

Between the Furrows

A Santa Cruz County Farm Bureau Monthly Publication

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President's Message

DAVID VAN LENEP, PRESIDENT

"Farm Bureau has worked with the Board of Supervisors over the last few years to address issues surrounding the industry. We provided specific recommendations for the May 10th County Board of Supervisors meeting that were largely incorporated into the ordinance revisions."

Cannabis Conundrum

Well, until now, I have only touched on the topic of cannabis because there were more questions than answers. I am not sure that has changed really, but Santa Cruz County Farm Bureau has been very involved with the county efforts to fashion some reasonable regulatory structure around this industry in the wake of the Medical Marijuana Regulation and Safety Act (MMRSA).

It is apparent after reviewing the scope of allowed zonings and allowable canopy limits that the state and counties are no longer considering what is merely necessary for "medical" purposes, yet the nomenclature "medical" remains.

Here is some background.

- Voters passed Proposition 215 in November 1996, making it legal for individuals to cultivate and possess marijuana in California for medical purposes only, specifically with a recommendation from a licensed physician.
- In 2003, the Legislature authorized the formation of medical marijuana cooperatives—nonprofit organizations that cultivate and distribute marijuana for medical uses to their members through dispensaries.
- Estimates suggest that California has twice as many outdoor grow sites than any other state, with much of the cultivation activity

located in the northern part of the state.

- Cultivation sites on both public and private lands have had damaging environmental effects, including diverting water from and contaminating watersheds that are home to sensitive fish and wildlife species.

MMRSA passed by the Legislature in 2015, took effect in January 2016 and implemented via three pieces of legislation: It set up the following structure:

1. Establishes new regulatory framework for medical marijuana industry:

President's Message - Continued on Page 5

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ASK LAURA

Steve Tjosvold, Environmental Horticulture Farm Advisor, UCCE

What Is UC Cooperative Extension Doing To Adapt To The Changes In Agriculture Here On The Central Coast?

Everybody knows that the agriculture of the Central Coast of California encompasses a wide diversity of crops – anything from the berries, to the production of landscape plants, to standards like corn, beans, squash and timber.

Some of these areas of agriculture are well covered by UCCE Farm Advisors and some indeed have whole assignments dedicated to them. But also the Central Coast has whole classes of agriculture; diversified farms, organic production practices, forestry and a burgeoning tree crop sector which would benefit much from the research and extension efforts that UCCE can offer.

To address these areas, your office of UC Cooperative Extension here in Santa Cruz County has posted two position proposals for consideration; one for a Farm Advisor in diversified farms, tree crops and organic farming systems and the other for an Advisor in forestry.

The Farm Advisor in diversified farms, tree crops and organic farming systems program would be expected to address current and emerging issues that are critical to the sustainability and profitability of these farms. The position is designed to address the challenges, from production to marketing in these unique operations which are such a large part of the agricultural community here on the Central Coast.

The link to this position posting and opportunity to write a note of support is here: http://ucanr.edu/sites/anrstaff/Divisionwide_Planning/2016_Call_for_Position/?propnum=4502#position_details

The Forestry Advisor will be expected to

run a program of research and extension excellence addressing the challenges facing local landowners, companies and land trusts in the uniquely regulated forests of the Santa Cruz Mountains of the Southern District of the Central Coast region. The position will generate information on the management of local forests for silviculture, air and water quality, wildlife and fisheries management and recreation and extend it to clientele.

The link to this position posting and opportunity to write a note of support is here:

http://ucanr.edu/sites/anrstaff/Divisionwide_Planning/2016_Call_for_Position/?propnum=4484#position_details

The process to getting these positions to move forward and getting an Advisor is highly competitive. For us to get these positions, it is absolutely a plus to have those letters of support be written by the people who would directly benefit from them – the growers, the timber industry and related operations.

Your support for these positions is very much appreciated!

If you have further questions concerning these two position proposals for Santa Cruz County, please contact Mark Bolda at 763-8025 or mpbolda@ucanr.edu.

THE WATER NANNY

Marijuana Bust

The drone flew stealthily through the greenhouse, dodging trusses and posts, over a verdant crop of just budding marijuana. The DEA was not at the door, this was for a video to be posted on YouTube. As pot farmers came out of the hills, dope became an ag business. Size and market share are kings. Amesti Madness has been a bestselling grow for years. Now you can see it grow in 3D. Well, not quite today, but ...

