

Cuyama Valley Cannabis Advisory Committee

Guidelines for Proposed Cuyama Cannabis Operations

Santa Barbara County Board of Supervisors Meeting | July 13, 2021

Case No. 21APL-00000-00018 and 19LUP-00000-00327

Joint Presentation by Applicant and Appellant

Background

- The Cuyama Valley Groundwater Basin is in a **state of critical overdraft**.
- The **Cuyama Basin Groundwater Sustainability Agency (CBGSA)** has been formed in accordance with the Sustainable Groundwater Management Act (SGMA) to develop and implement a basin-specific Groundwater Sustainability Plan (GSP).
- The GSP was recently completed and submitted to Dept. of Water Resources (DWR) for approval, but DWR has requested GSP revisions.
- The general purpose of the GSP is to facilitate a **long-term groundwater withdrawal rate less than or equal to the sustainable yield** of the Cuyama Valley Groundwater Basin (Basin).

Background

- Members of the Cuyama community were **increasingly concerned** that the GSP would be undermined by newly proposed cannabis cultivation projects.
- Their concern was that the County of Santa Barbara (County) would issue cannabis permits for projects on lands that had not been historically or recently irrigated, **creating new demand before the GSA could get the Basin on a path to sustainability.**



Cuyama Valley Cannabis Advisory Committee

- The Cuyama Valley Cannabis Advisory Committee (CVCAC) started as an informal group convened to **address the community's concerns regarding water use** and other potential impacts of cannabis cultivation in the Cuyama Valley.
- Convened and facilitated by First District Supervisor Williams and his Chief of Staff, Darcel Elliot in collaboration with the Office of the Fifth District Supervisor.
- Substantial participation by the Cuyama community and representatives of the Suarez Project, along with other cannabis growers that participate in GSA and community meetings.
- Participants spent 5 months developing voluntary Guidelines.

CVCAC Membership

- Guidelines must be approved by 70% of the CVCAC and Guidelines can only be amended through a 70% vote of the CVCAC.
- Nine members belonging to one of two subcommittees:
 - **The Grower Subcommittee** - four of the members represent large-scale proposed cannabis farms within the Cuyama Valley.
 - **The Community Subcommittee** - five of the members reside in the Cuyama Valley and represent specific interest groups within the Valley.
 - One membership reserved for the Office of Santa Barbara County Fifth District Supervisor Steve Lavagnino in a non-voting capacity.

CVCAC Goals

- Identify commitments for cannabis cultivation projects in the Cuyama valley to assure the community that:
 - Adverse impacts will be avoided to the maximum extent possible;
 - Robust data-gathering, sharing and analysis will occur;
 - The specific water needs for cannabis cultivation in the Cuyama Valley will be established;
 - Adaptive management to reduce project impacts and/or water use will be employed; and
 - Adequate services and infrastructure will be available to meet the community's needs and demands created by cannabis in the Cuyama Valley.
- Resulted in the development of **Guidelines for Proposed Cuyama Cannabis Operations.**

Overview of Guidelines

- Guidelines provide:
 - Cannabis growers' **operations may be revised in the future as appropriate** to address project impacts, and
 - Cannabis growers are **responsible for remediating and/or compensating impacts** they cause to other wells.
- Cannabis projects that voluntarily agree to be bound by and comply with the Guidelines, **will not be appealed** by the CVCAC or individual members.
- Community Subcommittee will support projects that agree to the Guidelines.
- Guidelines are **binding for the life of the entitlement** (e.g., LUP, CUP).
- Portions of the Guidelines that are not adopted into a Land Use Entitlement Project Description shall be **independently enforceable** – a legally enforceable and binding agreement between signatories.

Core Concepts of the Guidelines

- Participating growers will provide the Community Subcommittee with a **project description, hydrological evaluation, and other publicly-submitted technical documents**.
- Growers will meet with the Community Subcommittee to describe the project, answer questions, and provide further information.
- **Project information** shall be posted in public places (e.g., Post Office, Community Center, etc.) to better inform the community of proposed projects.
- Growers will demonstrate an **adequate, sustainable supply of groundwater** via a certified hydrogeologist report (focus is on the 2,000-foot radius of the Project well).
- Cannabis projects **cannot substantially interfere** with the availability of water from or performance of an existing third-party well.

Note: Cannabis growers must also abide by any applicable pumping restrictions or management actions implemented by the GSA.

Monitoring & Reporting

- Participating growers are required to maintain adequate water data collection systems, conduct water recordkeeping and report water information to the CVCAC and the GSA for the life of the project:
 - Well level monitoring
 - Consumption monitoring
 - Water duty monitoring
 - Well noninterference monitoring
- Goal is to identify **how much water** is required to grow cannabis in the valley and **to avoid interfering** with neighboring wells.



Offsets (Mitigation for New Pumping)

- Cuyama cannabis growers will offset **100% of water use** over historical use.
- **Enforceable and measurable** reductions of documented, historic groundwater extractions at a separate farm within the **same Threshold Region** may be used as offsets.
 - When a grower has demonstrated the inability to identify a reasonably available and sufficient Offset Source in the same Threshold Region and meets specified criteria, they may temporarily rely on an Offset Source from a farm located outside of the Project's Threshold Region.
- Offset Source credits are subject to depreciation based on the GSA's management actions (e.g., the GSP's "glide path").
- Offset requirements are part of the LUP's project description and so the **County has enforcement and compliance jurisdiction**.
- **Example:** Cannabis farmer will pay alfalfa farmer to cease irrigating a portion of their farm to "offset" new cannabis water use.
- **Water offsets will not be required for projects located on historically irrigated land**, if the project extracts an amount of water equal to or less than the historical water usage.

Threshold Regions



Funding, Oversight and Enforcement

- Program will be funded by grower contributions.
- CVCAC will establish an independent **Technical Advisory Committee (TAC)** made up of water experts to review complaints related to well interference and compliance with the Guidelines.
- CVCAC will appoint a person to administer this program, perform administrative tasks, maintain relevant data and documents, serve as a point of contact for the CVCAC, support the TAC, retain and manage technical consultants (**Project Coordinator**).
- If grower interferes with a neighboring well, they must prepare and implement a **remediation and corrective action plan**.
- Violations of the Guidelines will be reported to the County and GSA.
- If no corrective actions are taken, CVCAC and grower will **mediate dispute**. If mediation is unsuccessful or either party disagrees with the outcome, then either party has the right to file an action in Santa Barbara Superior Court to enforce the terms of the Guidelines.

The Cuyama Farms (Suarez) Project

- Appellant acknowledges Cuyama Farms' commitment to honor and incorporate the Guidelines into their Project, including, but not limited to, a water offset located in the Central Threshold Region of the Basin, as memorialized in the July 8 Water Offset Memo & Updated Project Description.
- With these amendments, Appellant supports the Board's approval of a LUP for the revised Cuyama Farms' project at 2225 Foothill Road.
- Cuyama Farms acknowledges the efforts of Appellant, Jean Gaillard and other members of the Cuyama community **to support their community, protect the Basin and ensure the availability of water to meet the needs of current and future generations of residents.**
- We request that the **Board approve the amended LUP and support the Guidelines** and the GSP that brings the Basin into sustainability.

Thank You

