



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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10A.17.100(A)(2) POLICY WITH CDFW
EXHIBIT A
SENSITIVE SPECIES PERFORMANCE STANDARDS REVIEW

Applicant Name:	{Planner to insert applicant name}
Current Mendocino County Cannabis Application or Permit Number (CAN-X-XXXX-XXXX):	{Planner to insert CCBL Number. If completing for Cultivation and Nursery, insert both CAN numbers} License Type: SWRCB Tier: Power Source: Water Source:
APN:	{Planner to insert ALL applicable APN's}
Site Address:	{Planner to insert site address for cultivation}

SENSITIVE SPECIES PERFORMANCE STANDARDS

Instructions: *The Mendocino Cannabis Department ("MCD") Planner assigned will review SSHQ materials, the CNDDB database, and any other resource information available to MCD to determine if the information meets the performance standards outlined below.*

If all performance standards are met, *this completed review form is an approval determination that the cultivator has demonstrated that there will be a less than significant impact on sensitive species on the parcel of the proposed cultivation license location. The assigned Cannabis Planner must complete all the appropriate reviews, checkboxes, and clearance section with signature and review determination.*

If multiple performance standards are not met, or are unknown, and for all initial applications *MCD will consult with CDFW to make a final determination, per the 10A.17.100(A)(2) and Internal Procedure 03 – Sensitive Species Habitat Review to ensure minimal impact on sensitive species and habitats.*

For this document, the "project" includes the cultivation site, as that term is defined by Mendocino County Code ("MCC") Section 10A.17.020.

Please see the question below, where MCD has identified, per CDFW's request, whether the site is a proposed new location or an expansion of a site with a pre-existing CCBL.

Yes	No	Unknown	Proposed CCBL or Modification of a preexisting cultivation
☐	☐	☐	1. Is the project proposed for a new Cannabis Cultivation Business License ("CCBL") location or a modification at a location with an existing CCBL Staff is required to refer all CCBL applications submitted to the Department after April 1, 2021, to CDFW. Proposed modifications to cultivation sites more than 200 feet from the proof of prior footprint with an existing CCBL may need to be referred to CDFW to assess the potential impacts of the proposed project.

SSHR Performance Standards

Meets performance standard			
Yes	No	Unknown	
☐	☐	☐	2. No Notice of Violation from CDFW <u>Meets performance standard:</u> - No Notice of Violation has been issued by CDFW for the parcel, or - CDFW has provided written verification stating that the violation has been resolved, or that the violation is in the process of being resolved satisfactorily and that approving the cultivation permit would not risk further impact to public trust resources. <u>Does not meet performance standard:</u> - A Notice of Violation has been issued by CDFW and has not been, or is not being, resolved satisfactorily
☐	☐	☐	3. No obvious violations of Fish and Game Code (FGC), or unpermitted activities that would require a permit from CDFW, are observed during the County's site inspection. Staff knowledgeable about the most common types of FGC violations on cannabis cultivation sites staff should make this assessment based on information in the cannabis application and reference to other site information (e.g. aerial imagery). The violations most frequently observed relate to water diversion and/or stream alteration (e.g. road/stream crossings, ponds, etc.), and water pollution (trash, sediment, and/or other materials).
☐	☐	☐	4. Project footprint has not expanded and is not proposed for expansion: Grading related to cultivation beyond what existed on January 1, 2016.

Yes	No	Unknown	
☐	☐	☐	5. Project footprint has not expanded and is not proposed for expansion. Tree removal or non-invasive vegetation removal is not proposed (nor has occurred) related to cultivation beyond what existed on January 1, 2016. Applicants may submit a Tree Removal Affidavit outlining the reason for tree removal and include any supporting documentation.
☐	☐	☐	6. For projects with a surface water source (stream, spring, pond, or offset/shallow/hydrologically connected well) for cultivation operation use; stream crossings (culverts, bridges, fords, etc.); or other activities subject to Fish and Game Code Section 1602: ○ a) Applicant has obtained a final LSA Agreement, verification an LSA Agreement is not needed, or an “operation of law” letter, <u>OR</u> b) If applicant has not obtained one of the above documents: applicant has submitted an LSA Notification to CDFW.
☐	☐	☐	7. Project meets the following stream and wetland setbacks: a. If not enrolled under a Regional Water Board order prior to October 17, 2017, a minimum of 150 feet from perennial streams (or springs and ponds), a minimum of 100 feet from intermittent streams and wetlands, and a minimum of 50 feet from ephemeral streams. Distance to be measured from the bankfull stage or from the top edge of the waterbody bank in incised channels, whichever is more conservative. b. If enrolled under a Regional Water Board order prior to October 17, 2017, a minimum of 100 feet from perennial and intermittent streams, and 50 feet from ephemeral streams or wetlands. Distance to be measured from the bankfull stage or from the top edge of the waterbody bank in incised channels, whichever is more conservative.
☐	☐	☐	8. Permanent infrastructure associated with cannabis cultivation is located outside of the 100-year floodplain.
☐	☐	☐	9. Project shall avoid significant impacts to oak woodlands (genus <i>Quercus</i>) and provide an adequate protection buffer between oak woodlands and project activities.
☐	☐	☐	10. Cultivation site is not located within 0.25 mile of a known Northern Spotted Owl activity center or forested habitat contiguous with a known activity center.
☐	☐	☐	11. No evidence suggests that sensitive natural resources would be impacted by the proposed project (based on County staff scoping using CNDDDB and other recommended resources, biological assessment or survey reports, or observation of the site).