The State has passed extensive grow regulations for medical marijuana, which presumably will apply if and when recreational grass becomes legal in California. This law has a provision to encourage local cities and counties to adopt their own specific laws. That way some cities could still ban growing or sales, while others may regulate and tax such operations. If the local jurisdiction takes no action the State laws apply.



Santa Cruz County has convened the Cannabis Cultivation Choices Committee (C4). Talk about a smoke filled room, this group had representatives from (real names) Cannabis Advocates, Responsible Cultivation and Standardized Cannabis, needless to say heavily influenced by mountain growers (no need for lobbyists). Their proposal is that existing growers should get a preference on new licenses. Indoor warehouses could have up to 22,000 sq.ft. of grow, commercial ag could be up to 44,000 sq. ft. (about one acre) but it could not exceed 2% of the ag parcel, so a small plot in the corner. They are concerned that pot could crowd out other commercial ventures leading to a shortage of "commercial activities necessary to a healthy community." Somehow greenhouses are not truly addressed. All this is now up to the Board of Supervisors.

Monterey County still has a cannabis prohibition, with large exceptions for verifiable investments prior to the moratorium. This makes my mind spin. Businessmen, presumably farmers, seem willing to show in writing how much money they have invested in, shall we say, land preparation, so that they can get an exemption to grow an illegal crop. Both Monterey and Santa Cruz county administrators have pointed out that there is no regulation on the size of other crops. So if you are a "businessman" struggling to pump water illegally diverted

from a stream to your clear-cut in the forest now is the time to move to the good land and really turn a profit.

Time last year reported that Mexican marijuana shipments had dropped 30% in the last five years. The reason is not a bigger wall on the boarder, but tough competition from domestic growers with a better product and improved branding. Narco traffic is not a significant supplier to your local medical cannabis shop. As more states legalize or at least medicinalize the marijuana trade American farmers are rushing to fill the void.



This explains the need for more land for grows. Mountainside patches cannot fill this burgeoning demand. Everyone seems to be going into the business. We also may pause to consider past ag gold rushes. Everyone charges into a crop because of the high margins. In the 1920's American farmers overproduced straight into bankruptcy and the Great Depression. Repeatedly lettuce crops are disked under because they are not profitable at harvest. So too with pot. Five years from now we may look back with fond memories of the Great Cannabis Gold Rush, as we look for still profitable crops, our marijuana induced dreams gone up in smoke.



"Originality is the fine art of remembering what you hear but forgetting where you heard it."

Laurence J. Peter



FAVORITE RECIPES

Rhubarb Crumble

Ingredients:


- 1 - 2 lbs. rhubarb or enough to fill the bottom of a 7 x 11 or 9 x 9 inch Pyrex baking dish half way, sliced 1/4" thick*
- 1 cup loosely packed brown sugar
- 1 cup all purpose flour
- 1/2 cup (1 stick) butter, cut into pea sized bits and frozen

Heat the oven to 350°F. Place the rack in the center of the oven. Place the sliced rhubarb into the baking pan. In a large mixing bowl, combine the flour and brown sugar with your fingers or a spatula. When thoroughly mixed, cut the butter into the sugar-flour mixture using a pastry blender or two knives until a mealy texture is reached. Do not work the crumble so much that the butter starts to melt. Spread the topping over the rhubarb. Place the dish in the oven and bake for around 45 minutes or until the top is golden and the insides are bubbly and gooey. Remove from the oven and allow to cool a few minutes. Serve warm or cooled. ***This recipe is courtesy of www.edibleparadise.com and contributed by Jeff Emery. The link can also be found on the Monterey Bay Farmers Market website .***

*You can fill it more or less as you choose, or supplement with sliced strawberries.

