

Chris de Nijs
Agricultural Commissioner
950 Maidu Avenue, Suite 170
Nevada City CA 95959

To Chris de Nijs Ag Commissioner and Brian Foss Director of Planning and others

In response to the “proposed zoning ordinance to prohibit the cultivation of industrial hemp”

Industrial Hemp is not Marijuana

Industrial Hemp does not contain THC

I do not like the term Industrial Hemp as I do not support the exploitative connotation that polluting industries have earned.

I am flabbergasted that the same county administration that potentially supports re opening a wound at Idaho Maryland gold mine that is proven to have devastating environmental repercussions, and a the environmental degradation of a dam on a free flowing section of the Bear River, strives to PROHIBIT the cultivation of a plant (member of the natural world!) which has historically had an impressive diversity of uses of any plant on the planet.

In this time of economic, health, and climate insecurity I find it hard to believe that Nevada County would spin its wheels against agricultural activity that has a benign, if not a beneficial environmental impact in a diversified agricultural setting. Here in the foothills, industrial agriculture is impractical/impossible. As you know, our topography attracts small scale farms with a diversity of crops.

In this time when communities would be well served to move toward more sustainable choices for a livable future, the role of Hemp in our local Fibershed, and the related cottage industries makes a whole lot of sense.

Joy Waite
Grass Valley

Brian Foss

From: D Fink <downomfarms@gmail.com>
Sent: Friday, November 20, 2020 4:37 PM
To: Brian Foss
Subject: Hemp Cultivation

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Greetings Mr Foss,

I write you today on behalf of Grass Valley Growers Cannabis Cooperative. We are a cooperative business comprised of 10 permitted Nevada County cannabis farmers. We were the early adopters, we took the proper steps to come into compliance and be productive taxpaying members of our wonderful community here. We as a cooperative are all small family owned and operated business that hope to continue to do so into the foreseeable future.

That being said, we support the continued prohibition of hemp cultivation in Nevada County as it would make for a quick and painful end of the cannabis industry the county has already put so much time and effort into. Pollen drift from hemp onto cannabis sites from many miles away can bankrupt a farm in a season. Furthermore the viability of hemp (cbd) production as a business is slim. The price of hemp and cbd has dropped about 15% per month for over a year. Our terrain and topography don't support the scale and style that modern hemp farming requires. Thanks for receiving my comments today.

Daniel Fink
Down OM Farms
Grass Valley Growers Cannabis Cooperative
5613980487

Brian Foss

From: Pat Rockwell <pat.rockwell50@gmail.com>
Sent: Friday, November 20, 2020 4:24 PM
To: Chris de Nijs; Brian Foss
Subject: Public Comment on Proposed Zoning Ordinance to Prohibit the Cultivation of Industrial Hemp

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To: Chris de Nijs, Agricultural Commissioner
Brian Foss, Director of Planning

From: Patricia Rockwell, Secretary
Sierra Sungrown Cannabis Cooperative

Date: November 20, 2020

Re: Prohibition of Industrial Hemp

Thank you for this opportunity to submit comments on the topic of hemp in Nevada County.

Sierra Sungrown includes five founding farms along with at least five additional member farms. In total, our cooperative represents almost two acres in cannabis cultivation. With only two years now in the legal market, we are all working hard to remain compliant and stabilize our businesses after the large financial investments we all have made to meet the requirements to be a successful business.

We fully support a prohibition at this time on hemp cultivation for the following reasons:

- First and foremost, the damage from pollen drift is real. It only takes one windy day to compromise an entire crop of outdoor and mixed light cannabis. Even one season of cross-pollination could put a small farm out of business – especially in these formative years.
- Farms affected by pollen drift will have less product to sell and as a consequence decrease the tax revenue for the county. Given that cannabis tax revenue will be a future economic driver for the county, this will have a huge impact.

