

To the Members of the House Committee On Agricultural Land Use~

Please consider this information as you meet on Wednesday, November 20 at 1 p.m. to discuss Oregon's Industrial Hemp program. I thank you sincerely for your time!

I have lived in Josephine County for almost 30 years making my living as one of the first Certified Organic Farms in the region. I grow vegetables, medicinal herbs and organic vegetable seeds primarily. Obviously I am very in-tune with the land and the water I depend-on for my livelihood. I also live on "Class 1/'Core' Coho-salmon habitat" on Williams Creek and I started the "Williams Creek Watershed Council" under GEWB (now OWEB) back in the late 90's. I live and breathe the statement "Water is Life".

Josephine County experienced a many thousand-fold increase in permitted (and unpermitted) "Industrial Hemp" sites this year due to the "Farm Bill" passing in late 2018, which removed "hemp" (below .3% THC) from the Controlled Substances Act. I believe we have over 30% of the entire State's acreage of "hemp" sites and combined with neighboring Jackson County probably over HALF of the State's "hemp acreage". In other words, we are on the "front lines" of this "green rush" with over 4,000 permits for "hemp grows" granted by the ODA this year. THE NEWS IS ABYSMAL. I am working diligently with the Josephine County Commissioners who literally feel this program has "been shoved down our throats" (direct quote-Darin Fowler) and who would, if they could legally, OPT-OUT and pass a BAN or MORATORIUM on ALL "Industrial Hemp" sites. Which, I will mention, DID already happen in ALL of Northern California Counties (and Southern CA for that matter) who OPTED-OUT of California's "Industrial Hemp" program!!! There IS NO HEMP JUST OVER THE STATE LINE and this has our County (very dependent on tourism \$\$\$) very concerned.....and "jealous". Josephine County Commissioners WANT OUT from under this program, period.

I will elucidate for you here the MYRIAD REASONS this program is a failure and literally THE WORST THING to happen to our fair County EVER. I am NOT EXAGGERATING. Please bear with me as I explain the many aspects of this program (as it exists in the State now) that are completely unacceptable. And why the County wants OUT from under the weight and BURDEN ON AGENCIES and local natural resources this "Hemp program" has created.

First of all, the ODA did not require PROOF OF COMMERCIAL IRRIGATION RIGHTS when issuing these hemp permits. In fact, there isn't even a "mention" on their website "FAQ's" that OREGON WATER LAW IS PERFECTLY CLEAR. If you are growing a COMMERCIAL CROP you need COMMERCIAL IRRIGATION RIGHTS. There is NO EXCEPTION to this law. But the ODA doesn't even MENTION OR WATER LAW, EVER. Therefore hemp growers felt enabled by the ODA, hemp permit in-hand, to obtain water illegally however they saw fit. In my "neighborhood" (within a half-mile of my farm) I turned-in 6 sites to OWRD (OR WATER RESOURCES) who were

granted hemp permits. ONLY 2 of 6 had ANY commercial irrigation rights!!! Fields that had been “bone-dry” for decades were now being plowed for hemp. The growers stole water directly from the creeks, severely impacting surface flow and those ENDANGERED COHO SALMON who live here (the ESU-Evolutionarily Significant Unit) in the highest numbers the State has!!! Although last Winter was an “historically WET Winter” with a lot of rain and snowpack, we were at DROUGHT CREEK LEVELS (verified by OWRD monitoring gauge) by June. The water theft was immediately apparent to surface flow. Growers also stole water by digging new wells (which could NOT have a commercial right immediately attached to it) or pumping out of existing wells, causing many neighboring wells to “go dry”. Monitoring ground water is a lot “trickier” and we can safely assume aquifers have been irreversibly damaged as well.

Attached to this email you will find the “Williams Water Audit” which was undertaken with the ODA’s list of hemp permits in our Valley, comparing the acreage on those ODA permits to the tax-lot’s legal water rights, or lack thereof. What we found is nothing short of CATASTROPHIC to our creeks, Endangered salmon, aquifers and domestic wells!!! Over 30% had NO IRRIGATION RIGHTS AT ALL. Only 20% were WITHIN their legal irrigation rights. The acreage was OVER-ALLOCATED OVER 40%. Meaning even IF a parcel HAS irrigation rights for say 5 acres they were granted a hemp permit to grow, for instance, 107 (!) acres. An over-allocation of 102 acres and that IS a permitted hemp site in Williams, one of many taking advantage of the un-regulation of water.

