors and fumes from cannabis cultivation sites may cause. (3) (29) (85) (91) (98) (119) (298) (313) (314) (319) (346)
- Concerns associated with the proper **recall of cannabis** that has been shown to present a reasonable or a remote probability that the use of or exposure to the product will cause serious adverse health consequences, or could cause temporary or medically reversible adverse health consequences. (28) (53) (93) (222) (269)
- Concerns associated with interference with **emergency vehicles or evacuations** due to sectioned off roads near cultivation sites. (29) (75) (101)

- Ensure proper **sanitation practices** on cultivation sites including adequate and readily accessible toilet facilities and hand-washing stations. (28) (53) (93) (102) (106) (324)
- Ensure proper **safety measures for any structure and for workers** near or on a cultivation site. (28) (53) (93) (96) (269)
- **Inform permit applicants of the chemicals that may and may not be used** in cultivation sites. (61) (74) (82) (100) (121) (136) (149) (297) (312) (324) (297)
- Concerns associated with **increased crime and loss of safety** in some neighborhoods where cultivation sites have been established. (99) (118) (140) (151) (298) (313) (355) (364) (365) (366)
- Concerns associated with the **increased risk of wildfires** on or near cultivation sites that are caused by a lack of defensible space around structures; use of generators, pumps, and other gas-operated equipment that are subject to fire prevention requirements; and over drafting of water during fire season. (104)
- Concerns associated with the potential impacts of **light pollution** on human health such as cancer and heart conditions. (123)
- Concerns associated with the **inability to use pesticides** for the successful growth of cannabis plants and the over regulation of pesticides. (289) (133)
- Concerns associated with the **evaluation and mitigation of public safety risks** that may come from cultivation sites and their operations. (104)
- Concerns associated with proper **maintenance of equipment** used for cannabis cultivation. (53) (103) (269)
- **Carbon dioxide levels** in indoor cultivation facilities should not exceed 2,000 parts per million without personal protective equipment to ensure worker safety. (28) (53) (93) (269)

## Hydrology and Water Quality

- Include the **Porter-Cologne Water Quality Control Act's** applicable provisions in the legislation for the MCCP project. (101)
- Concerns regarding the **potential impacts of siting cannabis cultivation near rivers, creeks, wetlands, or other sensitive habitats**. (26) (75)
- Require a full analysis of **available water supplies** and the potential drawdown of neighboring wells by cultivation sites. (82) (102) (106) (300) (307) (366)
- Require each cannabis operation to have its own **written sustainability plan** that details water reduction and other related categories. (80) (93) (298)
- Include an **impact assessment on water quality** in the PEIR. (20) (46) (47) (100) (102) (120) (136) (282)
- Concerns regarding the **impacts of wastewater disposal** associated with cannabis cultivation. (20) (82) (102) (366)

- Concerns associated with the **pollution of waterways due to increased waste and load on septic systems**. (20) (120) (301) (366)
- Concerns associated with the **reduction of water quality** due to cultivation operations such as unregulated logging, land grading, chemical usage and fertilizer/pesticide usage. (20) (85) (98) (106) (120) (300) (311) (312)
- Ensure **proper education of the public** regarding use of pesticides that they can limit the use of harmful substances that end up in the water supply. (297)
- Ensure **compliance with federal Clean Water Act** provisions from states, counties, and license holders. (46) (47) (100) (136) (282)
- Concerns regarding the **impacts of diversion or obstruction of natural flows** involving any river, stream, or lake; or any change or use of bed material, channel, or bank; or any disposal of debris, waste, or other material into these areas. (4) (10) (20) (46) (47) (75) (100) (101) (106) (120) (136) (282) (309) (311) (312) (366)
- **Implement more stringent regulations and enforcement** to address the serious impacts of cannabis cultivation operations and materials on water quality and stress on watersheds. (46) (47) (100) (136) (282)
- **Coordinate between local, state, and federal agencies** when reviewing permit applications and violations in order take action before significant rainfall or runoff events damage water quality. (47) (100) (136) (147) (282)
- **Enforce “Waters of the State” laws** where each licensee must possess a legal water source adequate for the scale of cannabis cultivation. (46) (47) (59)
- Include **provisions for licensee compliance** with the federal and state Clean Water Acts and related regulations. (47) (80)
- Create **setback requirement from streambanks and maximum slope limitations on grow sites** in order to help minimize runoff. (47)
- Concerns associated with the **potential impacts of importing water** to grow sites. (59) (101) (102) (366)
- Concerns associated with water trucks using water from various **unmetered town hydrants** for use on cultivation sites. (57) (108) (307)
- Concerns associated with the **compliance of roads and driveways leading to cultivation sites** with local and state requirements in order to prevent excess erosion and runoff. (75) (104)
- Adopt the **North Coast Regional Water Quality Control Board’s “Best Management Practices for Discharge of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects”** when deciding on regulations. (101)
- Concerns associated with **trucked-in planting medium** that can lead to water pollution. (101)
- Concerns associated with the amount of water that will be used by cannabis operations, **depletion of aquifers, and overdraft of groundwater in general**. (91) (85) (98) (104) (118) (121) (367)

