



HUMBOLDT COUNTY GROWERS ALLIANCE

August 29, 2022

On behalf of the Humboldt County Growers Alliance (HCGA), we are writing about Item H1 on tomorrow's Board of Supervisors agenda concerning the Planning Commission letter on rainwater catchment requirements.

Specifically, the Planning Commission letter requests that newly-approved projects must establish a rainwater catchment system capable of collecting 20% of irrigation needs within two years of approval:

“Within one year of project approval, the applicant shall provide a plan for review and approval by the Planning and Building Department to implement a rainwater catchment system capable of providing 20% of the total water required for cultivation. Within two years of project approval, the rainwater catchment system must be operational and provide at least 20% of the irrigation water.”

The gold standard for water conservation for cannabis, via the California State Water Board, prohibits diversion of surface waters during the dry season forbearance period from April 1 through October 31 of each calendar year. This means that water used for cannabis cultivation activities must be diverted to off-stream storage during the wet season to be used during the dry season between November 1 and March 31.¹

In addition to these baseline statewide requirements, the county has also implemented several additional county-wide programs, exceeding state standards, that specifically address the question of potential hydrologically connectivity of groundwater resources:

- Within the last year, Humboldt County Supervisors and the Planning & Building Department created policy changes that require all groundwater-dependent cannabis projects to complete a geologic report to analyze whether or not their irrigation wells are hydrologically connected to surface waters.
- The county is currently working towards a study to collect additional data on potential groundwater connectivity.
- The county is currently in the process of distributing \$12 million in grant funding from the DCC to incentivize additional adoption of water storage by licensed cultivators.

¹ https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.html

In light of these existing requirements, the goals of the Planning Commission's proposal are unclear to us. For projects that are not hydrologically connected, there is no reason to adopt a universal 20% standard for rainwater catchment; for projects that are hydrologically connected, a 20% standard is not adequate to either meet regulatory requirements, or significantly mitigate usage of groundwater.

By sidestepping the question of whether a particular water source is hydrologically connected, we are concerned that the Planning Commission's proposal fails to address the concerns of either cannabis farmers or neighbors. A 20% catchment requirement would significantly increase costs for many cannabis farmers currently in the permitting process, while also failing to address underlying concerns regarding potential hydrological connectivity for the other 80% of water used in a project. For this reason, we believe the county's current approach, which is focused on accurately assessing hydrological connectivity on a case-by-case basis, is more appropriate than the blanket 20% requirement proposed in the Planning Commission letter.

While we do not recommend the county move forward with this policy, if the county does move forward, we recommend that the policy focus on overall water usage and/or forbearance rather than rainwater catchment specifically.

While the Planning Commission letter begins by suggesting a need for "water storage" generally, the policy proposed in the letter is specifically to establish a 20% requirement for "rainwater catchment."

Rainwater catchment is only one form of water storage; the state's requirement is to forbear, not to develop rainwater catchment systems. Catchment may not be financially or logistically feasible on some farms, and is not necessary to achieve the goal of water use reduction. For example, not all cannabis farms, especially full-sun outdoor cultivation, may have adequate hard roofline surfaces to capture rainwater. Farms on TPZ may not be able to build new structures to meet requirements because of the need to clear trees.

If any policy along these lines is implemented, then, it should be inclusive of the potential to decrease water usage through either 1) forbearance, 2) increased water efficiency, or 3) decreased production scale, and not focus on rainwater catchment specifically.

Thank you for your consideration,

Natalynne DeLapp
Executive Director