

Cannabis Guidance

Oregon—Natural Resources Conservation Service



Recent changes to Oregon law regarding the use of recreational marijuana has caused some confusion regarding services possible through the USDA Natural Resources Conservation Service (NRCS) in Oregon.

Under the federal Controlled Substances Act, marijuana is a Schedule I controlled substance. Therefore, regardless of any changes in state law, it remains illegal under federal law for producers to grow, sell, or possess any amount of marijuana.

When a producer signs a conservation contract with NRCS, it is expected that they read and understand the contract language which states that the producer agrees to comply with the terms and conditions of the contract and all applicable federal, state, tribal, and local laws. This includes laws pertaining to controlled substances.

The agricultural operator of record is the party that we work with to assure compliance with our policies including the prohibition of growing cannabis.

Any producer growing marijuana or other controlled substances cannot receive NRCS financial assistance on any part of their agricultural operation; but they may receive technical assistance only on fields where marijuana is not being produced.

Industrial hemp producers are eligible for NRCS technical and financial assistance as long as they have a current registration with the Oregon Department of Agriculture for each grow site. (See back for more on hemp)

FAQ

Q: If we discover cannabis growing outside of the producers' agricultural operation, are we prohibited from providing assistance?

A: NRCS will not provide technical assistance on any field or financial assistance on any agricultural operation that is producing marijuana. The NRCS policy for substantially separate is helpful in defining separate operations. An agricultural operation is substantially separate if at least three of the following four factors are different between the operations: 1) Labor, 2) Equipment, 3) Management and 4) Production or Cultivation Practices.

Q: What about land that is owned by one person that has been split with two operators? One grows marijuana, one does not. Can the other tenant that is adjacent to marijuana apply if they lease off the same parcel but have no interest in the marijuana?

A: The tenant without the cannabis is eligible for assistance, as long as they document that they are a substantially separate agricultural operation.

FAQ

Q: If a landowner has different parcels of land and is growing cannabis on one parcel (e.g. the home base), and is not requesting our assistance on that particular parcel, may NRCS provide assistance on the other parcels where no cannabis is being grown?

A: NRCS may provide financial assistance on the other parcels only if those parcels meet the definition of a substantially separate ag operation from the parcel on which the cannabis is being grown. Operators who are not growing cannabis are eligible for assistance.

Q: Are we prohibited from providing assistance on any field that grows cannabis?

A: Yes, if you see cannabis being grown on any field of an agricultural operation, you may not conduct any activities related to financial assistance program participation on any part of that ag operation. But if you are on the ag operation for technical assistance purposes only, unrelated to any financial assistance program, then you are only prohibited from working on the field that is being used to grow cannabis. You may still provide technical assistance on fields that are unassociated with cannabis production.

5) Q: If a landowner interested in our programs leases out part of his land to cannabis growers and then requests assistance only for the land he is not leasing out, where no cannabis is being grown, is this okay?

A: The leased land growing the cannabis is under the control of the lessee, and the owner would be eligible for financial and technical assistance on the land that he did not lease out, as this would be considered a separate ag operation. The landowner would need to provide documentation on how the leased land meets the definition of a substantially separate ag operation on which they are requesting assistance.

Industrial Hemp

Growers of industrial hemp are eligible for NRCS technical and financial assistance as long as they have a current registration with the Oregon Department of Agriculture for each grow site.

The ODA registration is valid for one calendar year. Program applicants shall provide the District Conservationist all the following:

1. A copy of the original registration certificate of the grower and the grow sites (The certificate must be current, not expired, and include the name of the grower)
2. Contact information for the grower
3. GPS coordinates for the field (this can be done in Google Maps)
4. Number of acres or square feet of the grow site
5. A map of the locations and field boundaries of the grow site

Learn how to register on the ODA Industrial Hemp webpage:

<https://www.oregon.gov/ODA/programs/NurseryChristmasTree/Pages/Hemp.aspx>



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