- Regulating hemp growing would put a strain on county resources. To ensure that hemp growers are not cultivating “hot” hemp (hemp that is above .3% THC) that they can sell outside of legal channels, there would need to be multiple inspections and crop tests for THC levels; thus, putting extra pressure on enforcement teams. For example, hemp fields could include an internal section of cannabis with higher THC content without there being much of a visual difference. Afterall, cannabis and hemp are the same plant and are indistinguishable.
- Much of the community resistance to passing a cannabis ordinance was due to the odor of cannabis. Hemp will smell just the same!
- Hemp is not necessarily economic viable. There is such an overabundance of hemp in the marketplace and many farmers have had to destroy their harvests.
- The pests that come with hemp could have a huge impact on cannabis farms. We are already dealing with an invasion of hemp aphids over the past two years.

For these reasons, we support a prohibition at this time on hemp farming in Nevada County.

Patricia Rockwell
Green Gift Gardens, CEO
Sierra Sunstone Cooperative, Secretary



Nevada County Farm Bureau
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530.346.8146 nevadacountyfarmbureau.com

DEC 7th, 2020

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Nevada County Board of Supervisors Chambers
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950 Maidu Avenue
Nevada City, CA 95959

RE: Industrial Hemp Cultivation Ban PLN20-0188;ORD20-4

Dear Nevada County Planning Dept,

On behalf of Nevada County's farmers and ranchers, we want the Planning Dept and Board of Supervisors to know we are not in support of an Industrial Hemp Cultivation Ban in our county. We are concerned that if you ban one legal commodity production it could possibly open the door to banning other legal ag commodities within our county.

As common examples of complaints we hear: when a new neighbor complains about livestock being too loud or odorous in their rural neighborhood, could that lead to a ban on poultry farming due to the nuisance? Or if a neighbor complains about the night time barking and protection work a livestock guardian dog does to protect his charges, would they then be banned in rural neighborhoods because of the nuisance?

Farm Bureau has a long history of supporting the production of legal commodities in our county and appreciates the complexities of this particular commodity as it relates to cannabis cultivation. We are thankful that you are taking these thoughts into consideration when looking at the proposed ban of Industrial Hemp Cultivation, which is at this time, a legal commodity in our state.

Please stand with farmers and ranchers across Nevada County and consider the possible future implications when considering a ban on any legal commodity. Thank you for your attention and leadership on this vital issue.

Sincerely,

Nevada County Farm Bureau Board of Directors

Steven Steele, Nevada County Farm Bureau President

To: Chris de Njis, Agricultural Commissioner
Brain Foss, Director of Planning

From: Diana Gamzon, Executive Director
Nevada County Cannabis Alliance

Date: November 20, 2020



Re: Proposed Zoning Ordinance to Prohibit the Cultivation of Industrial Hemp

The Nevada County Cannabis Alliance is a trade association representing over 300 cannabis farmers, businesses and supporters. The mission of the organization is to provide education, advocacy and opportunities for connection to support a thriving local cannabis industry. As an organization our values are steeped in economic development, environmental stewardship and craft cannabis cultivation. We support the Board of Supervisors direction from February 2020 to prohibit the cultivation of industrial hemp and applaud leadership for having the foresight to study the impacts of hemp before enacting policy. *The Alliance recommends that **four specific areas of impact be considered, researched and discussed collaboratively before regulating hemp cultivation in Nevada County.***

1. Lack of Local and State Regulations

Concerns from RCRC. The California Department of Food and Agriculture (CDFA) is still in the proposed rulemaking process for Industrial Hemp Planting, Sampling, Laboratory Testing, Harvest and Destruction. In a memo dated November 6, 2020,¹ Rural County Representatives of California (RCRC) sent a memo to CDFA, expressing significant concerns and objections to the proposed hemp regulations, including local governments' policy power authority, lack of transparency by CDFA and general inconsistencies in the proposed language. In addition, the memo states that CDFA has yet to acknowledge local authority to adopt land use rules, develop abatement processes, administer business licenses and other regulatory tasks. Until the CDFA finalizes their regulations on hemp, the state lacks clear guidelines for planting, testing, harvesting and destroying the crop. Similar to how cannabis was regulated locally, the Alliance suggests taking a thoughtful and cautious approach to regulating hemp locally, at this time, to ensure compatibility with state regulations.

