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To whom it may concern,

I want to bring this issue to the State Water Resources Control Board's attention, as I believe that implementing the following Policy/Prohibition will result in additional cannabis cultivation related environmental degradation, and will undermine efforts that the North Coast Regional Water Quality Control Board and California Department of Fish and Wildlife have been undertaking over the last few years to encourage cannabis cultivators to store water during the winter/spring, so that more water is available during drier months for fish and aquatic wildlife. The Policy/Prohibition I am referring to is as follows:

Item 82 of Section 2 – Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation of the Draft Cannabis Cultivation Policy (Attachment A to the Draft General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities)

82.	Onstream storage reservoirs are prohibited unless the cannabis cultivator has an existing water right issued prior to January 1, 2017 that authorizes the onstream storage reservoir. Cannabis cultivators who do not have an existing water right as of January 1, 2017, that authorizes the onstream reservoir storage, including cannabis cultivators with a pending application, an unpermitted onstream storage reservoir, and those who want to install a new onstream storage reservoir, are required to obtain an appropriate water right permit prior to diverting water from an onstream storage reservoir for cannabis cultivation.
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The MCRSA, and more specifically California Business and Professions Code 19322.2, required the completion and submittal of special forms for certain water diversion types used in cannabis cultivation before July 1, 2017. Since (and even before) the adoption of the MCRSA the North Coast Regional Water Quality Control Board and California Department of Fish and Wildlife have been encouraging cannabis cultivators using riparian water rights to irrigate their crops, to develop water storage systems so as to prevent diversion of stream flows during the critical late summer/early fall months. I am currently working with multiple cannabis farmers who use water from stock ponds that were created in the in 1970s, 80s, and 90s by former landowners who were ranchers and traditional farmers. These stock ponds were created by placing a small earthen dam with a protected outfall across a Class III (ephemeral) watercourse. I submitted multiple Statements of Water Diversion and Use for these cannabis farmers using or planning to use water from stock ponds (or onstream water storage ponds) before the July 1st deadline. When I submitted these Statements of Water Diversion and Use, I was told that use of water from these stock ponds would be regulated under the forthcoming Small Irrigation Use Registration for Cannabis Cultivators.

There are currently hundreds (if not thousands), of these stock ponds across the State of California, many (if not most) of which are unregistered with the State Water Resources Control Board. As previously stated, the MCRSA compelled cannabis cultivators utilizing these stock ponds as water storage for irrigation to register some of these before July 1, 2017. If they are not allowed to use water stored in these onstream storage reservoirs/stock ponds, they will be forced to develop other water storage facilities and associated water diversion and conveyance works to comply with the Policy and General Order, yet the onstream storage reservoirs will remain. This will result in a significant increase in

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the amount of water diverted and stored on a property that has a cultivation operation, but it will not reduce the amount of diverted/stored water used at a given operation. Ultimately this will lead to less water availability to fish and aquatic wildlife, even if every cannabis cultivator in a given watershed complies with all elements of the Draft Policy and General Order.

The existing Small Irrigation Use Registration allows for onstream storage reservoirs located on Class III (ephemeral) watercourses that do not exceed 20 acre-feet per annum where the reservoir was constructed prior to January 1, 2012:

From the RESOLUTION ESTABLISHING GENERAL CONDITIONS TO BE APPLIED TO
SMALL IRRIGATION USE REGISTRATIONS

The Deputy Director for Water Rights establishes the general conditions listed below to be applied to the following methods of diversion and specific categories of registrations for Small Irrigation Use:

b) Diversions to onstream storage reservoirs located on Class III streams not to exceed 20 acre-feet per annum where the reservoir was constructed prior to January 1, 2012. Water appropriated under this category of Small Irrigation Use may be used for the irrigation, frost protection, or heat control of currently cultivated lands within the area described in paragraph (1) of subdivision (a) of Water Code section 1259.4. Uses may also include incidental aesthetic, fire protection, recreational, or fish and wildlife purposes.

I assert that the January 1, 2017 deadline of the Draft Cannabis Cultivation Policy is arbitrary and perhaps unlawful. At the very least, the State Water Resources Control Board should honor the statutory deadline of July 1, 2017 established in the MCRSA (California Business and Professions Code 19322.2). Additionally, I assert that a prohibition on onstream storage reservoirs located on Class III streams not in excess of 20 acre-feet per annum (or not allowing owners/users of those reservoirs to participate in the Small Irrigation Use Registration Program) will drive a new wave of environmental disturbances associated with cannabis cultivation, as cultivators currently using onstream storage will excavate off-stream water storage facilities. The onstream storage reservoirs will continue to impede water movement through those Class III watercourses, but additional water will be diverted to off-stream storage reservoirs, further limiting the amount of water moving naturally through the watershed.

Thank you very much for your time and consideration,

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