- Request for PEIR to **support the development of a statewide general order (permit) by the Water Boards to regulate waste discharges** from cannabis cultivation sites and associated activities. (21)
- Request by Water Board staff to work with CDFA to develop the **cultivation checklist tool** to ensure it addresses potential environmental impacts associated with water quality and related beneficial uses. (21)
- **Include additional activities outlined by the Water Board for analysis** in addition to what is already mentioned in the California Water Code, Section 13276. (21)
- Add in **additional water quality language** relating to cultivation requirements into the regulations of the PEIR. (21)
- Analyze **diversion rates and periods** associated with the diversion of water. (21)
- Analyze **off-stream water storage, in tanks, bladders, and ponds**. (21)
- Analyze erosion caused by water diversion, water storage facilities, and/or storage failure. (21)
- Incorporate a method for linking **identifiers and standards of reporting across the various agencies** that will be responsible for ensuring compliance with MCRSA in relation to water quality. (21)
- Include information on **water storage capacity, diversion and storage infrastructure, and any irrigation methods** related to water source and storage. (21)
- **Update the language** of bullet 8 of the “Outline of Draft Regulations” section in the PEIR which states, **“If applicable, approval of water diversion and water rights.”** Many of the water rights may not be “approved” at the time of application for a cultivation license, but could still be in process. (21)
- Additional information is required for **cultivators who obtain their water from certain water sources**, including but not limited to surface waters, groundwater wells, and bulk water suppliers (e.g., groundwater well coordinates). (21)
- Include specific provisions related to **bulk water haulers** to ensure that the water sold by them is from a legitimate source. (21)
- Concerns associated with the **protection of streams and/or watersheds**. (164) (345)
- Conduct a **water use risk assessment every 5 years** or when any material change is made to the water use plan. (80)
- Require that **all irrigation and production water come from sustainable, legal sources**. (80)
- Include records of **well-drilling, well depth, and other well-related information**. (80)
- Provide **irrigation records** that show how much water was used. (80)
- Evaluate the **irrigation system efficiency** of cannabis operations on a regular basis. (80)

