



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

Brent Schultz, Director
Planning and Building Services
Phone: 707-234-6680
FAX: 707-463-5709
cannabisprogram@mendocinocounty.org

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

EXHIBIT A

SENSITIVE SPECIES PERFORMANCE STANDARDS REVIEW

(Rev. 9/30/2020)

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	
☐	☐	☐	1. 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 resolved satisfactorily
☐	☐	☐	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. 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 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.
☐	☐	☐	3. Project footprint has not expanded, and is not proposed for expansion. Grading, tree removal or vegetation removal is not proposed (nor has occurred) beyond what existed on January 1, 2016.
☐	☐	☐	4. 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: 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. 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).

Yes	No	Unknown	
☐	☐	☐	5. 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.
☐	☐	☐	6. For projects with existing or proposed ponds Bullfrog monitoring and management plan has been submitted. Plan appears feasible and includes sufficient detail. 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.
☐	☐	☐	7. Permanent infrastructure associated with cannabis cultivation is located outside of the 100-year floodplain.
☐	☐	☐	8. Project shall completely avoid impacts to oak woodlands (genus <i>Quercus</i>) and provide an adequate protection buffer between oak woodlands and project activities.
☐	☐	☐	9. 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.
☐	☐	☐	10. For projects using artificial light Light containment plan has been submitted. Plan appears feasible and includes sufficient detail. 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.
☐	☐	☐	11. For projects using generators and other machinery Noise containment plan has been submitted. Plan appears feasible and includes sufficient detail. 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.

Yes	No	Unknown	
☐	☐	☐	12. To protect fish and wildlife and comply with the State Water Resources Control Board Cannabis Policy: 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.
☐	☐	☐	13. 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 PROGRAM 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> 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>USFWS IPaC</u>
☐	☐	☐	<u>USGS soils maps</u>
☐	☐	☐	<u>CNPS Rare Plant Inventory</u>

CANNABIS PROGRAM PLANNER DETERMINATION

Meets criteria to be referred to CDFW			
Yes	No	Unknown	
☐	☐	☐	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.)
☐	☐	☐	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: refer to 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 (Meeting Standards Criteria #3): • 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.) ○ 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. <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>

CANNABIS PROGRAM PLANNER DETERMINATION CONTINUED

Meets all Performance Standards:	☐ Yes ☐ No
Cannabis Planner Recommendation of Proposed Project:	☐ Approval ☐ Denial ☐ CDFW Referral ☐ Biological Survey from Applicant due to Expansion Definition
Potential Impact Comments for CDFW Referral:	
CDFW Referral Required:	☐ Yes ☐ No
CDFW Referral Sent Date:	Date: ☐ N/A
Reviewing Planner's Name:	
Planner's Signature:	
Review Date:	