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To: [commentletters](#)
Cc: "[John De Friel](#)"; "[Sam Rodriguez](#)"
Subject: Comments for Waste Discharge and Cannabis Cultivation Policy
Date: Monday, November 26, 2018 8:32:49 PM



Dear Board and Staff: These comments are in regard to the Cannabis Cultivation Policy. I presently work with a group of clients in Santa Barbara County, and I wanted to address some real concerns that my clients have regarding the policy. These comments can be broken down into two areas. First, the regulations make assumptions about how this farming is being done. Second, the regulations impose restrictions that are supposedly designed to protect water quality, do little to provide any sort of protection and would prohibit or dramatically curtail the ability to farm a second crop in Santa Barbara County.

The background to the Waste Discharge Requirements state as follows:

Cannabis cultivation in California has grown exponentially in recent years and is often located in sensitive environmental areas where the activities create significant impacts to water quality. Waste discharges from cultivation sites include sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, refuse, and human waste. Construction of access roads has resulted in significant erosion and sediment discharges to water bodies.

In fact, much of the growth in Cannabis farming in Santa Barbara County is in areas that are flat, have been historically farmed and are not considered sensitive. There is no reason to believe that like other farming, Cannabis will not move towards larger flat parcels where it can be grown like most other commercial crops. Removing the concerns about denuded hillsides, diverted virgin streams and whatever other parade of horrors the drafters of these regulations conjured up in their minds when drafting these regulations.

For flat farming ground that has been historically farmed, there is simply no basis to require that heavy equipment not be allowed into the fields during the winter period. In fact, much of the work to remove the plastic from the hoop houses, till the soil and plant a cover crop or other protective measures are done with heavy equipment. While the regulations state that the heavy equipment can't be used during the winter period, the letter to the farmers seeks to define the winter period for Santa Barbara County from 11/15 to 4/1. In fact, Santa Barbara has a very small winter period and really no period where farmers are not active in their fields. Cannabis farmers in Santa Barbara are just now completing harvest clean up, and crops will be ready to go back into the ground in February and March. Prior to planting, the soil will need to be prepared, the plastic will need to go back onto the hoops and lots of other work will need to be done. It is simply unrealistic and unnecessary to require that no heavy equipment be used for almost five months per year.

There is no way to farm a crop in Santa Barbara County on valuable farming land and take nearly five months off from farming. The regulations as written would be a massive taking of land value and prohibit a strong second crop of Cannabis. It would be doing this without any basis or support for control of runoff, as these lands have been and will continue to be farmed by other crops. These fields are reasonably flat, so that the majority of rain is able to percolate. In storms, the water is

controlled by berms located along the edges of the fields. These methods have been used for decades and protect the farms from losing their valuable top soil.

The restrictions for winterization need to be adjusted so that land that has been consistently farmed for decades and has slopes of less than 5% do not have the same sort of restrictions as newly developed land or land that has greater slopes. In this manner, properties that will have little or no impact with regard to runoff are not prohibited from growing a second Cannabis crop during the shoulders of the winter period. The failure to distinguish between the different types of farming lands is a dramatic failure of these regulations.

Thanks

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