President's Message - Continued from Page 2

- Implements new structure for licensing and enforcement of medical marijuana cultivation, product manufacturing, testing, transportation, storage and distribution. Assigns various responsibilities to both state and local governments.
 - Authorizes state and local governments to collect specified fees and taxes, as well as issue penalties for violations. State departments can establish licensing fees to cover regulatory costs.
 - Requires state to set standards for labeling, testing, and packaging medical marijuana products and to develop an information technology (IT) system to track such products throughout the supply chain.
 - Institutes system for regulating, monitoring, and reducing environmental impacts of marijuana cultivation.
 - Phases out medical marijuana cooperatives within a few years and replaces them with state-licensed businesses.
 - Creates Bureau of Medical Marijuana Regulation (BMMR) within Department of Consumer Affairs. Tasks five other departments with various responsibilities.
 - Establishes Medical Marijuana Regulation and Safety Act Fund (MMRSF) to receive fees and penalties assessed under the act and to be used for associated regulatory and enforcement activities.
- Farm Bureau has worked with the board of supervisors over the last few years to address issues surrounding the industry. We provided specific recommendations for the May 10th county supervisors meeting that were largely incorporated into the ordinance revisions.
- In addition to our specific recommendations, we stressed the importance of requiring the proper accountability for those involved in cannabis production, implementation, a regulatory structure to ensure environmental protection, public safety and quality of life for those not affiliated with the cannabis industry, and cost recovery.
- Farm Bureau supports good policymaking and will continue to provide input to the county in this matter. Our specific recommendations will be covered next issue.
2. Establishes new state regulatory entity, new special fund:



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9th Annual Down to Earth Women Luncheon



Mary Anne Carson won best hat
with her El Nino themed hat

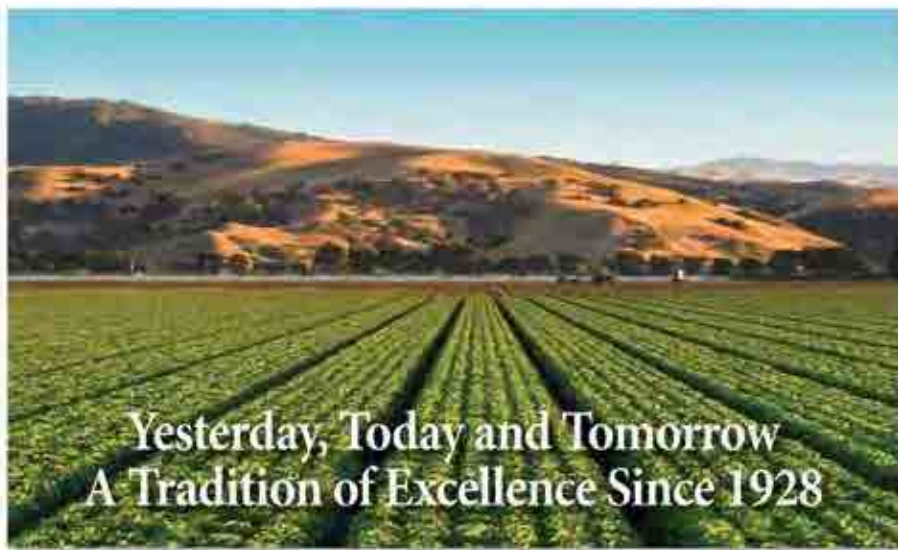
The 9th Annual Down to Earth Women (DEW) Luncheon was held at Driscoll's Rancho Corralitos in Watsonville and had a record attendance – over 300 women! This event is for women who are involved in, or support, agriculture in Santa Cruz County and the Pajaro Valley. The purpose of the luncheon is to raise funds for Agri-Culture's Focus Agriculture program, the Jimmie Cox Memorial Scholarship fund and the Santa Cruz County Farm Bureau's school programs.

This year's featured speaker for the event was Christina Stembel, founder of Farmgirl Flowers, who spoke on the topic of "Growing Your Business." Brittany Nielsen, news anchor, KSBW Action News 8, was the Mistress of Ceremonies for the luncheon.

Also speaking at the event was Cynthia Druley, Executive Director, CASA of Santa Cruz County, who spoke about her experience as a participant in Agri-Culture's Focus Agriculture program. Maya Capurro-Frosch, 2016 Jimmie Cox Memorial Scholarship recipient, spoke about her education and how the scholarship will help her achieve her degree.

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Eavesdropping Primer

"We're no longer in the Cold War. Eavesdropping on friends is unacceptable." Vladimir Putin

You have the goods on someone because you secretly recorded their conversation. Not so fast! You may be in trouble for violating the California Invasion of Privacy Act (CIPA) (Cal. Penal Code §§ 630-637.5), which prohibits eavesdropping and recording certain communications. CIPA prohibits wiretapping (§ 631), electronic eavesdropping on confidential communications (§ 632), and «wireless tapping» (§§ 632.5-632.7). And CIPA has big civil and criminal penalties. (See *Coulter v. Bank of America*, 28 Cal. App. 4th 923, 929 (1994).)