CANNABIS DEPARTMENT PLANNER REFERENCE RESOURCES USED**Reference Resources Used**

Yes	No	Unavailable	
☐	☐	☐	Most recent aerial imagery available (Google Earth, Bing maps, NAIP imagery, etc.). Imagery source: __ ____ Date of Imagery: _____
			<u>BIOS/California Natural Diversity Database</u> <u>https://apps.wildlife.ca.gov/bios6/Default.aspx?bookmark=326</u> Minimum recommended data sets:
☐	☐	☐	▪ California Natural Diversity Database (CNDDDB) – 9 quad search
☐	☐	☐	▪ Unprocessed Data from CNDDDB Online Field Survey Form
☐	☐	☐	▪ Northern spotted owl observations
☐	☐	☐	▪ California Streams
☐	☐	☐	▪ USFWS National Wetlands Inventory
☐	☐	☐	▪ NFHL 1% Annual Chance Flood (100 Year Flood)
☐	☐	☐	▪ Vegetation - Mendocino Cypress and Related Vegetation
☐	☐	☐	<u>USGS soils maps</u>
☐	☐	☐	<u>CNPS Rare Plant Inventory</u>

CANNABIS DEPARTMENT PLANNER DETERMINATION**Meets criteria to be referred to CDFW**

Yes	No	Unknown	
☐	☐	☐	Evidence suggests there is a potential for the project to significantly impact rare, sensitive, threatened or endangered species, or streams, springs, seeps, wetlands, oak woodlands, native grasslands, or other sensitive resources or habitats. (See also “Expansion and Biological Surveys” section below.)
☐	☐	☐	A new pond is proposed, or was constructed on the parcel within the past (approximately) five years.
☐	☐	☐	Applicant is unable (for any reason) to comply with performance standards detailed above.

Expansion and Biological Surveys**Projects that meet Expansion Definition and Require a Biological Survey**

Request Biological Survey from applicant	Significant impacts likely: consult with CDFW	Significant impacts unlikely: consult with CDFW	
☐	☐	☐	If the project footprint has been or will be significantly expanded or modified, or significant vegetation removal or grading has occurred or is proposed beyond what was existing on January 1, 2016, and/or tree removal is proposed or occurred after May 4, 2017: The applicant may provide a biological survey to MCD, the type and scope of which would be based on the risk of potential impacts (proposed size increase, site characteristics, potential species or habitat to be affected, etc.)

CANNABIS DEPARTMENT PLANNER DETERMINATION CONTINUE

Meets all Performance Standards:	☐ Yes ☐ No
Cannabis Planner Recommendation of Proposed Project:	☐ Approval ☐ Denial ☐ CDFW Referral ☐ Biological Survey from Applicant due to Expansion Definition and Sensitive Habitat is present on or near the cultivation site.
MCD Comments regarding Potential Impacts for CDFW Consultation:	
CDFW Referral Required:	☐ Yes ☐ No
CDFW Referral Sent Date:	Date: ☐ N/A
Reviewing Planner's Name:	
Planner's Signature:	
Review Date:	

Attachments Required for CDFW Referral:

Exhibit A

Aerial Image from 2016

Aerial Image from most current (Either 2020 NAIP from BIOS or Google Earth)

LSAA - Lake and Streambed Alteration Agreement

SSHQ - Sensitive Species Habitat Questionnaire

Site Plan

Optional:

Bullfrog Management Plan (Must provide if a pond is on site)

Artificial Light Management Plan (must provide if artificial light is being used)

Generator Noise Management Plan (must provide if a generator is used)

NOV's if indicated

Biological reports, if any exist

Reports from other professionals relating to tree removal or other environmental issues, if they exist

Tree Removal Affidavit and supporting documentation

Who to Email:

Planners are to send referrals to the MCD Senior Program Manager who will then direct all referrals to the designated CDFW contact for consultation.