- Require that each cultivation operation complete a **detailed system-wide review and leak detection assessment every 2 years.** (80)
- Require cannabis cultivation operations to have **written procedures to manage water requirements during periods of drought or forced water restriction.** (80)
- Ensure that cultivation operations have **water catchment systems** in place with adequate recharge capabilities. (80)
- Ensure that cultivation operations have created **earthworks that maximize water retention and minimize runoff.** (80)
- Dispose of **chemicals used for cultivation** in accordance with applicable laws and regulations. (28) (93) (269)
- The **application of nutrients or pesticides through an irrigation system** (chemigation) must be performed in accordance with state and local agricultural requirements. (28) (93) (269)
- Concerns regarding the potential for **depletion of water sources** as a result of irrigation methods used for cannabis cultivation. (26)
- Concerns associated with the impacts on water quality from **increased potential for wildfires** caused by cannabis cultivation operations. (104)
- Concerns associated with the potential for cannabis operations to result in **impacts to coastal waters and wetlands.** (20)
- Establish **cultivation operations that are small in scale** and distributed in order prevent diversion of water resources. (83)
- Support from the Nature Conservancy to list environmental requirements for all license types with an emphasis on demonstrating **compliance with the State Water Resources Control Board’s guidelines** for the diversion and use of water for cannabis cultivation. (26)
- Utilize **irrigation drip lines and capillary mats** to help minimize water usage. (68) (86)
- Concerns associated with **increased soil sedimentation into waterways.** (312)
- **Issue cultivation permits based on a property’s water availability** and/or ability to produce cannabis. (309)
- Advertising a **reverse osmosis system** for cannabis cultivation to help minimize water usage and waste. (18)
- Comment suggesting the use of **zero waste indoor cultivation facilities** that refilter and reuse their water as a means to save water resources. (205)
- Concerns associated with the potential for **unfair over-regulation of water usage for cannabis growers** compared to that of agricultural growers. (208) (135)
- Allow cultivators to use **groundwater rather than water pumped in from cities** in order to reduce cultivation costs and allow growers to control the overall quality of water for their cannabis cultivation sites. (220)

- How will the PEIR affect **licensors in Oakland** and across the state? Who is going to tell me what can be in my water runoff? (224)
- List the range of **irrigation systems available** for cannabis cultivation and **quantify how much water each system will consume** over a period of time for comparison. (249)

## Land Use and Planning

- Concerns associated with **housing shortages** and **increased land development** due to cannabis cultivation operation. (10) (29) (120) (301)
- Concerns associated with a **disregard for proper planning and construction practices** related to land development. (120) (301)
- Concerns associated with **increased coastal development**. (20) (120) (301)
- The number of licenses and total acreage allocated for cultivation for a designated area should be determined based on the **combined past, present, and future impacts** of cannabis cultivation. (46) (47) (91) (100) (120) (136) (282)
- Establish **setbacks for cultivation sites from neighborhoods, residential zones, schools, school bus stops, rivers, seasonal creeks, or watersheds**. (10) (47) (82) (85) (102) (119) (138) (311) (313) (314) (316) (318) (346) (364) (365)
- Cannabis cultivation sites should be positioned where they are **not visible from public roadways**. (82)
- Cannabis cultivation sites should **not be allowed on public lands**. (82)
- Address **road, land maintenance, and restoration programs** that are able to fully offset the adverse effects of cultivation sites. (46)
- **Limit grow sites to agriculturally zoned lands** that have already been disturbed. (102)
- **Determine the number and size of grow sites in relation to the potential and regional population** served by the cultivation site. (82) (102)
- Concerns associated with the **speed at which cannabis farm registrations** are being processed, leading to an influx of cannabis crops before county planning departments can take action. (367)
- Concerns associated with **land use violations** by cannabis growers such as unregulated land grading and building of temporary housing. (29) (366)
- Require that all outdoor cultivation sites serviced by **roads meet the ingress and egress standards for residential dwellings**, regardless of whether a residential dwelling is present on the property, for safe and reliable access to firefighting apparatus and evacuation procedures. (104)
- Require **defensible space around indoor cultivation sites** and related structures that would otherwise not be subjected to those requirements but present similar ignition potential. (104)



