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Cannabis Program

Mendocino County Cannabis Ordinance

(MCCO) Sec. 10A.17.100(A)(2)

Pilot Policy For Sensitive Species Review (SSR)

In Cooperation With the California Department of Fish and Wildlife (CDFW)

PURPOSE

The purpose of this pilot policy is to satisfy the requirements of MCCO Sec. 10A.17.100(A)(2) by creating the required policy in consultation with the California Department of Fish and Wildlife (CDFW) in order to provide a process to evaluate the potential impact to sensitive species on proposed Cannabis Cultivation Permit locations and receive a determination from CDFW, if necessary, in order to issue a Mendocino County Cannabis Cultivation Permit.

AUTHORITY

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines § 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

Under this Policy, CDFW will provide biological expertise to assist the County in making a determination whether or not the proposed project demonstrates a less than significant impact to sensitive species. The County has the express authority for permit issuance. If the cultivator cannot demonstrate that there will be a less than significant impact to sensitive species, the County will not issue a Cannabis Cultivation Permit pursuant to MCC Sec. 10A.17.100(A)(2).

PROCEDURE

The following will be required of each Phase 1 and Phase 2 Mendocino County Cannabis Cultivation Permit Applicant and a County cultivation permit will not be issued until such time as the applicant can demonstrate that there will be a less than significant impact to sensitive species for the permit location:

1. Each Applicant seeking a Mendocino County Cultivation Permit for a particular cultivation location will complete a "Sensitive Species Habitat Questionnaire" (SSHQ).
2. During the permit application review process, the Cannabis Program Planning Staff, Biologists or Environmental Scientists, either employed or contracted by the County, shall review the information provided in the SSHQ, the CNDDDB, against the objective set of criteria, "Exhibit A," and any other resource information available to the Program to determine if the information shall be referred to CDFW pursuant to MCCO Sec. 10A.17.100(A)(2).
3. If the Cannabis Program finds that consultation from CDFW is necessary under this Policy because of unique site specific concerns or practices, any relevant documentation shall be referred to CDFW.
4. During the duration of this Pilot Policy, the Cannabis Program will set periodic meetings with CDFW to review findings on projects that were given clearance without referral to CDFW.
5. CDFW will review the information received from the Cannabis Program, for those projects referred to them, and respond in writing with either a determination that there will be a less than significant impacts to sensitive species for the proposed cultivation permit location or that the applicant will need to provide further studies and information to assist CDFW in our role in advising the County of potential significant impacts to Trustee resources. CDFW may also request an inspection of the proposed cultivation permit location if they deem it is necessary to aid them in making their determination.
6. Pursuant to MCC Sec. 10A.17.090, any referral to or consultation with an agency other than the County of Mendocino shall state that a response must be returned within thirty (30) days of the date of the referral.
7. Any required responses from applicants, after proper notice, for information needed to fulfill the requirements for a determination required by MCC Sec. 10A.17.100(A)(2), will be on the same time-line as any other request for information as set by policy of the Cannabis Program.
8. A Cannabis Cultivation Permit will not be issued to an applicant that cannot demonstrate there will be a less than significant impact to sensitive species at their proposed Cannabis Cultivation Permit location.

This pilot policy is developed in consultation between The Mendocino County Cannabis Program and the California Department of Fish and Wildlife and may be modified from time to time by mutual agreement between CDFW and the Mendocino County Cannabis Program.

Policy Approved:  Date: 9/30/2020
Brent Schultz
Director of Planning and Building Services