



COMMERCIAL CANNABIS CULTIVATION LICENSING – GUIDANCE FOR COMPLIANCE WITH FISH & GAME CODE SECTION 1602 –



- **Fish and Game Code section 1602** requires an entity to notify California Department of Fish and Wildlife (CDFW) before commencing an activity that will:
 - Substantially divert or obstruct the natural flow, or substantially change or use any material from the bed, channel or bank of any river, stream, or lake.
 - Deposit or dispose of debris, waste or other material where it may pass into any river, stream, or lake.

Please note that “any river, stream or lake” includes those that are dry for periods of time as well as those that flow year round.

- **Annual licenses for cannabis cultivation** issued by California Department of Food and Agriculture (CDFA) require the applicant to demonstrate compliance with Fish and Game Code section 1602. Compliance must be demonstrated with a CDFW Lake or Streambed Alteration (LSA) Agreement or written verification that an LSA Agreement is not required.
- **Temporary licenses for cannabis cultivation** issued by CDFA do not require an applicant to demonstrate compliance with Fish and Game Code section 1602. However, some counties currently require an LSA Agreement or statement from CDFW that no LSA Agreement is needed. Check with the county where your activity will occur. Fish and Game Code section 1602 requires an entity to notify CDFW if their activity will alter a river, stream, or lake as specified above.
- **To comply with Fish and Game Code section 1602**, submit an LSA Notification and appropriate fee to CDFW and enter into an LSA Agreement if required. The LSA Notification application, fee schedule, instructions, and locations of CDFW regional offices are available at <http://www.wildlife.ca.gov/Conservation/LSA>.

Ensure that your LSA Notification is complete and identify all existing and proposed activities and infrastructure associated with cannabis cultivation and site access. Activities include but are not limited to water diversion and storage, stream crossings (i.e., bridges, culverts, rock fords), road construction near streams and lakes, and riparian vegetation removal. Upon receipt of a complete LSA Notification, CDFW will begin review and may conduct a site visit.

An LSA Notification with associated unresolved violations or fines will not be processed until these issues are addressed.

- **Issuance of an LSA Agreement, or written verification that one is not required**, will be based on CDFW findings. An LSA Agreement is required when CDFW determines that the activity, as described in a complete LSA Notification, will (1) substantially alter a river, stream, or lake and (2) may substantially adversely affect existing fish or wildlife resources, as specified in section 1602 of the Fish and Game Code. An LSA Agreement identifies approved activities and measures necessary to protect fish and wildlife resources, which may limit the work period. Consider designing your project to avoid activities that require an LSA Agreement.

- **New! General Lake or Streambed Alteration Agreement for Activities Related to Cannabis Cultivation (General Agreement).** The General Agreement applies only to certain covered activities for the purpose of cannabis cultivation. The General Agreement expedites the CDFW authorization for eligible projects, pursuant to Fish and Game Code sections 1602 and California Code of Regulations Title 14 Section 722, and is exempt from the California Environmental Quality Act.

Eligibility for the General Agreement:

- ✓ **Covered Activities** are limited to construction, reconstruction, maintenance, or repair of a *stream crossing (bridge, culvert, rock ford only) or water diversion*, for the purpose of cannabis cultivation.
- ✓ **Design Criteria** specified in the General Agreement must be met. These include, but are not limited to sizing, placement, and operation.
- ✓ **Finfish species are not present** in the stream or lake, year-round or seasonally.
- ✓ **Take of Listed or Fully Protected species will not occur.**
- ✓ **Activity is not the subject of a complaint or order** by CDFW, City Attorney, District Attorney, Attorney General, or an order by a court.

Learn more at <https://www.wildlife.ca.gov/Conservation/LSA/Cannabis-Cultivation/General-Agreement>. Entities with activities that do not meet eligibility criteria for the LSA General Agreement for Cannabis Cultivation will need a Standard Agreement.