- The PEIR should investigate the potential for **physical division of established communities** caused by cannabis cultivation operations. (29)
- **Zoning laws** must be changed to meet the increase in cannabis cultivation activity. (314)
- Zoning should allow up to 4 acres of cultivation on a parcel. (203)
- Zone off the needed cannabis cultivation acreage to **one specific and centralized area of land**. (317)
- Concerns associated with the lack of adequate square footage for cannabis grows needed to build security fencing and other related facilities. (242)
- Concerns associated with the lack of adequate square footage for cannabis grows to provide enough space between plants so that growers can work comfortably. (203)
- **Redefine the use of “premises”** found in the PEIR to include sections of a building or greenhouse that are separated by solid partitions. This will allow for simplified permitting and inspections, and increased security of cultivation sites. (191)
- Open outdoor land used for cultivation operations should not be allowed to subdivide into individual sections. (191)
- Can indoor cultivation be conducted in **residential areas**? (156)
- Require counties and cities to **uphold recorded deed restrictions prohibiting commercial use of property when considering applications** for cannabis cultivation permits by denying these commercial licenses. (58)
- Add to the license application a question asking whether or not a property has any **private restrictive covenants to prevent commercial use of the land** for cannabis cultivation. (58)
- Allow for commercial cannabis cultivation on **agricultural land**. (299)
- Base square footage size of cannabis cultivation sites on canopy size and not on number of plants. (78) (231)
- Allow for the cannabis cultivation growth of **2,500 square feet provided that you only use the plants** that you grow. (231)
- **Restrict cannabis cultivation to indoor growing** that can be secured and well managed. (140)
- Perform **land use site inspections to determine if cultivation areas and structures can support cannabis production** with minimum risk to its products and the environment. (80)
- Suggestions regarding the **proper design and operation of buildings and facilities** associated with cannabis cultivation. (80)
- Concerns that cannabis cultivation leads to **exurban (low density) development, with impacts on biodiversity**. (106)

- **Licensed cultivation sites should be closer to urban areas** where resources can be readily available and carbon emissions from long drives to sites can be minimized. (75) (104)
- Most people in the cannabis industry **prefer outdoor cultivation over indoor cultivation grows.** (218)
- **Limit the number of licenses to the amount of structures on a parcel, not per APN.** (230)
- **Include the square footage of growing racks or trays** when calculating the square footage of the total area allowed for cultivation. (247)
- Concerns associated with the legal right to occupy and use a proposed location for cannabis cultivation. Requests that the applicant **provide a statement from the owner of real property or their agent as proof to acknowledge landowner consent.** (338)
- Concerns associated with the compounded impacts of cannabis cultivation on the **well-being of communities and neighborhoods** where these sites are located. (91) (247) (364) (365) (366)

## Noise

- Concerns associated with increased **traffic and/or mechanical equipment noise** at cannabis cultivation sites. (10) (82) (102) (106) (367)
- **Noise complaints should represent a significant impact under the CEQA checklist** due to noise from the establishment and operation of cannabis cultivation sites. (104) (140)
- Concerns associated with the potential adverse effects of **excess noise exposure** to people and wildlife. (29) (75) (106)
- Concerns associated with the proper study of **varying noise levels** of cannabis cultivation operations such as land grading, construction, or mechanical equipment. (29)

## Population and Housing

- Concerns associated with the impacts on **real estate property value** due to nearby cannabis cultivation. (98) (102) (120) (301) (366)
- Concerns associated with the **growth and influx of people** to neighborhoods and communities caused by the increase in cultivation sites and how this will affect the real estate market in the future. (29)

## Public Services

- Restrict cannabis cultivation from the use of “**agricultural**” **water rates** for irrigation since it is more akin to a pharmaceutical operation rather than the cultivation of plants and animals for food and clothing. (313)
- Concerns associated with interference with **emergency vehicles, law enforcement agencies, hospitals, and evacuations** due to cultivation sites. (29) (75) (101) (104) (118)
- Concerns associated with the **increased need for law enforcement and public service agencies** to ensure that regulations are met and that cultivation site operations are legal. (10) (29) (85) (99) (102) (118) (138) (151) (238) (301) (314) (315) (367)
- Concerns associated with the **costs to local and county departments** for resources used to ensure that grow sites are safe and in compliance with regulations. (99) (102) (120) (238) (301) (315)
- Concerns associated with an increase in overall fire risks and incidents resulting in potential **impacts to fire protection resources**. Some impacts include longer response times and increased cost of fire protection. (104)
- Concerns associated with the **harassment and rights violation from law enforcement towards growers**. Recommends that a representative from each cultivation site be appointed to escort inspectors onto and throughout the property. (164)
- Provide adequate funding to supply advanced security measures to **Board of Equalization district offices** to ensure employees are safe. Board of Equalization offices are tasked with collecting, counting, and transporting significant amounts of cash from cannabis businesses. (99)
- Concerns associated with the requirement to ban firearms on cultivation sites and how this order and **slow law enforcement response times** will invite criminal activities to these areas. (105)
- Require law enforcement to take a **course on the regulations** that are to be put in place for cannabis cultivation. (250)
- Establish a **county sheriff sub-station** in close proximity to cannabis cultivation sites. (317)