Mitigations for Local Impacts Consistent with Cannabis. Prior to regulating hemp locally, it must be acknowledged that aside from a .3% THC level, cannabis and hemp are *the exact same crop*. Impacts such as odor, visibility, setbacks, environmental

¹ [Rural County Representatives of California \(RCRC\) November 6, 2020 Policy Memo](#) to California Department of Food and Agriculture

considerations and public safety need to be considered by community stakeholders similar to how it was reviewed for cannabis.

Lack of CBD Regulations. California's regulations on hemp-derived CBD in foods, beverages and cosmetics (AB 228) has been on legislative suspension for over a year now, thus, further limiting the hemp market². Currently, we do not have any California standards or consumer-protection measures in place to regulate the hemp market.

2. Enforcement Program for Hemp

Duty of Agriculture Commissioner. The current proposed hemp regulations, still in the state review process, place an unfunded mandate on county Agricultural Commissioners to perform random annual inspections, including confirming the “destruction of crops,” without any acknowledgment of reimbursement or clear guidelines. In their memo dated November 6, 2020, RCRC, objects to this unfunded mandate³. The county needs to consider the increased staffing needs for enforcement and implementation created under a hemp program.

Hot Hemp. Given that hemp and cannabis are the same plant, and that they are *indistinguishable* from one another, it has become a nefarious practice for THC-rich cannabis (above .3% THC) to be planted instead of Hemp, gaining the name “hot hemp.” In November of 2019, in Kern County, 10 million cannabis plants were destroyed by law enforcement after being planted under the guise of industrial hemp.⁴ Hot Hemp could potentially create increased enforcement issues for Nevada County, which is still enforcing a new cannabis program. Given that the allowance for hemp provides an avenue for disguised THC plants to be grown, a process for testing THC must be established to ensure compliance.

3. Industrial hemp cultivation in Nevada County poses substantial risks to the cannabis industry via cross-pollination.

Crop Loss Due to Pollen Drift. Given that hemp and cannabis are the same species, there is a high risk of pollination from male hemp to female cannabis that is produced for flower. If pollination affects commercial cannabis, the crop risks being seeded, making it unmarketable. The economic impact to the local cannabis industry could be huge. The Board of Supervisor has approved commercial cannabis as a priority each year since 2016. The county would lose the 2.5% gross receipts tax revenue from products that cannot enter the marketplace. Pollination also places a risk to Nevada County's world-leading and irreplaceable cannabis genetics. Plant genetics are often the key to a

² [Hemp in California: Proposed CBD Legislation put on hold until 2020](#). Hemp Industry Daily, September 4, 2019

³ [Rural County Representatives of California \(RCRC\) November 6, 2020 Policy Memo](#) to California Department of Food and Agriculture

⁴ [10 million pot plants worth \\$1 billion destroyed in Kern County](#). LATimes, November 4, 2019

farmers' ability to compete as craft cultivators in an increasingly commoditized cannabis marketplace.

Federal Research on Pollen Drift. The U.S. Department of Agriculture acknowledges the cross-pollination issue and has set aside money to address it. In October 2019, the USDA awarded \$500,000 to a Virginia Tech research team to get better data on pollen drift for hemp and cannabis crops.⁵ Having a validated and reliable long-distance transport prediction model for wind-dispersed pollen is critical to establishing appropriate isolation distances. With the strong winds that impact our region, it is important for local regulations to be based on data and research on the impact of pollen drift.

Inconsistency of Buffer Zones. Industry experts recommend a minimum distance of 10 miles between outdoor cannabis and hemp fields. Research has shown that pollen can travel much further than 10 miles, but the amount of pollen transported decreases logarithmically with increasing distance from the source. Therefore, the risk of pollination may be negligible beyond ten miles from a pollen source but only further research will tell.⁶

Litigation Associated with Pollen Drift. A case from Oregon shows how there are significant legal risks of damaging neighboring farms crops.⁷ Seeds marketed and sold as “feminized” are often misrepresented, creating crop losses to farmers and their neighbors on top of the serious financial burden of litigation. In one case, litigation due to crop loss and pollen drift has led to a \$21.2 million lawsuit⁸

4. **Assessment of Local Economic Development**

Hemp is overproduced on a nationwide scale, leading to plummeting prices. Nevada County lacks the geography and parcel sizes to compete in the national and international industrial commercial hemp market.

