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July 20, 2012

Mr. Ben Zabinsky

North Coast Regional Water Quality Control Board

5550 Skylane Blvd., Suite A

Santa Rosa, CA 95403-1072

RE: NCRWQCB Draft Water Quality Program for Irrigated Agriculture

Dear Mr. Zabinsky,

This letter is in response to the June 26, 2012 Full Group meeting in Redding. As you know, it was agreed I would bring forward the Mendocino County 9.31 Farmers Meeting comments from the Draft Scope passed out at that meeting. Here are the results of that July 27, 2012 meeting, as I have been directed by the farmers to write.

1. Comments on July 6, 2012 draft:

OUT OF SCOPE

The farmers agree a 2 acre of disturbed land (excluding roads, fencing and irrigation installation) limit is adequate. It is my professional opinion that most "legal" medical marijuana farmers would be excluded from the program. "Legal" in this case means

the farmer is following California State Law 215 requiring 6 plants per valid recommendation and, that under the "Caregivers" subcategory, more than 6 plants can be grown with the proper legal documentation for Caregivers and Non-Profit Collectives. Please also note that a 99 plant limit on a farm assures the farmer he/she will not be in the scope of a Federal mandatory sentencing if the DEA should eradicate while allowing the family farm to make a living. A friendly reminder that federally, even one seed is illegal, and this limit is based on that.

In considering plant limits or square footage, Mendocino County's 9.31 Exemption Program utilized the 99 plant limit because of the Federal mandatory sentencing. The program was the only program in the State that was operating, and operating successfully. Square footage is not language used in Federal law. If square footage language were used, the ability to be excluded from the mandatory sentencing would be compromised.

With that said, square footage requirements can always be set. The farmers at the July 27, 2012 meeting unanimously agreed that square footage requirements should apply only to indoor medical marijuana farming. Note: while the meeting notification email went to a Humboldt/Emerald Growers Association Board member, there was no representation in attendance at the meeting. The Mendocino County Farmers agreed the farming indoors of medical marijuana is more realistically a commercial operation (versus 99 plant limit caregiver "community garden" operation) dictating a limit of 900 square feet of growing bed and requiring regulations to dispose of reservoir, resulting in indoor farming to be within scope. An important fact to consider is that medicine grown under artificial conditions may compromise the medicine and the patients. Please note that of the Mendocino 9.31 Exemption program farmers and the current Mendocino and Humboldt farms participating in voluntary inspections, there were/are no indoor farmers represented.

TIER 1 WATER QUALITY STEWARDSHIP CATEGORY

Third Party Certification traditionally has been a successful way for regulatory agencies and certifying organizations to document and validate mandates while saving time and money for both the agencies/ organizations and the farmers. There are various County, State, and National models to look at, saving valuable time and money by avoiding reinventing the wheel.

The Mendocino County 9.31 Exemption Program mandated Third Party Inspections under contract with the Sheriff's Department and Growing Standards. Over a two year period, the Medical Marijuana Farmers participating in the program, Local Certifying Agencies and the Agricultural Commissioner met and created a Farming Standard program. This group took all things into consideration, and the document morphed from a 65 page document to the page document which is attached. This Growing program relies on Third Party Inspector and Farmer direct communication, allowing for farm by farm discretionary certification. This results in allowing the inclusion of various farming practices and encouraging better farming practices while protecting water quality, the land and the environment.

In Mendocino County, the 9.31 Exemption Program was illuminated due to perceived threats from the Federal government. However, voluntary inspections remain and are encouraged by the District Attorney's office. The stewardship of the land and water is important not only to regulatory agencies, but also to the farmer. Therefore voluntary inspections are happening and the Growing Standard Program is working. The farmers are actually proud to be identified as a medical marijuana farm participating in a growing program that includes BMP's relating to water quality, grading, road accessibility, stream protection, erosion, etc.

SUBMITTAL OF PLANS

As an agency subject to the Public Information Act, there are sincere concerns about safety if farming plans were to be submitted and approved by your agency for the farming of medical marijuana. In particular, the safety of the farmer and the workers for retaliation from the federal government or home invasion by criminals stealing the crop. It is my professional opinion that by requiring this, you are putting medical marijuana participants' safety at risk.

FEES

As a Not-For-Profit Collective, all costs for production of medical marijuana are reimbursed to the Caregiver at the end of harvest. The result is any fees will be passed onto the patients.

2. General Comments

It would be remiss to not speak of the “illegal” marijuana production that impacts the quality of our water, lands and environment. Environmental Crimes are being committed by such acts at a level that can only be estimated as high. Reporting Coordination is key in addressing these environmental crimes. One example of such coordination can come through District Attorney Offices when eradication is being prosecuted. There is no such model in place. Contacting the State Environmental Crimes Task Force may be another way of coordination. I have attended a State Environmental Crimes Task Force Training and recall there is Water Quality Board representation.

The laws regarding medical marijuana are in flux right now, and there is the possibility of regulation like wine (as Colorado is presenting to the voters). Should California move into regulating medical marijuana in a similar way this most likely will create the opportunity for a small “mom and pop” farmer to increase their acreage as needed to accommodate the commodity price reduction while assuring our local economies are protected and remain in stable condition.

Sincerely,

Julia Carrera

Third Party Inspector

Cc: Devon Jones, Executive Director, Mendocino County Farm Bureau

Chuck Morris, Mendocino County Agricultural Commissioner