## Recreation

- Concerns associated with the potential for outdoor grows to impact **public recreational trails**. (10)
- Concerns associated with the potential **loss of recreational facilities** due to conversion of coastal land to cultivation sites. (20)

## Transportation and Traffic

- Concerns associated with the increased use of **public and private roads** to access cultivation sites. (10) (100) (120) (298) (75)
- Concerns associated with interference with **emergency vehicles, law enforcement agencies, hospitals, and evacuations** due to cultivation sites. (29) (75) (101) (104) (118)
- Concerns associated with **damage to roads** caused by the trucking in of various supplies and materials needed for cannabis cultivation. (29) (104) (298)
- Concerns associated with the **illegal construction of substandard roads** that are used to transport supplies to and from cultivation sites. (29) (75)
- Concerns associated with **potential parking lot increases**. (120) (301)
- Concerns associated with the environmental impacts caused by **increased traffic from transportation and employee vehicles** to and from cultivation sites. (140) (282) (98) (311)
- Concerns associated with how increased cannabis cultivation operations may restrict public access to coastal visitor areas by **occupying existing coastal access roads**. (20)

## Utilities and Service Systems

- Concerns associated with **solid waste/trash accumulation and disposal** near or within cultivation sites. (10) (28) (29) (53) (75) (80) (93) (98) (106) (207) (263) (269) (366)
- Concerns associated with increased **demands on utilities regarding electrical, mechanical, and plumbing infrastructure**. (10) (29) (120) (301)
- Concerns associated with the potential use of **substandard septic systems** including open septic (pit toilets and surface drainage). (10)
- Concerns associated with the **analysis and investigation of wastewater treatment and Clean Water Act violations/risks** caused by cannabis cultivation operations. (29) (80)
- Study the possible **necessity to expand water treatment facilities** to accommodate increased demands from cultivation sites. (29)
- Concerns associated with **violations of solid waste regulations** due to excessive garbage and waste on and near cultivation sites. (29) (75) (106)
- Cultivators should prepare a **waste management plan** that documents actions taken to reduce and dispose of waste and recyclable material. (53) (80) (93)
- Provide **remedial programs** that provide a means of waste material disposal for cultivators. (207) (263)
- Comment suggesting the use of **zero waste indoor cultivation facilities**. (205)

## Alternatives Analysis

- The PEIR should contain an **adequate consideration of alternatives**. (46) (47) (100) (120) (136) (282)
- Any proposed alternative should evaluate how it will impact all **aquatic, riparian, and terrestrial species** that are listed as sensitive, threatened, and/or endangered. (46) (47) (100) (120) (136) (282)
- Compare alternatives with respect to how well they respond to and **comply with State statute and federal environmental laws**. (46) (47)
- Alternatives should focus on **practicable mitigation measures** that will help to **reduce cannabis-related greenhouse gas emissions**. (46) (47)
- Focus on alternatives to the proposed regulations that will **avoid or minimize extensive roadwork in watershed lands** that would exceed the threshold of concern for cumulative watershed effects. (46) (47)
- Consider alternatives that **avoid or minimize extensive roadwork in sensitive areas** that would contribute to cumulative watershed impacts. (46) (47) (100) (120) (136) (282)

