

Cannabis Cultivation Permitting



CDFW Mission

Manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for the ecological values, and for their use and enjoyment by the public.



Notify CDFW before...

You must notify CDFW before beginning any activity that may:

- Substantially **divert or obstruct** the natural flow of any river, stream, or lake;
- Substantially **change or use any material** from the bed, channel, or bank of any river, stream, or lake; or
- **Deposit debris, waste, or other materials** containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Fish and Game Code section 1602



Any River, Stream, or Lake?

Perennial Streams: Flow year-round

Ephemeral Streams: Flow seasonally and are dry for periods of time

Episodic Streams: Flow in response to precipitation events and are dry for periods of time.



California Department of Food & Agriculture (CDFA) *Annual License Application Requirement*

CDFA Proposed Permanent Regulations § 8102, subdivision (w)

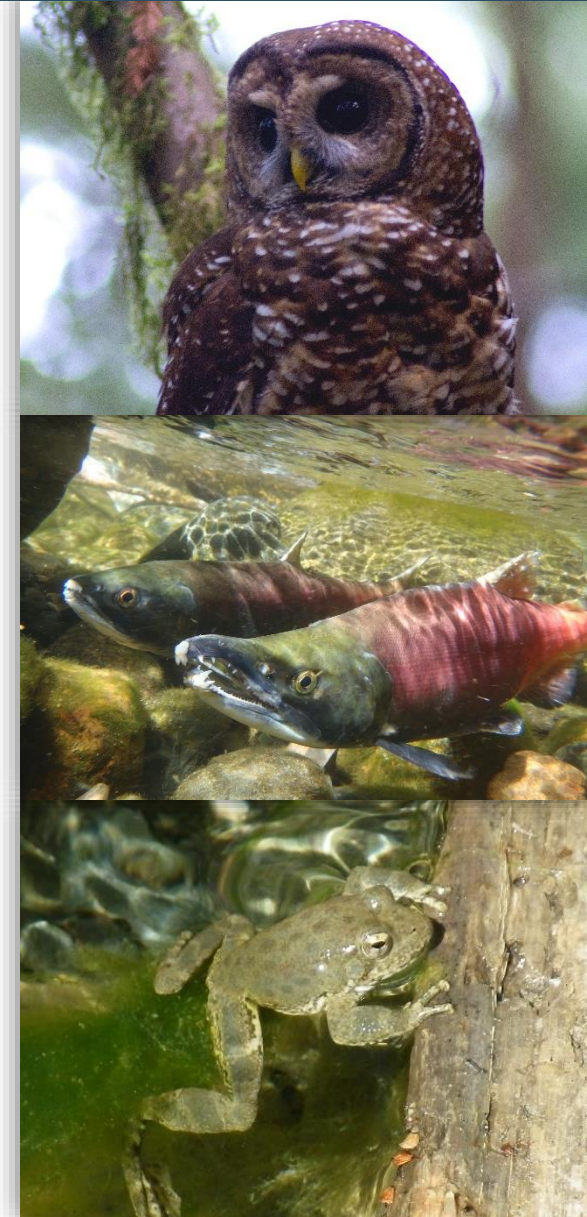
All CDFA applications must include:

- A. Final Lake or Streambed Alteration (LSA) Agreement,or
- B. Written verification that an LSA Agreement is not required



When is an LSA Agreement Required?

CDFW determines the activity may **substantially adversely affect** existing fish or wildlife resources



Example Activities That May Require an Agreement

- Water Diversions & Impoundments (e.g., ponds and dams)
- Stream Crossings (e.g., bridges and culverts)
- Bank Stabilization/Armoring
- Channel or Lakebed Modifications
- Riparian Vegetation Management
- In-Channel Maintenance



How Do I Get an LSA Agreement or Verification One is Not Required?

www.wildlife.ca.gov/Conservation/Cannabis

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CALIFORNIA California Department of **Fish and Wildlife**

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Cannabis Program



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EPIMS - Online Permitting Portal

Permitting Environment Restoration Enforcement Resources



Permitting

- Learn about permitting for cannabis projects.
- Learn about the General Agreement for cannabis cultivation projects.
- Begin your @online notification.
- Learn about the Lake and Streambed Alteration Program.
- Have questions about our Environmental Permit Information Management System (EPIMS)?

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How Do I Get an LSA Agreement or Verification One is Not Required?

