



California Chapter of the National Organization for the Reform of Marijuana Laws  
2261 Market St. #278A, S.F., CA 94114 - [www.canorml.org](http://www.canorml.org) - (415) 563-5858 / (510) 540-1066

Dec 3, 2017

Office of Administrative Law  
OAL Reference Attorney  
300 Capital Mall, Suite 1250  
Sacramento, CA 95814  
E-mail: [staff@oal.ca.gov](mailto:staff@oal.ca.gov)

Re: CDFA Emergency Regulations re Cannabis Cultivation Licensing

*California NORML is a non-profit organization dedicated to protecting the interest of cannabis consumers by legalizing marijuana for adults and regulating and taxing its commercial production.*

We are concerned that the CDFA's proposed emergency regulations on cannabis cultivation licensing fail to limit the total amount of acreage that any one applicant may accumulate. This opens the doors to large-scale, industrial mega-grows that could monopolize California's limited available acreage, exacerbate environmental harm, and stifle participation by smaller growers.

It should be noted that the Environmental Impact Review specifies that CDFA won't restrict the number of licenses a person holds "provided the person does not exceed the total acreage cap of one acre established by CDFA." However, no such cap appears in the proposed regulations. Although the regulations do limit applicants to no more than one Type 3 license, they don't limit Type 1 or 2 licenses. Therefore, an applicant could accumulate an unlimited amount of acreage by filing for multiple Type 2 licenses.

California does not need any new, large-scale, industrial grows. Rather, it needs to accommodate existing growers into the legal market with as few adverse impacts as possible. The total acreage needed to supply the state's entire adult-use market is only about 1,000 outdoor acres, assuming one ounce/sq ft average

yield and 2.5 million lbs. total state demand. It's essential that acreage be allocated in a way that is fair to the many existing modest-scale growers who wish to participate and not thrown away on new industrial mega-grows.

It should be emphasized that high-intensity lighting indoor grows have an unusually high impact, since they can generate up to six times as much cannabis per area through multiple crop cycles, while at the same time consuming enormous amounts of energy with a huge carbon imprint. The deletion of the renewable energy requirements in the medical regulations (Section 8315) exacerbates the adverse impact of indoor grows. In contrast, as noted in the Environmental Impact Review, outdoor grows have the lowest adverse impact.

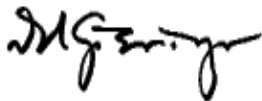
With this in mind, we would suggest the following licensing priority scheme, designed to minimize environmental impacts. Allocate licenses in the following order, beginning first with facilities already in operation as of Sept 1, 2016 as specified in Section 8111.

- (1) outdoor licenses of all types, up to a total of no more than one acre per applicant;
- (2) indoor mixed lighting licenses, up to no more than one acre total per applicant;
- (3) indoor high-intensity licenses, up to no more than one high-intensity license (1/2 acre) per applicant.

If there remains a shortage of applicants to assure adequate production, continue issuing licenses for additional acreage in the same order:

- (1) outdoor licenses in excess of one acre per applicant;
- (2) indoor mixed lighting in excess of one acre;
- (3) indoor high-intensity - firm cap of one acre maximum per applicant.

Sincerely,



Director, Cal NORML  
2261 Market St. #278A  
San Francisco, CA 94114  
(510) 540-1066

cc: CA Dept. of Food and Agriculture  
CalCannabisRegs@cdfa.ca.gov