## Cumulative Considerations

- Concerns associated with the evaluation of any direct, indirect, or **cumulative impacts on all species listed as sensitive, threatened and/or endangered**. (46) (47) (82) (100) (120) (136) (282)
- Consider alternatives that avoid or minimize extensive roadwork in sensitive areas that would contribute to **cumulative watershed impacts**. (46) (47) (100) (120) (136) (282)
- Concerns associated with how the number of **indoor cultivation permits** issued will **cumulatively impact greenhouse gas emissions**. (46) (47) (100) (101) (120) (136) (282) (346)
- Concerns associated with the **cumulative environmental impacts of sites located in sensitive natural areas**. (4) (47) (101) (147)
- Concerns associated with the **increased loss of natural resources in residential areas** due to cannabis cultivation operations. (367)
- Concern regarding the cumulative environmental impacts that could occur **if the Program takes up to 2 years to conduct enforcement on violations**. (315)
- Impacts of **manufacturing, distribution, transportation, testing, and dispensary sites** should be studied. (29)

## PEIR CEQA Process

- **Prohibit Findings of Overriding Consideration** from the EIR for cannabis grows. (102)
- Require **each individual grow to prepare its own EIR**. (102)
- Comment expressing thanks for providing a **Notice of Preparation** for the M CCP. (359)
- Comments expressing thanks for allowing the **public to gather information** on the project, speak with government representatives, and to hear what their peers had to say. (113) (306) (349)
- Comments expressing appreciation for the **openness to questions** regarding licensing and other legalities at the public scoping meeting. (349)
- Comments expressing **appreciation to CDFA for holding a public scoping workshop**. (112) (213) (101) (285)
- Comments expressing **appreciation for being able to provide comments** concerning the M CCP. (57) (71) (185) (285)
- Comments expressing appreciation for **CDFA staff doing an excellent job** of providing an engaging and user friendly process for public participation. (31) (113)
- **Format of public scoping workshops** is not good because of difficulty to hear speakers and the lack of information being provided to commenters about the M CCP. (229)
- **NOP was insufficient** in evaluating potential environmental issues that could occur because of cannabis cultivation operations. (71)
- Numerous comments addressing **administrative and technical questions regarding the scoping workshops**. (116) (126) (158) (302) (304) (305) (321) (322) (325) (327) (329) (335) (336) (348) (350)

## Others

- Concern associated with the **economic exploitation of cannabis cultivators**. (240)
- Concerns associated with the **increased demand for cannabis** that will result from legalization. (33)
- Cannabis is a **dangerous, harmful drug** and the people need to be protected from it. (201) (270)
- Comments that **oppose cannabis use and any cultivation operations**. (359) (362) (363)
- Comments **agreeing with the new medical cannabis regulations** being established in order to mitigate usage and cultivation of medical cannabis by individuals with no actual medical need for it or intention of selling their product for medicinal purposes. (204)

- Comment offering **remediation assistance from a private environmental consulting** firm to cannabis growers. (207)
- Comment **offering assistance to CDFA** in providing a local perspective on the MCCP. (343)
- Comment **offering assistance with cannabis licensing or regulations in Southern California.** (291)
- There is already a **substantial supply of medical cannabis on the market** in California and, therefore, does not need any more production. (209) (306)
- Concerns associated with **changing the perception of cannabis and cannabis growers.** (212)
- Concerns associated with the **consideration of existing businesses** that a cultivation site will be located near or may affect. (233)
- Provide the public with a **compiled list of local government agencies** as a reference. (243)
- Concerns associated with the **responsiveness of government agency legal staff** to questions and comments raised by the public. (244)
- **Farmers who already meet the requirements of registering farm plans with CEQA** and are **current with payments to the regional water quality control board** for water monitoring should be **given priority** with obtaining cannabis permits/licenses. (281)
- Modify the cannabis industry to **accommodate farmers** so that it can have a chance to develop. (323) (326)
- Comment stating interest in starting a **legal cannabis collective** in California. (287)
- **Request to meet with CDFA staff** to discuss how best the State Water Board can best provide input on the PEIR. (288)
- **Requesting to meet privately with CDFA** staff to discuss any comments or concerns that the individual may have with the MCCP. (341)
- Requesting a **resource in California where companies will be able to reach out to local cannabis growers** about beneficial products for pesticide-free cultivation. (296)
- Approval of the **MCCP and legalization of cannabis as a whole.** (299)

