



Commercial Cannabis Cultivation Licensing Guidance for Compliance with Fish and Game Code Section 1602

Prospective Cannabis Cultivation Licensee,

- **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) beginning January 2018 will 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.

- **An LSA Agreement** may be issued in the form of a standard LSA Agreement or an LSA General Agreement for Cannabis Cultivation.
- **Written verification that an LSA Agreement is not required** may be issued in the form of a letter when (a) CDFW determines an LSA Notification and/or an LSA Agreement is not required pursuant to Fish and Game Code section 1602, or (b) CDFW has not issued a draft standard agreement within 60 days from the date LSA Notification is deemed complete.
- **An LSA General Agreement for Cannabis Cultivation and online LSA Notification** are anticipated in January 2018. Issuance of the LSA General Agreement for Cannabis Cultivation will be an *expedited process* for activities that meet specific eligibility criteria. Eligibility criteria include all of the following:
 - Activity is in conjunction with cannabis cultivation;
 - Activity is limited to construction or reconstruction of a bridge, culvert, rock ford, or a water diversion that meets specified design criteria;
 - Activity is not on a stream or lake that contains finfish or finfish habitat;
 - Activity shall not result in take of a state listed or fully protected species;
 - Entity has not been subject to (a) fines, penalties, or other sanctions for cultivation or production of controlled substance or (b) notice of violation pursuant to section 12025 or 12025.1 of the Fish and Game Code.

To take advantage of the streamlined LSA General Agreement for Cannabis Cultivation, consider designing your activities to meet the design criteria specified in the LSA General Agreement. Entities with activities that do not meet eligibility criteria for the LSA General Agreement for Cannabis Cultivation will need a standard LSA Agreement.

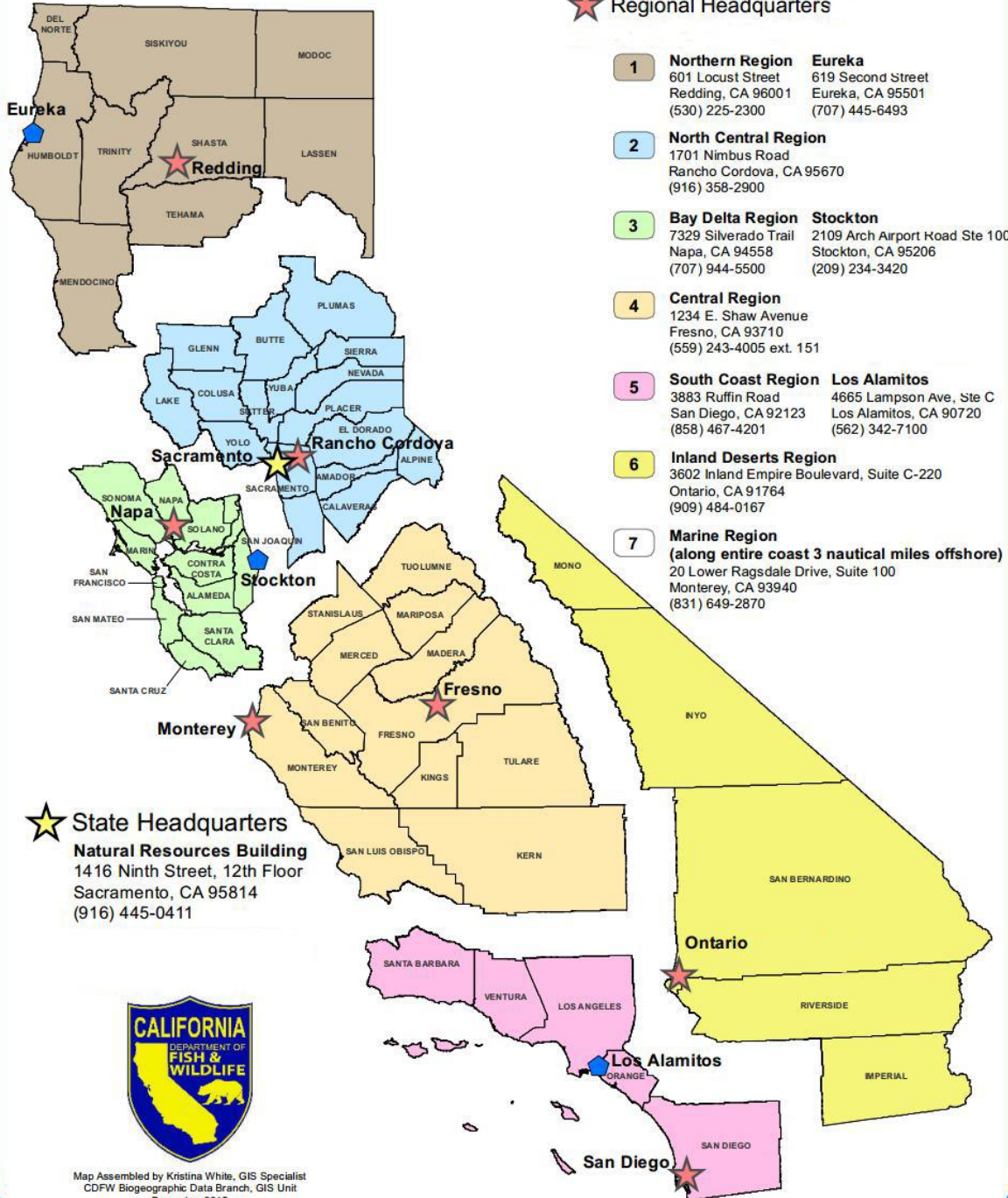
- **If you have an existing LSA Agreement**, be sure that it covers all of the activities subject to Fish and Game Code section 1602 and that it has not expired. If all activities are not included in the LSA Agreement, you will need to submit a new LSA Notification to receive an LSA Agreement for the 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>

California Department of Fish and Wildlife

★ Regional Headquarters



Map Assembled by Kristina White, GIS Specialist
CDFW Biogeographic Data Branch, GIS Unit
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DFG Regional Boundaries effective January 1, 2007