We also found that the majority of hemp sites are on RURAL RESIDENTIAL land, so many domestic wells were impacted due to commercial agriculture taking place on residential lands, not farmland. The bottom line is that a MAJORITY of permitted hemp sites are breaking the law by stealing water they do not have a legal right to use. Period. As a farmer WITH commercial irrigation rights, because of all the water theft, our Valley was “shut-off” to Senior water rights (1858 in our Valley) by mid-July. Meaning only a small handful of ANY TYPE of farmer had irrigation water to use past the shut-off!!! NO HEMP SITES HAVE “senior rights”, but yet they continued to pump all season, further negatively impacting streams and aquifers. My farm is “1862 rights”, so I was shut-off by JULY. Catastrophic to MY CROPS and my neighbor’s crops/livestock, etc..

In contrast, to obtain an OLCC Vineyard, or more related, an OLCC Cannabis Producer License you MUST PROVE COMMERCIAL IRRIGATION RIGHTS before the OLCC will grant your License! So you have one State Agency (OLCC) following Oregon Water LAW and ensuring they do not grant Licenses without legal water on those Vineyards and OLCC “Rec” farms. Then you have the ODA who issued 4,000+ permits without a mere mention of OR Water LAW. UNACCEPTABLE. I have friends who have OLCC Licenses (and therefore commercial irrigation rights) who had neighbors growing “hemp”, stealing water from domestic wells. How offensive is THAT??? One had to jump-through myriad hoops to obtain her OLCC License and

PROVE water rights, one just STOLE the water. BOTH are “legal” in the State to grow, but only OLCC farms are abiding Oregon water law.

The next HUGE ISSUE with “Industrial Hemp” is that in a MAJORITY OF CASES and acreage the “crop” is ACTUALLY HIGH-GRADE “marijuana” or Cannabis that contains 15-30% THC!!! It’s the same plant folks!!! What was planted here by-in-large was for (ostensibly) the “CBD Flower” market and NOT “industrial hemp” for building materials/paper/clothing, etc.. It is a plant that looks just like marijuana with flowering tops/“buds”. LAW ENFORCEMENT CANNOT TELL THE DIFFERENCE!!! There IS NO “drop-test” or “reagent test” that law enforcement (or anyone) can use on the spot to tell the difference between a “bud” that is “hemp-below .3% THC” OR “marijuana” at 30% THC!!!! To tell the difference a sample must be sent to a “lab” (like all OLCC Cannabis) and tested there. NOT ON-THE-SPOT. A few DAYS is the fastest “turn-around” time for a THC test.

Let me elucidate what that means. The OLCC and OMMP programs in the State all have METRC Tracking (“Seed-to-Sale”) requirements and OLCC INSPECTIONS, perhaps many times a season. Now the ODA’s “Hemp” program is a loophole of epic proportion! People are now growing thousands of acres (!!!) of HIGH-GRADE THC out in the open, NO INPECTIONS OR TRACKING required. Definitely no ODA employees are monitoring these 65,000+ acres in the State!!! Reducing “leakage” to the “black” (“unregulated”) marijuana market has been a Federal and State TOP-PRIORITY since the passing of M91 (and before that, too). The State and OLCC have taken many steps to “close the loopholes” for the “unregulated market”, especially via METRC Tracking and OLCC inspections. Outlaws now easily obtain a hemp permit and OPENLY GROW MARIJUANA, no tracking, inspections or testing required. Yes, there IS testing “required” for “hemp” if you actually grow hemp and want to sell it legally below .3% THC. If you’re growing marijuana, you just never get the crop tested!!! There IS NO ODA required follow-up on what happened to the crop, where it was tested and sold...or how it was “destroyed”. I personally know of people who planted TENS OF ACRES of marijuana “in the middle” of their “hemp” field. Or had a hemp permit for greenhouses FULL OF MARIJUANA, who when the OLCC came to inspect their OMMP gardens, wouldn’t allow the inspector in the greenhouse “because that’s hemp”. Outlaws find ways, and the ODA’s lack of regulation and follow-up for their thousands and thousands of permitted acreage is just AN OPEN DOOR to grow marijuana out in the open. And if you “do the numbers” this can be lucrative on the unregulated market to the tune of MILLIONS IF NOT BILLIONS OF DOLLARS!!! No more do “cartels” need to grow in the mountains to “hide” their marijuana. Just obtain EASILY a hemp permit and plant as many acres of marijuana as you want. LITERALLY AS MANY ACRES OF HIGH-THC MARIJUANA AS YOU WANT. NO TRACKING OR INSPECTIONS. Please let that sink-in.

