

From: [Gregory Corning](#)
To: [PublicComment, CCD, RLD](#)
Subject: Public comment regarding protection of our water & communities in cannabis regulations
Date: Friday, August 6, 2021 12:09:51 AM

Deputy Director Robert Sachs,

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

Dear Deputy Director Sachs,

I am a parciante in the Acequia del Rincon (Pojoaque), and a veteran. I appreciate this opportunity to comment on the draft regulations for cannabis producer licenses. I strongly wish for an equitable cannabis economy in which existing water rights and our precious water and soil resources are well protected.

I have disagreements with some parts of the proposed regulations. Please make the following changes to the regulations.

(1) Withdraw the UNLAWFUL Variance Rule from the revised rules.

The Cannabis Regulation Act (CRA) requires 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. This requirement protects our scarce water resources by requiring.

But the CCD has put an unlawful (that is, ILLEGAL, contrary to established law) Variance Rule in its revised rules (at 16.8.2.8.Z); the effect of this illegal variance rule is to allow applicants and licensees to side-step not only THIS statutory requirement but ALL OTHER STATUTORY AND REGULATORY REQUIREMENTS! These include social equity mandates, plant count limits, and environmental regulations. What this means is that the state is sanctioning illegal use of water by cannabis growers!

Kindly remove this variance rule!

(2) Really, we need to put off adopting final rules until after the Cannabis Regulatory Advisory Committee has been set up and actually reviewed the proposed rules - and has advised the RLD/CCD on these proposed rules. Remember, the Cannabis Regulation Act MANDATES creation of this Committee BEFORE rules are promulgated.

(3) We need to make sure that the entire New Mexico cannabis industry is not immediately taken over by big-money companies from out of state. Small-scale growers need a chance! The main obstacle for small-scale farmers is lack of access to capital.

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.

Think ahead - if we don't create social equity regulations with real teeth, rural New Mexicans will be priced right out of the new cannabis economy, and you can bet they will come under intense economic pressure to sell their land and water rights to big out-of-state cannabis companies who do have access to plenty of startup and expansion capital.

¡El agua se defiende!

Sincerely,
Gregory Corning

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