



**COUNTY OF MENDOCINO
CANNABIS DEPARTMENT**

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**10A.17.100(A)(2) PILOT POLICY WITH CDFW
EXHIBIT A**

SENSITIVE SPECIES PERFORMANCE STANDARDS REVIEW

(Rev. 9/22/2023)

Applicant Name:	
Current Mendocino County Cannabis Application or Permit Number (AG_XXXX-XXXX):	
APN:	
Site Address:	

SENSITIVE SPECIES PERFORMANCE STANDARDS

Instructions: *The Cannabis Program Planner assigned will review SSHQ materials, and the CNDDDB data base and any other resource information available to the Cannabis Program 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 to sensitive species on the parcel of the proposed cultivation permit location. The assigned Cannabis Planner must complete all the appropriate reviews, check boxes, and clearance section with signature and review determination.

If one or more do not meet the performance standards, or one or more performance standards are unknown, the application must be referred to CDFW for final determination, per the 10A.17.100(A)(2) Pilot Policy for Sensitive Species Review in Cooperation with CDFW.

For the purposes of this document, the “project” includes, but is not limited to, existing or proposed access roads, cultivation areas, and associated structures and activities related to cultivation.

Meets performance standard			
Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>1. No Notice of Violation from CDFW</p> <p><u>Meets performance standard:</u></p> <ul style="list-style-type: none"> 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. <p><u>Does not meet performance standard:</u></p> <ul style="list-style-type: none"> A Notice of Violation has been issued by CDFW and has not been resolved satisfactorily <p>REVIEW GUIDANCE:</p> <ol style="list-style-type: none"> If no notice of violation has been received, mark the box for “yes” meets performance standard If a notice of violation was received from either the applicant or agency, mark “no” add notes to the space provided for CDFW referral reasons on the last page
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>2. No obvious violations of Fish and Game Code (FGC), or unpermitted activities that would require a permit from CDFW, are present on the project parcel, to the best of County staff’s knowledge.</p> <p>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).</p> <p>The most 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). Refer to reference material from CDFW.</p> <p>REVIEW GUIDANCE:</p> <ol style="list-style-type: none"> Review of submittal materials including site plan and LSAA, and water monitoring. Examples of things to look for, instream ponds not mentioned in LSAA, stream crossings, wells adjacent to streams If none noted in submittal materials, or all are included in LSAA mark “Yes” If materials received, or inspection warrants concern mark “No” and make notes in section provide on last page for referral

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>3. Project footprint has not expanded and is not proposed for expansion: Grading beyond what existed on January 1, 2016.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Review materials submittal, using both google earth and BIOS NAIP imagery identify any expansion that has occurred on the site. For review, identify if a grading permit was approved/ finalized (using trackit) by the building department. Identify if any sensitive species or streams are within the vicinity utilizing bios to assess the potential impacts ii. If no expansion occurred mark "Yes" for meeting performance standard iii. If grading has occurred, evaluate if the grading was performed legally and if grading permits have been finalized. If sensitive species or streams are not within the vicinity mark "Yes" that performance standards have been met iv. If grading has occurred, and no grading permits were submitted/approved, mark "no" mark notes below in referral areas v. If unknown mark unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>4. Project footprint has not expanded and is not proposed for expansion. Tree removal or vegetation removal is not proposed (nor has occurred) beyond what existed on January 1, 2016.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Review submitted materials for tree removal, utilizing google earth and NAIP imagery from bios ii. If no tree removal noted mark "Yes" for meeting all performance standards iii. If tree removal has been noted, ask the applicant or CCBL holder to submit a Tree Removal Affidavit. iv. Utilize bios to identify any sensitive species located on the property or in contiguous tree-line. If sensitive species are present mark "No" and make notes below in space for CDFW referral v. If tree removal is noted, however, no cultivation activities occur in the tree removed area, mark "Yes" as the tree removal is not in association with the cultivation "site".

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>5. For projects with a surface water source (stream, spring, pond, or offset/shallow/hydrologically connected well) for cultivation, domestic, or other consumptive use; stream crossings (culverts, bridges, fords, etc.); or other activities subject to Fish and Game Code Section 1602:</p> <ul style="list-style-type: none"> ○ 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. <p>Obtaining a final LSA Agreement or other written documentation from CDFW - within the one year cultivation permit term - shall be required (i.e. County cultivation permit shall not be renewed without a final LSA Agreement).</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Mark “Yes” if received LSAA documentation ii. Mark “No” if no LSAA materials were received, or does not include project crossings, ponds, etc
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>6. Project meets the following stream and wetland setbacks (for cultivation sites and associated infrastructure): a minimum of 150 feet from perennial streams/wetlands, and a minimum of 50 feet from intermittent streams, measured from the outer edge of the riparian vegetation or top of bank, whichever is greater. These areas should be identified and maintained as no-disturbance buffers.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Utilizing aerial imagery from google earth and BIOS, identify any blue line streams. The LSAA should identify any classed streams that are adjacent to the cultivation area. Setbacks should be identified to those waterways ii. Mark “yes” if meets the standard iii. Mark “No” if the cultivation is within the above setbacks
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>7. For projects with existing or proposed ponds</p> <p>Bullfrog monitoring and management plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>For a project with an existing or proposed pond of any kind (on- or off-stream, including rainwater catchment), applicant shall implement a bullfrog monitoring and management plan. Projects proposing new ponds, or where a pond has been constructed within the past five years, should be referred to CDFW.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Mark “Yes” if received and pond is on site ii. Mark “Yes” if no pond is present, this performance standard has been met by being not applicable iii. Mark “No” if no management plan was received