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Cannabis Cultivation Permitting



Cannabis cultivators applying for an @Annual License from the @California Department of Food and Agriculture must have a Lake and Streambed Alteration (LSA) Agreement or written verification that one is not needed. CDFW requires an LSA Agreement when a project activity may substantially adversely affect fish and wildlife resources. LSA Agreements provide actions to avoid and minimize adverse impacts and provide protections to California's fish and wildlife resources.

To apply for an LSA Agreement or verification that an Agreement is not required, notify CDFW of your cannabis cultivation activities.

Have questions about our Environmental Permit Information Management System (EPIMS)?

Other permits and environmental review may be necessary:

- California Endangered Species Act (CESA): for projects that may impact listed species
- California Environmental Quality Act (CEQA): public disclosure process for projects with environmental impacts

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CANNABIS PROGRAM

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Self-Certification

General Agreement

Standard Agreement

Other

Register Online!




California Department of
Fish and Wildlife

System Compatibility

Environmental Permit Information Management System (EPIMS)

<https://epims.wildlife.ca.gov/index.do>

Log In

<p>Log In</p> <p>User ID: * <input type="text"/></p> <p>Password: * <input type="password"/></p> <p><input type="button" value="Log In"/></p> <p>Forgot User Id?</p> <p>Forgot Password?</p>	 <p>New to Environmental Permit Information Management System? Register Here</p>
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Announcements

Environmental Permit Information Management System (EPIMS)

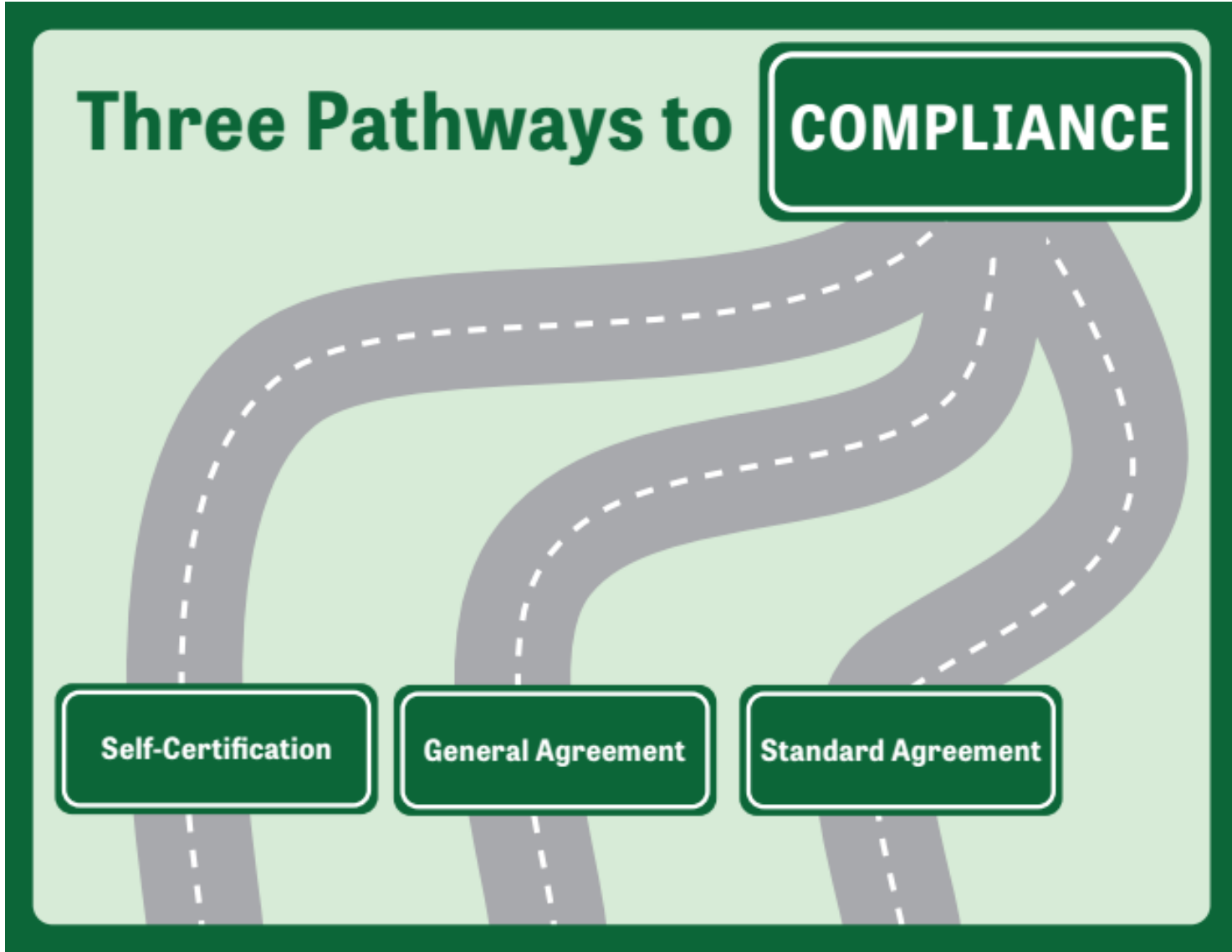
[START HERE - CLICK FOR EPIMS INSTRUCTIONS](#)

