



New Mexico Land Grant-Merced Consejo
P.O. Box 35091
Albuquerque, NM 87176

Mercedes

August 6, 2021

Abiquiú

Cannabis Control Division

Anton Chico

Public Comment

Arroyo Hondo Arriba

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Atrisco

Dear Deputy Director Sachs:

Cañón de Carnué

Cebolleta

On behalf of the New Mexico Land Grant-Merced Consejo, as its president, I write this public comment letter regarding the new proposed and revised Cannabis Producer Regulations. Our organization is concerned that the process of rulemaking is taking place when the Cannabis Regulatory Advisory Committee has yet to be named and seated. This Advisory Committee is mandated by the Cannabis Regulation Act and offers the opportunity for the concerns of land grants-mercedes, acequias and other traditional communities to be heard. Land grant-merced communities are worried about the effects of this new cannabis industry, which can transform our traditional communities in a whole host of ways, economically, environmentally, even socially. Our communities' traditional lands were stolen from us and we still face displacement at the hands of developers, investors and land speculators. The cannabis industry threatens water rights and farmlands, making them the targets of new markets, inflating their prices and forcing people to leave our traditional communities to be low wage earners in the city yet again.

Chih'ene Nde Nation

Chilili

Cristobal de La Serna

Cubero

Don Fernando de Taos

Juan Bautista Baldez

Merced de Manzano

Plaza de Guadalupe

Nuestra Señora del Rosario
San Fernando y Santiago
(Truchas)

San Antonio de
Las Huertas

San Antonio del
Río Colorado

San Joaquín del
Río de Chama

San Miguel del Bado

Sangre de Cristo Land
Rights Council

Santa Bárbara

Santa Cruz de
la Cañada

Santo Tomás Apóstol
del Río de Trampas

La Joya de Sevilleta

Tajique

Tecolote

Tierra Amarilla

Torreón

Town of Tomé

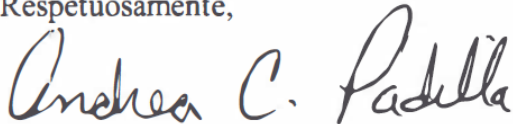
We have heard from our members and allies that the Cannabis Control Division hosted a webinar (July 29) for potential cannabis producers, where the water rights division director from the Office of the State Engineer informed that applicants can apply for a variance from the requirements of the Cannabis Regulation Act, that requires producers demonstrate a legal water right or access to a legal source of water. We are concerned that the State Engineer's office, which is in charge of protecting New Mexico's water and determining legal use of it, is discussing variances like they are inevitable. The Consejo has been in dialogue with the New Mexico Acequia Association and shares its contention that variances should not be allowed. What is the limit on these variances? Can applicants use them to skirt other important aspects of the law, beyond the very important water protection provisions? What if they consider the other provisions of the Act to be burdensome, like plant limits that can level the playing field for small and local producers or the social equity provisions that we fought so hard for? It boggles my mind that these variances might even allow them to avoid environmental regulations, even those that haven't even been passed!

The Consejo respectfully asks that the Cannabis Control Division wait to create its regulations until the Cannabis Regulatory Advisory Committee has been seated and can review and advise the new proposed rules. We also ask that the Cannabis Control Division take an active role in ensuring that small and local producers have the chance to participate in the cannabis economy. This way, our local

communities can benefit not only from jobs at growing facilities, but more cents on every dollar made in the production of cannabis stay in our small and often economically depressed communities. The passage of the Cannabis Regulation Act was sold as a great opportunity to diversify New Mexico's economy, but we fear that without these protections, yet another phase of economic development will pass us by, or even worse, will prove harmful to our communities. Finally, we join the New Mexico Acequia Association and ask that the Cannabis Control Division withdraw its variance rule, an element that undermines the Cannabis Regulation Act and allows producers to circumvent aspects of the law that protect our water, our communities and the environment. As the oldest non-Native American institutions in our nation, land grants-*mercedes* and acequias represent proto-democracies that have given our communities the voice and power to determine our future. We pray that our voices are heard and the Cannabis Control Division reconsider adopting the proposed rules especially a variance rule that harms the act itself.

If you have any questions or comments, please do not hesitate to contact me at nmlgconsejo@gmail.com, acfanta@hotmail.com, or call me at (505) 514-1797.

Respetuosamente,



Andrea C. Padilla, President
New Mexico Land Grant-Merced Consejo

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*The New Mexico Land Grant-Merced Consejo is a grassroots organization,
with nearly thirty member land grants-mercedes from across
New Mexico and Southern Colorado.*
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