

From: [Ivan Valdez](#)
To: [PublicComment, CCD , RLD](#)
Subject: Public comment to ensure protection of water & communities in cannabis regulations
Date: Thursday, August 5, 2021 9:29:14 PM

Deputy Director Robert Sachs,

Cannabis Control Division
Public Comment
ccd.publiccomment@state.nm.us

Dear Deputy Director Sachs,

I am a Ivan Valdez Acequia Board President from San Jose, NM. Thank you for this opportunity to provide public comment on these important draft regulations for cannabis producer licenses that will serve as the foundation for an equitable cannabis production economy that also protects existing water rights and our precious water resources.

I am concerned about the proposed variance rule will likely result in state-sanctioned illegal use of water by cannabis producers. Our current drought is only projected to get more pronounced. Only valid water supplies / water rights should be allowed to use this depleting resource.

In light of my concerns, I respectfully request the CCD to:

**** Prevent illegal uses of water: withdraw the unlawful Variance Rule from the revised rules. The Cannabis Regulation Act mandates protection of our scarce water resources by requiring cannabis producers to establish a legal right to a commercial water supply, water rights or another source of water sufficient to meet the needs related to a producer license. The CCD has included an unlawful Variance Rule in its revised rules at 16.8.2.8.Z, which would allow either an applicant or licensee to evade this statutory requirement, along with all other statutory and regulatory requirements, such as social equity mandates, plant count limits, and environmental regulations. The variance rule will likely result in state-sanctioned illegal use of water by cannabis producers.

**** Ensure smaller growers have the opportunity to benefit from the cannabis economy. RLD Superintendent Linda Trujillo recently advised legislators that “she fears a lack of access to bank loans and other financing will keep local residents from entering the new cannabis industry and competing with out-of-state companies,” and that, “The biggest challenge producers are going to face is that startup cost. The access to capital is almost not available.” [1] The CRA requires the CCD to promulgate rules encouraging participation by agricultural producers from economically disadvantaged communities. These rules should be promulgated either before or simultaneously with cannabis producer license rules. Including a new draft rule stating that the division “must adopt social equity procedures” at 16.8.1.8 does not satisfy the CRA’s social equity mandate and does not address the startup capital access issue the RLD

Superintendent has raised with legislators. Without meaningful social equity regulations, rural New Mexicans will not only be priced out of participating in the new cannabis economy, but will be pressured to sell their land and water rights to out-of-state corporate cannabis entities who do have access to startup and expansion capital.

**** Defer adoption of final rules until the Cannabis Regulatory Advisory Committee has been created and given the opportunity to review and advise the RLD/CCD on these proposed rules. The Cannabis Regulation Act mandates creation of this Committee BEFORE rules are promulgated, and is Committee tasked with reviewing and advising the RLD/CCD on proposed rules, including the draft cannabis producer rules.

El Agua es vida. Water is life. Thank you for your time and consideration.

Sincerely,

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