Again, can you imagine how offensive this is to my friend who has a LEGAL OLCC “grow” and has 55 (!!!) security cameras and many in-person OLCC inspections a season!! If one of her security cameras “malfunctions” for any length of time, she

could lose her License and her million dollar investment in a LEGAL THC CROP via the OLCC. Only to have her neighbor stealing water and growing 30 acres (!!!) of marijuana out in the open!!!! This is really happening!!! You would have to be VERY NAÏVE to think any differently. Again, millions of unregulated dollars and profit are available and too easily via the ODA's hemp program. Again, completely unacceptable and this has definitely brought a VERY SHADY and OUTLAW element to the County overnight!!! One of my new neighboring "hemp" growers I mentioned above that I turned-in to OWRD called me saying he was "at my gate and was going to kill me". Well, I had foiled his 40 acres of unregulated THC, and millions of dollars, so that's why the vehemence! Neighbors "policing" neighbors about WATER LAW or marijuana law is NOT THE WAY TO ADMINISTER a State program!

Oh but it gets even more interesting to know that these outlaws are able to BOARD COMMERCIAL AIRLINES, ship via commercial trucking or shipping, or just load their cargo-trailer FULL of THOUSANDS OF POUNDS of marijuana, by calling it hemp and showing a random "hemp test" (easily transferred on paper via copy machine and no checks-and-balances ie: manifest from METRC tracking). They are moving high-THC marijuana out-of-State AND Country now in epic proportion! I have spoken to TSA, OSP Officers and Local Sheriff Deputies who all know this is happening, but they have no way to DETAIN these folks boarding an airplane or at a routine traffic stop. Law enforcement can't tell the difference on-the-spot, so they have to LET THEM GO. THIS IS AN OPEN DOOR FOR (INTERNATIONAL) CARTELS to settle-in and make their billions. SERIOUSLY. How can this be when the State has taken such pains with the OMMP and OLCC programs to TRACK AND TRACE marijuana??

I have already taken a lot of your time, and so I will quickly summarize other issues with this program as it stands. The ODA has NO PARAMETERS for pollen drift from hemp crops. Hemp pollen can easily travel many tens of miles and render a LEGAL and tax-generating OLCC (or OMMP) crop USELESS with seeds. They have not taken care to ensure the administration of their program does not ruin the viability of the OMMP and OLCC with pollen drift. Again, this is very offensive to legal OLCC gardens surrounded by hemp with male plants visible in their fields!!

If you have seen a "hemp" grow you would be disgusted at their abysmal agronomic practices. Most of the thousands of acres here in SW OR were covered in PLASTIC ROW COVER that they dispose-of every season!!! Thousands of acres of.....plastic??? Really?? Of course there were rampant PEST OUTBREAKS with the monoculture planting and the ODA has yet to grapple with the LEGAL PESTICIDES this crop can use. Great. More Ag. chemicals in the environment. More pests to infect and harm legal OLCC and OMMP crops and medicine patients count-on. Jackson County even had helicopter spraying of pesticides in Rural Residential areas. THOSE residents went immediately to their Commissioners!! Really??? Helicopters spraying (unregulated) pesticides where people live? Once again, unacceptable.

