

Minimizing the Impacts of Cannabis Cultivation on California Lands and Waterways

Following recent changes in state law and voter-approved initiatives, California's commercial cultivation of cannabis for recreational and medical use is expected to grow significantly. The State Water Resources Control Board has adopted a state cannabis policy to set up strict environmental standards, and a permitting system to protect local surface water from dewatering, protect water habitat and prevent pollution in the state's rivers and streams.

Left unregulated, cannabis cultivation can pose serious threats to water quality and the environment. Cannabis cultivation impacts include the release of fertilizers, pesticides and other supplements that degrade water quality and threaten wildlife. Excessive water diversions can injure fish or even dewater smaller streams. The physical alteration of the land can harm stream habitat and wildlife by the sediment and debris that is deposited in waterways by unregulated cultivation.

Overview

The State Water Board's "Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation" (Policy) will be implemented through a water quality permit and a water right.

- The water quality permit is referred to as a Statewide General Order for Cannabis Cultivation Activities (Cannabis General Order).
- The water right is referred to as a Cannabis Small Irrigation Use Registration.

Tiered Approach

The Cannabis General Order consists of a tiered permit structure based on threat to water quality.

1. Tier 1 Cannabis Cultivators have a disturbed area greater than 2,000 square feet and less than 1 acre (43,560 square feet).
2. Tier 2 Cannabis Cultivators have a disturbed area equal to or greater than 1 acre.

For more information on the tiered approach, please visit the FAQs document found [here](#).

Water Quality

The Policy addresses cannabis cultivation practices that need measures in order to protect water quality such as:

- Streams and wetland management
- Water diversion, storage, and use
- Irrigation runoff
- Land development and maintenance
- Land erosion control, and drainage features
- Soil disturbance
- Stream crossing installation and maintenance
- Fertilizer, chemical, and soil use and storage
- Cultivation-related waste disposal
- Refuse and human waste disposal
- Winterization (preparing post-harvest lands for adverse winter weather conditions)

Water Rights

The Policy addresses water diversion and use to ensure cannabis cultivation does not affect water flows needed for fish, and maintains and protects aquatic habitat and resources.

The Policy sets statewide flow requirements that may be modified as needed over time as more information becomes available on cannabis cultivation water demand. Other factors that may require changes to flow requirements will be the location and density of cannabis cultivation, and the protectiveness of the flow requirements. The measures that protect stream flows include:

- Maximum allowable diversion rates
- Minimum amount of water that must be left in the stream
- No diversion periods during dry season
- Groundwater pumping restrictions, if necessary to protect surface flows
- Water conservation irrigation methods

Cannabis Applications

The Policy becomes effective following adoption by the [Office of Administrative Law](#). It is anticipated that cannabis cultivators will be able to use a new online portal to expedite applications for the water quality permit and water right permit in December 2017.

The requirements of the Policy will be conditions of the commercial cannabis licenses issued by the California Department of Food and Agriculture (CDFA) under [its CalCannabis Cultivation Licensing Program](#). The Cannabis General Order builds on existing regulations developed by the [North Coast](#) and [Central Valley](#) regional water quality control boards. It replaces these regional solutions. The Policy was developed in consultation with the [California Department of Fish and Wildlife](#) (CDFW) and the CDFA.

Conditional Exemptions for the General Order

The conditional exemptions are:

- Personal use exemptions for very small cultivators
- Conditional waivers for certain indoor cultivation activities
- Conditional waivers for commercial cultivators in a disturbed area less than 2,000 square feet

For more information on the conditional exemptions approach, please visit the FAQs document found [here](#).

Cultivation on the Rise

Cannabis cultivation has been increasing in recent years, and the expansion is accelerating with the legalization of recreational cannabis use. A 2015 study by CDFW looked at four small watersheds in Humboldt County and found that the number of acres used for cannabis cultivation in those areas doubled from 2009 to 2012, with more than 2,000 cannabis cultivation sites in those four small watersheds alone. Field observations indicate that the number of cultivation sites is continuing to increase at an even greater rate since 2012, and cultivation sites are now being developed in new areas of the state where it previously did not occur.

Enforcement

Since 2013, the State Water Board's [Office of Enforcement](#) has worked closely with CDFW to address adverse environmental impacts from cannabis cultivation. In that time, both the [North Coast](#) and [Central Valley](#) regional water boards adopted orders that establish rules for cannabis grow operations. These regional board requirements include inspections and onsite guidance to reconcile issues like allegations of unpermitted water use, overuse of fertilizers and pesticides, and damage to aquatic habitat and fish-spawning areas. In some cases, these incidents have resulted in enforcement actions that included fines and citations.

The Water Boards will closely monitor compliance with the Policy's protective conditions, and continue to take appropriate enforcement action when needed. Cannabis cultivators are encouraged to subscribe to the [Cannabis Cultivators Email List](#) to receive program updates.

For more information Visit:

State Water Board Cannabis Cultivation Programs
https://www.waterboards.ca.gov/water_issues/programs/cannabis/

Subscribe to the Cannabis Cultivators Email List (Under Water Quality)
https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Coordinating Agencies:

California Department of Food and Agriculture, CalCannabis Cultivation Licensing
<https://www.cdfa.ca.gov/is/mccp/>

Bureau of Cannabis Control
<http://bcc.ca.gov/>

California Department of Public Health, Manufactured Cannabis Safety Branch
<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/MCSB.aspx>

California Department of Fish and Wildlife
<https://www.wildlife.ca.gov/Conservation/Cannabis>

California Department of Pesticide Regulation
<http://www.cdpr.ca.gov/>

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