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EDSO Response to Hemp Pilot Program Concept

Presumption: Regulate: We do know that problems exist globally where Hemp is grown, and we personally experienced thefts of Hemp and the co-mingling of marijuana during our first attempt. The Sheriff's Office has provided ample and/or substantial evidence that Hemp is a criminal attractant that have resulted in not just thefts, but violent crimes.

What will a Pilot Program teach us: We can cultivate Hemp in the County of El Dorado? Hiding it in strategic areas will teach us nothing. Cultivation of Hemp with 200 feet of a school, church or places of large gatherings, like in the middle of Apple Hill, or along a well-traveled road will likely to be a dangerous test.

Setbacks: Most people can throw a rock 200 feet. How can that small of a distance dissuade anyone from wrong doings or experiencing the pungent smell. The proposal needs a specific distance(s) to mitigate odor. Recommended 800 feet minimum.

Schools: Erik Bonniksen, Superintendent of the Placerville Union School District- What experience does the Superintendent have regarding Hemp cultivation and the issues surrounding cultivation. Is he speaking for all the schools, public, private and/or Charter? Is he prepared to speak on behalf of the parents and safety of the children? Bonniksen recommended 300 feet. The Sheriff's Office would recommend that distance be extended to a minimum of 1500 feet.

Signage: Example: How many people ignore speed limit signs, handicap signs, no trespassing signs, no parking signs etc? Everyone would have a number in mind to some degree. With those numbers in mind, how many people do you think with pay any attention a Hemp only signs, no matter the size and quantity. Opportunist don't care about signs...The Pilot Program Concept on signage is too vague. Describe the sign and specific size, Metal-Wood, bright colors, along protective fencing and length of distance between signs.

Hot Crop is becoming handy verbiage tool for minimization. .3% or lower is Hemp. Anything greater than that is marijuana, a Federally scheduled narcotic that only LE should be investigating and/or eradicating. If a licensed producer is notified that they have produced cannabis exceeding the acceptable hemp THC level, the cannabis must be disposed of in accordance with the CSA and DEA regulations **as such product is marijuana and not hemp**. The material must be collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized Federal, State, or **local law enforcement officer**, or official.

Testing: The Sheriff's Office only uses DEA certified labs. It also appears with the new pilot program concept; cultivators have withdrawn working with the Sheriff's Office in an effort to

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remain transparent. All hemp production must be sampled and tested for THC concentration levels. Samples must be collected by a USDA-approved sampling agent, or a Federal, State or **local law enforcement agent** authorized by USDA to collect samples. It is the responsibility of the licensed producer to pay any fees associated with sampling.

Security plans: What training and experience does the AG Dept have in this field? The Sheriff's Office recommended a security plan (attached). However, we are still opposed to cultivation of Hemp.

Sec. 130.42.100 - Cultivation of **Cannabis** for Personal Use is the current El Dorado County cannabis ordinance. Hemp and marijuana are both cannabis sativa L described in the 2018 farm bill.

Below are more detailed concerns and/or recommendations.

Issues:

1. EDSO previously recommended: Security and Wildlife Exclusionary Fencing. Areas where hemp is cultivated, the premises on which hemp is cultivated, or a portion thereof that includes the cultivation area shall be secured by a minimum six-foot high solid wood or chain link wildlife exclusionary fence, such as cyclone or field game fencing, with locked gates built in compliance with building and zoning codes. All gates shall be lockable and remain locked at all times except to provide immediate entry and exit. A chain link fence is not sufficient for screening. Fencing may not be covered with plastic or cloth except neutral-colored shade cloth may be used on the inside of the fence. Additionally, hemp shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel. Screening shall be accomplished by enclosure within a greenhouse or hoop house or by use of fencing or vegetation. All greenhouses, hoop houses, and fences shall comply with all building and zoning codes and any other applicable law or regulation.
  - a. Having a six-foot high fence and locked gates would act as a deterrent for criminals from entering the property to commit theft or violent crimes. Having hemp cultivation sites in an area not readily observed by the public would limit the crime of opportunity and mitigate nearby residents from observing and being exposed to the cultivation. Further, such fencing would mitigate trespassing and allow for controlled access points to the property.
2. Setbacks are too close to residential parcels, schools, parks, etc.
  - a. EDSO previously recommended: Outdoor or mixed-light hemp cultivation shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground childcare center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the premises that contains the cultivation to the nearest point of the property line



of the enumerated use using a direct straight-line measurement. Setbacks. Outdoor or mixed-light cultivation of hemp shall be setback a minimum of 800 feet from the property line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of the riparian vegetation of any watercourse.