Hemp can also easily become a NOXIOUS WEED when it is unregulated and there is no requirement to destroy the crop. In the Midwest (where hemp was grown for

“the war effort”) hemp is listed as a NOXIOUS WEED that destroys good farmland and is almost impossible to eradicate. The ODA has no parameters to ensure this doesn’t happen in Oregon!!! Unacceptable. Our land (soil) and water are our MOST PRECIOUS natural resources and must be protected, not abused like this! A noxious weed like this will negatively impact ALL farmland! Ie: where we grow our FOOD.

I already mentioned the negative effects on neighborhoods and also tourism, which is a big part of SW OR’s economy. Tourists can skip-over SW OR and just head to NORTHERN CA where there is no stinky hemp on thousands of acres. Just Google what Sonoma County (etc) officials had to say when they opted-OUT of hemp. It’s harmful to their legal “Rec” Cannabis farms and harmful to tourism. So outlaws make their millions and the rest of us can.....watch tourism dollars go just over the border to CA??? Again, unacceptable.

California Counties were able to “OPT-OUT” of hemp by their Dept. of Ag. classifying “hemp” as DIFFERENT than “other” crops. And rightfully so. Oregon Counties are under the ODA’s fallacious definition of “hemp” as being “like every other crop” and therefore Counties do not (apparently) have the option to say NO HEMP HERE. (for the MYRIAD REASONS LISTED ABOVE).

So for starters, I would like to see the ODA RECLASSIFY INDUSTRIAL HEMP as a “special” crop that Counties can then regulate as they see fit. What other “legal/like every other” crop can EASILY TURN-INTO A SCHEDULE ONE DRUG IN THE FIELD????? I’m sorry, but at .4% THC “hemp” won’t “get you high”, but LEGALLY IT IS A SCHEDULE ONE DRUG. And of course. If you are growing high-THC marijuana, it WILL GET YOU HIGH BUT the crop can’t be differentiated except by sending it to a “lab”. THAT IS NOT LIKE ANY OTHER CROP!!! This needs to be reclassified to give Counties the option to regulate as they see fit!!! When outlaws, cartels and undermining OLCC regulations are at stake, I am sure this is clear that “hemp” is not like.....strawberries or corn!! I would also like to immediately see Time, Place and Manner (“TPM”) regulations being available to Counties for enforcement.

SOMETHING has to be done! Josephine County is NOT capable of enforcing this unregulated crop on their own. They need the State to carve-out the ability for them to regulate as they see fit. And that leads me to my last set-of points to make.

The USDA just (OCT 31) released THEIR “Interim Final Rule” for Industrial hemp. It places local law enforcement in charge of SAMPLING (for lab testing of THC %) and DESTROYING “HOT HEMP”. When I asked the Josephine County Sheriff directly about these parameters, he just LAUGHED. We don’t even have money for 24 hour patrol. From 3 a.m. to 6 a.m. in SW OR there is NO OSP or local Josephine County Sheriff on patrol. There is NO WAY the Sheriff in our County is going to be able to do ANYTHING with hemp sampling or destroying. So what?? Just more outlaws and cartels?? UNACCEPTABLE.

The USDA'S "Interim Rules" also state CLEARLY that States must PROVE A "CERTIFICATION OF RESOURCES" under their Hemp "plan". OREGON and most certainly the "poorest County in OR" Josephine County DO NOT HAVE the "adequate resources to effectively administer" this program. Bottom line. NO STATE AGENCY DOES have the resources!! (we have ONE OWRD employee for a 1.5 million acre County, for instance). The ODA needs to go back to the START and create a hemp program that is ACCEPTABLE for those Counties that choose to have it. And the State Legislature needs to afford those Counties un-duly and disproportionately affected by this program to OPT-OUT of it, or at MINIMUM have "TPM" available to them to regulate.

I will leave you with my SINCERE GRATITUDE for your time and consideration. Something needs to be done ASAP this upcoming "Short Session" to ensure this fallacy of a program doesn't continue to RUIN the quality of life for SW OR's residents and Endangered salmon, basically all life!

PLEASE HELP!!! These are all very serious matters with many irreversible (if not unintended) consequences.

Very Sincerely~

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