



NOSSAMAN LLP | Memorandum

TO: The Honorable Rebecca Bauer-Kahan, Chair
Assembly Water, Parks & Wildlife Committee

FROM: Nossaman LLP on behalf of the Monterey County Board of Supervisors

DATE: June 16, 2023

RE: **SB 753 (Caballero) Cannabis: water resources – SUPPORT**

The County of Monterey is pleased to support Senate Bill (SB) 753 by Senator Anna Caballero. SB 753 clarifies existing state law to explicitly penalize illegal cannabis growers who pollute ground water with caustic, illegal chemicals who illegally “take” water. This measure amends Section 11358 of the Health and Safety Code to include groundwater as a public resource, and establishes that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted, illegal well may also be punished by imprisonment.

Despite the existence of a legal cannabis industry in the state following the approval of Proposition 64 by the voters in 2016, the illicit cannabis industry persists. One element of the illicit market involves illegal cannabis farms which are often located in rural parts of the state, and have been identified as the most common culprit of water theft. Water is reportedly being unlawfully taken or diverted from rivers, streams, municipal water storage facilities, fire hydrants, farms, homes, and private wells.

In 2020 alone, as much as 36 million liters of water was used for illicit cannabis grow. Illegal grow sites have been found to divert water from sensitive wetlands and rivers, harming sensitive ecosystems. The extensive use of pesticides, nitrates, and rodenticides pollute groundwater supplies and rivers, making the water unfit for drinking and causing harm to wildlife. Because some sites go undetected for years, the potential environmental damage could last generations.

SB 753 addresses the impact of illicit cannabis farms in two ways. First, by clarifying that groundwater is a public resource, and second, by establishing that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted, illegal well may be punished as a misdemeanor or imprisonment as a felony.

Providing deterrents to water theft and groundwater pollution appropriately recognizes the danger these illegal grows pose long-term to both humans, our environment, and wildlife. It is for these reasons that the County of Monterey supports SB 753. Should you have any questions, please feel free to contact the County of Monterey’s Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

Ashley Walker
Nossaman LLP

CC: Honorable Anna Caballero, California State Senate
Members, Assembly Water, Parks & Wildlife Committee
Consultants, Assembly Water, Parks & Wildlife Committee
Brent Finkel, Assembly Republican Consultant

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Hon. Dawn Addis, 30th Assembly District
Hon. Anna Caballero, 14th Senate District
Hon. John Laird, 17th Senate District
Hon. Robert Rivas, 29th Assembly District
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)