



Illinois Valley Soil & Water Conservation District

PO Box 352 / 331 E Cottage Dr., Suite 1B, Cave Junction, OR 97523

(541) 592-3731

community@ivstreamteam.org

Testimony to the House Committee On Agriculture, Land Use, and Water for the Short Session of 2022*

The Illinois Valley Soil & Water Conservation District enthusiastically supports actions to create, implement, and enforce laws in a manner that encourages water conservation while striving to make sure that all beneficial uses have access to sufficient supplies. As such, we support HB 4061 and are grateful to elected and appointed state officials who acknowledge the unprecedented water theft in cannabis growing regions and wish to stop it.

In the Illinois Valley, growers have already begun to irrigate their unlicensed cannabis nursery crops to prepare for their massive extraction of water this summer to irrigate their unlicensed cannabis grows. We support all means to prevent that from happening again in 2022, as it happened over the past few years.

In 2021, we mapped over 950 cannabis grows larger than 12 plants; we calculated the precise size and consumptive water use of each with great precision. These grows were densely packed into a 24 by 8 mile region of the Illinois Valley, and we calculated that more than four out of five of them were unlicensed. Therefore, every drop of the estimated 450 million gallons of unauthorized water used on those illegal crops was a waste of state water resources and should never have been extracted from the watershed.

We conducted market research over several months in town halls and on social media to assess the impacts the illegal cannabis industry has had on the community. Their concerns peaked at unauthorized water use and poor water quality. They expressed significant concerns about municipal bulk water sales and about sewage, trash, and chemicals dumped onto lands and into riparian areas, ditches, and streams. The thematic narrative uniting the public was that the negative impacts to the environmental health of the watershed and their community well-being were made possible by widespread unauthorized water use and that all other subsequent negative impacts to water quality would cease in the absence of such unauthorized use.

HB 4061 is a good step in the right direction to address how the multiple aspects relating to the beneficial use of our public water resources are controlled in order to protect and promote the public welfare generally.

With regard to Section 4 (3), which amends ORS 536.910: please consider striking “*or the economic value of the crop, whichever is greater*” and making the scaled calculation based on a knowable, measured area. Crop values in the legal and illegal cannabis markets are interrelated and subject to wild fluctuations; therefore, crop value assessments can be alleged by defendants as speculative and incalculable. Perhaps: “*the civil penalty may not exceed \$20,000 per day for each day of the violation or \$20,000 for each one-half acre increment of canopy per day for each day of the violation, whichever is greater.*”

This amendment to HB 4061 would also extend to Section 5 (5), wherein the emphasis would shift from a highly speculative crop value to an easily determined area of cultivation known by the OLCC as “canopy area.” Perhaps consider: “*For a violation of ORS 537.130 (2) or 537.535 (1), the canopy area of any crop of plants in the plant Cannabis family Cannabaceae to which the violation relates.*”

Thank you,

Christopher Hall

Christopher Hall
Community Organizer
Illinois Valley Soil & Water Conservation District
331 E Cottage Park Dr., Suite 1B (Mailing: P.O. Box 352)
Cave Junction, OR 97523
(541) 592-3731 (office); (541) 415-8010 (cell)

[*Note: This testimony represents the will and position of the board of the Illinois Valley Soil & Water Conservation District who has reviewed and approved this action.]