## Development of Draft Regulations

Comments received in the scoping process that relate to the scope and content of the regulations will be used in the development of the Medical Cannabis Cultivation Program (MCCP, Program, or Proposed Program). CDFA will review comments, questions, and solicited feedback pertaining to the Program's regulatory goals and consider the best ways to implement the requirements of the Medical Cannabis Regulation and Safety Act. It is anticipated that the following topics would be addressed in the regulations:

- definitions,
- applications for cultivation licenses,
- licensing,
- cultivator requirements,
- track and trace requirements,
- inspections, and
- enforcement.

## Development of Draft PEIR

Comments that relate to the scope and content of the California Environmental Quality Act (CEQA) analysis will be used to inform the analysis contained in the draft program environmental impact report (PEIR). The draft PEIR is anticipated to be available for public review and comment in the summer of 2017.

## Ongoing Outreach

Comments received during the scoping period helped identify concerned parties and key stakeholders for ongoing outreach and coordination. Outreach will occur through the Program's webpage and mailings. Interested parties who want to receive automatic Program updates via email can sign up at the MCCP listserv at [https://www.cdfa.ca.gov/subscriptions/?cdfa\\_list\\_isd\\_medical\\_cannabis](https://www.cdfa.ca.gov/subscriptions/?cdfa_list_isd_medical_cannabis). Those with questions are encouraged to send an email to the following address: [calcannabis@cdfa.ca.gov](mailto:calcannabis@cdfa.ca.gov), or call (916) 263-0801. Questions can also be mailed directly to Rachele Kennedy, Senior Environmental Scientist, at the following address:



California Department of Food and Agriculture  
Attn: Rachele Kennedy  
Medical Cannabis Cultivation Program Comments  
1220 N Street, Suite 400  
Sacramento, CA 95814

## Program Website Updates

The MCCP PEIR website (<https://www.cdfa.ca.gov/is/mccp/>) will be available to the public throughout the CEQA process. The website will be updated for the public to review as additional information becomes available about the Program or the CEQA process. This will include notice regarding circulation of draft regulations, the draft PEIR, and notification of public comment periods for these documents.

## Other Opportunities for Public Involvement in the Draft Regulations

The public will have the opportunity to submit comments on draft regulations. CDFA will announce the availability of draft regulations and their comment period through its listserv and other means. The draft regulations will be made available for download in electronic format on the website and, to the extent feasible, as a hard copy upon written request to CDFA. Interested individuals, agencies, and organizations will be able to submit comments throughout the comment period, either online at the Program PEIR website or by mailing comments to CDFA, as directed.

## Other Opportunities for Public Involvement in the PEIR

The public will have the opportunity to submit comments during the public review period for the draft PEIR, which will be open for at least 45 days. This comment period will begin with circulation of the draft PEIR. CDFA will announce the availability of the draft PEIR and comment period by issuing a Notice of Availability (NOA) to the State CEQA Clearinghouse, the 58 California county clerks, responsible and trustee agencies, agencies with jurisdiction by law, and other interested individuals and agencies who have joined the Program listserv or otherwise requested notice (via standard mail and/or email). CDFA will also post the NOA on the Program PEIR website and issue newspaper announcements as appropriate. The draft PEIR will be made available for download in electronic format on the website, at a variety of libraries throughout the state, and, to the extent feasible, as a hard copy upon written request to CDFA. Interested individuals, agencies, and organizations will be able to submit comments throughout the comment period, either online at the Program PEIR website or by emailing or mailing comments to CDFA, as directed in the NOA.

During the public review period CDFA also will conduct public workshops throughout California at accessible locations, similar to those conducted during the scoping period.