- **New! Online notification submittal is available for cannabis cultivation projects.**
 - Notifications requesting a General Agreement **must** use the online submittal process.
 - Notifications for cannabis cultivation projects requesting a Standard Agreement (term of 5 years or less) may use the online **or** paper submittal process. To request a term of greater than 5 years, use paper submittal.
 - Visit <http://www.wildlife.ca.gov/Conservation/LSA/Notify-CDFW>
- **If you have an existing LSA Agreement**, be sure that it covers all of the activities subject to Fish and Game Code section 1602 and that it has not expired. If all activities are not included in the LSA Agreement, you will need to submit a new LSA Notification to receive an LSA Agreement for the additional activities. If the LSA Agreement has expired before the work has been completed, you will need to submit a new notification to obtain a new LSA Agreement.
- **For more information and updates**, please visit CDFW's websites or contact the regional office that serves the location of your cannabis cultivation (see attached map):

LSA at <http://www.wildlife.ca.gov/Conservation/LSA>

Cannabis at: <https://www.wildlife.ca.gov/Conservation/Cannabis>



General Lake or Streambed Alteration Agreement for Activities Related to Cannabis Cultivation (General Agreement)

– ABOUT THE GENERAL AGREEMENT –

The California Department of Fish and Wildlife (CDFW) General Agreement applies only to certain covered activities for the purpose of cannabis cultivation. The General Agreement expedites the CDFW authorization for eligible projects, pursuant to Fish and Game Code sections 1602 and California Code of Regulations Title 14 Section 722, and is exempt from the California Environmental Quality Act.

ELIGIBILITY FOR THE GENERAL AGREEMENT

- **Covered Activities** are limited to construction, reconstruction, maintenance, or repair of a *stream crossing (bridge, culvert, rock ford only) or water diversion*, for the purpose of cannabis cultivation.
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BEFORE YOU NOTIFY CDFW

- **Review the General Agreement** to ensure that your project meets the eligibility criteria and that you can comply with all terms and prescribed measures. You can view the General Agreement at <https://www.wildlife.ca.gov/Conservation/LSA/Cannabis-Cultivation/General-Agreement>.
- **Prepare the following documents** that will inform completion of your notification. You will be required to certify that these documents are in your possession *at the time of notification* and submit them within 90 days of CDFW authorization.
 - **Biological Resources Assessment** – A survey and biological resource report of the project site by a Biologist.
 - **Design Plans** – A detailed description of the site-specific design for the construction or reconstruction of any stream crossing or reservoir, prescribed by a Licensed Professional that includes information specified in the General Agreement.
 - **Property Diagram** – A scale diagram of the Property that identifies information specified in the General Agreement.

HOW TO NOTIFY CDFW

- **Notification must be submitted online** through the CDFW website for the Lake and Streambed Alteration Program, located at <https://www.wildlife.ca.gov/Conservation/LSA/Notify-CDFW>.
- **Notification includes** a completed application, certification that documentation is in your possession, and applicable fee(s).
- **The following notification fees apply**
 - \$577.25 if the project costs less than \$5,000
 - \$724.50 if the project costs from \$5,000 to less than \$10,000
 - \$1,446.00 if the project costs from \$10,000 to less than \$25,000
 - \$2,170.50 if the project costs from \$25,000 to less than \$100,000
 - \$3,185.25 if the project costs from \$100,000 to less than \$200,000
 - \$4,320.25 if the project costs from \$200,000 to less than \$350,000
 - \$5,145.75 if the project costs \$350,000 or more

An additional remediation fee (\$3,087.50- \$5,145.75) will be required when applicable.

For more information on calculating fees, visit <https://www.wildlife.ca.gov/Conservation/LSA>



California Department of Fish and Wildlife

REGIONS

Please send all mail Attention:
Lake and Streambed Alteration Program



Northern Region - Coastal (Region 1)

619 Second Street
Eureka, CA 95501
(707) 441-2075 (707) 445-6493

Northern Region - Inland (Region 1)

601 Locust Street
Redding, CA 96001
(530) 225-2367 (530) 225-2300

North Central Region (Region 2)

1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 358-2900

Bay Delta Region (Region 3)

7329 Silverado Trail
Napa, CA 94558
(707) 944-5500

Central Region (Region 4)

1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4593

South Coast Region (Region 5)

3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201

Inland Deserts Region (Region 6)

3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
(909) 484-0167

Marine Region (Region 7)

Marine Region (along entire coast within 3 nautical miles of shore) does not review LSA notifications.

★ Regional Headquarters

Note: Those portions of Sacramento, San Joaquin, and Yolo counties that are south of I-80 and west of I-5 are in Region 3. The balance of each county is in Region 2.