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>8. Permanent infrastructure associated with cannabis cultivation is located outside of the 100-year floodplain.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Review both PBS 1 map and BIOS layers for flood plain ii. If project is outside of floodplain, mark "Yes" iii. If structures are within floodplain but have approved/ and finalized building permits, mark "Yes" structures were reviewed by the building department. (you can review building permit status by reviewing the structures list, site plan, and trackit for permit status) iv. If no permanent infrastructure is within the floodplain, Mark "Yes" v. If unpermitted structures are within the floodplain, mark "No" and make notes below in referral section
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>9. Project shall completely avoid impacts to oak woodlands (genus <i>Quercus</i>) and provide an adequate protection buffer between oak woodlands and project activities.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Review aerial imagery and BIOS imagery, utilize BIO for <i>Quercus</i> species. If tree removal identified in previous section, tree species removed should be identified ii. If no tree clearing occurred, mark "Yes" iii. If tree clearing was removed for the safety of existing permitted buildings, this exemption applies iv. If <i>Quercus</i> species identified as being impacted, mark "No" and mark comments below
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Utilizing BIOS, identify any Northern Spotted Owl habitat ii. If none noted, mark "Yes" iii. If Northern Spotted Owl identified, utilize the measurement tool measure distance to feature identification. If outside of the .25 mile radius (and contiguous forest habitat) Mark "Yes" iv. If the cultivation site falls within the .25 mile radius, mark "No" and mark comments below for referral

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>11. For projects using artificial light Light containment plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>To protect wildlife and comply with the County ordinance, all lights used for the indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. If mixed light is utilized, an artificial light management plan must be submitted ii. If submitted mark "Yes" if a statement is noted that no artificial light is utilized "light deprivation" mark "yes" iii. If outdoor, mark "yes" iv. If no light management plan, request from applicant
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>12. For projects using generators and other machinery</p> <p>Noise containment plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>Noise generated on any portion of the project site shall not exceed 50 decibels when measured from 100 feet. This includes but is not limited to projects using a generator for any purpose, motorized trimming machines, fans, ventilation systems, and other machinery. The applicant shall submit information on containment structures, and a plan demonstrating that the generator or other machinery would not deliver, or have the potential to deliver noise exceeding the above limits.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Mark yes if generator noise management plan submitted ii. Mark yes, if no generators will be utilized iii. If no noise management plan, request from applicant
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>13. To protect fish and wildlife and comply with the State Water Resources Control Board Cannabis Policy:</p> <p>Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Mark yes if applicant has a completed NOA from the SWRCB ii. If no, request an NOA from the applicant

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>14. 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).</p> <p>REVIEW GUIDANCE:</p> <ul style="list-style-type: none"> i. Utilizing bios, review the property for hits for sensitive species ii. Mark yes if no sensitive species hits are found iii. Mark no if hits are found on the property
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CANNABIS PROGRAM PLANNER REFERENCE RESOURCES USED

Reference Resources Used			
Yes	No	Unavailable	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Most recent aerial imagery available (Google Earth, Bing maps, NAIP imagery, etc.).</p> <p>Imagery source: <u>Planner to enter imagery source i.e google earth, NAIP</u></p> <p>Date of Imagery: <u>Date imagery was obtained or year</u></p>
			<p>BIOS/California Natural Diversity Database https://apps.wildlife.ca.gov/bios6/Default.aspx?bookmark=326 Minimum recommended data sets:</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ California Natural Diversity Database (CNDDDB) – 9 quad search
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ Unprocessed Data from CNDDDB Online Field Survey Form
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ Northern spotted owl observations
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ California Streams
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ USFWS National Wetlands Inventory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ NFHL 1% Annual Chance Flood (100 Year Flood)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ Vegetation - Mendocino Cypress and Related Vegetation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>USFWS IPaC Review Guidance: (if not working, ok)</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>USGS soils maps Review Guidance: Supplemental for pygmy forest soils</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>CNPS Rare Plant Inventory Review Guidance: This is confirmation for bios of plants maybe in the area</p>

CANNABIS PROGRAM PLANNER DETERMINATION

Meets criteria to be referred to CDFW			
Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Evidence suggests there is a potential for the project to 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.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A new pond is proposed, or was constructed on the parcel within the past (approximately) five years.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Applicant is unable (for any reason) to comply with performance standards detailed above.

Expansion and Biological Surveys			
<u>Projects that meet Expansion Definition and Require a Biological Survey</u>			
Request Biological Survey from applicant	Significant impacts likely: refer to CDFW	Significant impacts unlikely: consult with CDFW	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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 (Meeting Standards Criteria #3):</p> <ul style="list-style-type: none"> • The County should require a biological survey, 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.) <ul style="list-style-type: none"> ○ If impacts are unknown or likely to be significant, the County should refer the project (with completed biological survey) to CDFW. If preferred, the County may contact CDFW for recommendations regarding the type/scope of biological survey to require. <p><i>If County staff believe impacts are likely to be minimal, County may refer the project to CDFW for a recommendation regarding whether a biological survey should be required.</i></p>

CANNABIS PROGRAM PLANNER DETERMINATION CONTINUED

Attachments Required for referral:

Meets all Performance Standards:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Cannabis Planner Recommendation of Proposed Project:	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> CDFW Referral <input type="checkbox"/> Biological Survey from Applicant due to Expansion Definition
Potential Impact Comments for CDFW Referral:	Planner to enter comments for "no" answers above
CDFW Referral Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No
CDFW Referral Sent Date:	Date: <input type="checkbox"/> N/A
Reviewing Planner's Name:	
Planner's Signature:	
Review Date:	

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

Exhibit A must be included

Site Plan

Optional:

NOV's if indicated

Tree Removal Affidavit