- b. The recommendation of 200 feet will not disperse the odor from a neighboring parcel and there will be a more opportunity for theft. Having hemp cultivation sites more than 1,500 feet from any school, school bus stop, place of worship, park, playground childcare center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility will help reduce theft, avoid exposure to juveniles and reduce the temptation of relapse from recovering drug addicts. Having hemp cultivation sites in an area not readily observed by the public would limit the crime of opportunity and mitigate nearby residents from observing, smelling, and being exposed to the cultivation which will enhance El Dorado County resident's quality of life.
3. Prior to any abatement the El Dorado County Sheriff's Office should conduct criminal investigation.
    - a. Cannabis that contains .3% or higher levels of THC not considered hemp and is considered marijuana which is a schedule 1 controlled substance. A criminal investigation by the El Dorado County Sheriff's Office needs to be conducted if marijuana is being cultivated (over 6 plants) without the proper licenses and permits. There is no grace period of .3%-1% THC levels.
    - b. Industrial Hemp is defined in both the California Health and Safety Code and the Food and Agricultural Code as being less than .3% THC content. If an industrial hemp product is determined to be in excess of .3% THC a criminal investigation in the violation of the related codes is to be conducted and the plants eradicated, as there is no way to "dilute" or reduce the THC content. (CA Health and Safety Code 11018.5(a), Food and Agricultural Code 8100(a)7)
  4. Inspections/testing at hemp cultivation sites by law enforcement do not require a warrant.
    - a. EDSO previously recommended: Consent for onsite inspections by County officials during the permittee's regular business hours and outside of the permittee's regular business hours if the County has reason to believe that violations are occurring outside of regular business hours. The County may be accompanied by the Sheriff's Office.
    - b. Having the ability for the property to be inspected by law enforcement will not only help identify potential illegal activity but would also act as a significant deterrent for employees and other individuals to engage in criminal activity. Similar inspection allowances already exist in licensed ABC facilities and other businesses.

5. Security plan should be mandatory and not recommended.

- a. EDSO previously recommended: Detailed explanation of how the applicant will prevent theft and access to hemp and hemp products by individuals. The security plan for the operation that includes adequate lighting, security video cameras with a minimum camera resolution of 1080 pixels and 360-degree coverage, alarm systems, and secure area for hemp storage. The security plan shall include a requirement that there be at least 90 calendar days of surveillance video (that captures both inside and outside images) stored on an ongoing basis and made available to the County upon request. The County may require real-time access of the surveillance video for the Sheriff's Office. The video system for the security cameras must be located in a locked, tamper-proof compartment. The security plan shall remain confidential.
- b. Having a detailed security plan will ensure the responsible party has completed the necessary requirements needed to mitigate potential criminal activity from occurring at the property. It would also help the responsible party to receive any necessary feedback or areas needing improvement. Adequate lighting and security cameras can provide significant deterrence for criminal activity. In the event of a crime, having security footage greatly enhances the ability for law enforcement to complete an accurate investigation.

It is our professional opinion that the pilot program will only allow for the cultivation of industrial hemp in select areas that are rural and have minimal impact on schools, public right of ways, and neighboring parcels. As a result, the proposed pilot program will not adequately reflect the high risk of harmful and negative community impacts associated with loosely regulated industrial hemp cultivation. The guidelines set forth are both vague easily misinterpreted. The proposed guidelines would allow hemp to be cultivated within 300 feet of a school and there is no required fence or security plan all of which would prove detrimental to the citizens who reside in the impacted areas of the county.