Criminally, a CIPA violation can be prosecuted as either a misdemeanor or a felony, depending on whether there are prior offenses. If not, the maximum fine is \$2,500. But for a repeat offender, the maximum fine is \$10,000. (§ 632(a).) Civil damages are automatically \$5,000 per violation or triple the actual damages, whichever is greater. (§ 637.2.)

Wiretapping used to mean a physical connection ("tap") on a telephone wire. The term now may include monitoring cordless, internet and cellular communications. Penal Code § 631 prohibits wiretapping and has penalties for gaining the benefit of wiretapping or wiretaps, by tapping or making an unauthorized connection with a telephone wire or by attempting to learn the contents of a wire communication without consent. Section 631 does not apply to wireless communications. It applies only to the unauthorized connection with any telephone wire. (§ 631(a).)

Section 632 is broader. It prohibits electronic eavesdropping on and the recording of a confidential communication. To avoid violating § 632, everyone must consent. A "business that adequately advises all parties to a telephone call, at the outset of the conversation, of its intent to record the call would not violate the provision." (*Kearney v. Salomon Smith Barney*, 39 Cal. 4th 95, 117 (2006).)

But § 632 applies only to *electronic* eavesdropping and recording. It is *legal* in California to secretly use a stethoscope or ear to the wall or door and a notepad to eavesdrop on and record someone else's conversation in another room!

For the same reason, CIPA does not prohibit listening to or recording radio communications. So while § 632 prohibits secretly recording a confidential conversation, it does not

prohibit secretly recording a communication conducted by radio, even if that radio communication is expected to be confidential. Section 632 deems radio communications to be the equivalent of a discussion conducted at a public gathering, in other words, a discussion that was never intended to be confidential and therefore never subject to section § 632's prohibition against electronic eavesdropping and recording. So be careful using the Motorola.

Section 632 requires that the communication be confidential, a highly litigated issue. A confidential communication is one "carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto." The Penal Code says that some communications can never be confidential: in a public gathering or in a legislative or judicial proceeding open to the public, or "in any other circumstance in which the parties ... reasonably expect that the communication may be overheard or recorded." (§ 632(c).)

Although CIPA clearly prohibits people from electronically eavesdropping on calls involving cell phones (§ 632.5) and cordless phones (§ 632.6), newer technology poses several open questions. One of them is whether modern voice over internet protocol (VoIP) communications are covered.

The best practice is to tell others in advance if they are being recorded. Consent is implied when anyone participates in a conversation after being informed that it is being recorded. And consent is generally an absolute defense. For the defense to apply however, *all* participants must consent.

And remember that these prohibitions apply to communications, eavesdropping, and recording that in some way involve *electronic* connections and transmission. Non-electronic eavesdropping (ear to wall) and handwritten recording (via pencil and a notepad, for example) generally are legal.

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NRCS NEWS

By Rich Casale & Ryan Hutchison, USDA Natural Resources Conservation Service

Achieving Water Conservation Through Improved Soil Health

The 2015-16 rainfall season is over and it was good for most California farmers, but the need for continued water conservation efforts is still with us. Properly managing and building soil health can help growers save more water on the farm by improving both organic matter and pore spaces in the soil. These pore spaces or sometimes called air pockets act as water reservoirs which are key to the soil's water holding ability during times of drought but also during the dry season when most irrigations take place.

Knowing your soils is of utmost importance because there is so much variability often requiring different methods of management based on each soil's unique and inherit features. In fact, there are more than 40 different soil types in Santa Cruz County alone. Some of the more obvious differences in soils are variations in color, texture, depth, structure, fertility and the amount of organic matter.

Managing soil to enhance microbial activity, increase soil pore space and organic matter is vital to improving soil health, increasing water holding capacity, and preventing soil erosion. Managing the soil in this manner usually leads to higher crop quality and production but also creates a healthier ecosystem. Additionally, conservation practices like: reduced and regulated tillage (varying depth and number of passes); crop rotations with seasonal fallowing; and cover cropping can also help improve soil health and increase water savings.

For more information contact the Capitola office of the Natural Resources Conservation Service at 475-1967 ext. 101 and/or by creating your own site specific soils report by visiting NRCS's Web Soil Survey on line at: www.websoilsurvey.nrcs.usda.gov.

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