Hemp production primarily occurs on vastly larger scales than cannabis production. As of November 17, 2020 there are over 17,000 acres of hemp cultivation registered in California⁹ and over 450,000 acres nationwide. There is currently a national surplus of hemp from 2019 that is continuing to drive down the price of hemp.¹⁰ Supply is estimated

⁵ [Researchers receive USDA grant to study transport of pollen from genetically engineered switchgrass and hemp.](#) Virginia Tech Daily, October 1, 2019

⁶ [Weighing the risk of cannabis cross-pollination.](#) Michigan State University, July 12, 2019

⁷ [Hemp boom spurs cross-pollination disputes.](#) Capital Press, August 27, 2019

⁸ [Oregon hemp seed dispute leads to \\$21 million lawsuit.](#) Hemp Industry Daily, October 30, 2018

⁹ [CDFA Industrial Hemp Registration Summary.](#) November 17th, 2020

¹⁰ [2020 Outlook: Licensed US hemp acreage falls 9% from 2019, but grower numbers increase 27%.](#) Hemp Industry Daily, June 19, 2020

at eight times demand¹¹, and this year's market prices have seen a 26.7 % overall price drop just in the past five months.¹²

After three years and hundreds of hours of staff time, in May 2019, The Nevada County Board of Supervisors adopted an urgency ordinance to regulate cannabis. To date, cannabis permitting, a county approved priority, has already brought into the county nearly \$200,000 in tax revenue in a year and a half. At the November 18, 2020 Ag Advisory Commission Meeting, it was reported that there have been less than a dozen inquiries from prospective hemp growers. By comparison, there are nearly seventy- five legal, registered, tax paying, local farmers in the cannabis program with hundreds still preparing to enter or in process. The economic development of hundreds of small independent businesses is unparalleled in any other industry in this county.

In light of these four considerations, The Alliance supports the prohibition on industrial hemp cultivation until these questions and concerns are addressed. We urge a precautionary approach to hemp cultivation in Nevada County to ensure that there is compatibility with existing land use policy and Board of Supervisor approved priorities.

Thank you for the consideration of our comments.

¹¹ [America Is Growing 8X The Amount Of CBD Hemp It Can Consume - And Prices Are Crashing.](#) Benziga, August 29, 2019

¹² [Bulk Hemp Flower & Pre Packaged Hemp Flower Pricing Trend: CannTrends.](#) September, 2020

From: [Sonya Sokolow](#)
To: [Chris de Nijs](#); [Brian Foss](#)
Cc: [Ed Scofield](#)
Subject: please do NOT ban hemp cultivation in nevada county
Date: Saturday, October 24, 2020 3:16:19 PM

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- there is no scientific proof (**randomized controlled trials**) that hemp will cause problems due to cross pollination with cannabis, assuming proper use of farming practices;
- most of the cannabis cultivators in nevada county are NOT licensed, so their complaints should not be used to make political decisions about cultivation of hemp;
- hemp cultivation will be strictly regulated so that farmers will not be allowed to commercially cultivate it unless there is scientific proof it does not contain more than the permitted amount of THC;
- using hemp to "hide" cannabis is an enforcement problem;
- hemp has HUGE potential for beneficial use in medicines & industrial products;
- farming practices for hemp and cannabis cultivation should be controlled by science & should NOT be regulated politically;
- there are zones in nevada county (eg RES AG) which do not even allow cannabis cultivation, thus hemp cultivation should be allowed there, w/o question: hemp is a legal ag commodity;
- hemp farming economic support is NOT withheld by banks;
- hemp farming can have crop insurance;
- hemp farming is legal federally, thus there is no valid reason for a county to ban it, especially trying to use "police powers" to do so.