- Click on the "START HERE" link above and read the attached document before proceeding with your user registration.
- **User accounts must be registered using the applicant's name.** If you are a designated representative (e.g. lawyer or consultant) for an applicant, do not register an account under your name personally. The applicant is responsible for complying with the terms and conditions of the agreement.
- **Register for only one user account.** With one user account, you may complete multiple self-certifications or notifications for multiple Regions, if necessary.
- If you do not receive an automated confirmation email within a few minutes of registering, please check your Spam/Junk E-mail folder.
- New User Registration Approval is not automated and may take up to 72 hours. Once approved, you will receive two emails, one containing your User ID, and one containing your temporary password.
- **Internet Explorer and Apple IOS are not fully compatible with EPIMS.** CDFW recommends using Chrome or FireFox web browser.

Need EPIMS help?

Call 1(833) 303-7467 or
Email EPIMSHelp@wildlife.ca.gov

EPIMS: Permitting Pathways



Self-Certification

- Provide property location, project description, water source, project maps
- Answer a few questions about your project
 - Infrastructure
 - Construction
 - Water source
- CDFW determines:
 - Project qualifies = written verification that an LSA Agreement is not necessary
 - Project does not qualify = notify for an LSA Agreement
- No fee required





epims.wildlife.ca.gov says
Not Eligible. Return to the Main Menu and select a different Opportunity.
OK

Application
Application: 08252 - my project
Program Area: Region 1
Opportunities: 01434 - Self-Certification for Cannabis Cultivation - Region 1
Application Deadline: Application Deadline Not Applicable

Instructions

1. To answer Self-Certification Survey Questions, select "Edit" at the top of the screen.
2. When you have completed your entry for each open field, select "Save".
3. When you have completed the entire form, be sure to "Mark as Complete".

IMPORTANT: ALL FIELDS MARKED WITH A RED ASTERISK (*) MUST BE COMPLETED BEFORE SUBMITTING

Need EPIMS help?
Call 1(833) 303-7467 or
Email EPIMSHelp@wildlife.ca.gov

Project Specific Questions? CDFW Regional Office (PDF)
Cannabis Questions? AskCannabis@wildlife.ca.gov
L SA Questions? LSA@wildlife.ca.gov

This message will appear if your project is not Eligible for Self-Certification

Self-Certification Survey Questions

Fish and Game Code section 1602 requires an entity to notify the CDFW, and if necessary, obtain a permit, referred to as a "lake or streambed alteration agreement," prior to commencing an activity that will:

- Substantially divert or obstruct the natural flow of any river, stream, or lake;
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
- Deposit debris, waste, or other materials that could pass into any river, stream, or lake.

"Any river, stream, or lake" includes those that are dry for periods, in addition to those that flow year round. This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

"Cultivation site" means a location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs (Bus. & Prof. Code, § 26001, subd. (m)) and any location where there are activities related to or that support cannabis cultivation.

"Associated activity" means any activity that supports or is otherwise connected or related to the cultivation of cannabis, including, for example: the installation, repair, or replacement of a stream crossing used to access a cultivation site; pumping water from a stream to irrigate a cultivation site; removing vegetation along a stream or lake to construct or repair a stream crossing; "armoring" a bank to protect a road used to reach a cultivation site; or grading adjacent to any river, stream, or lake to construct infrastructure (e.g., driveway, parking lot, greenhouse, or storage shed).

The following questions will help you and CDFW determine whether your cannabis cultivation project, including all associated activities, has or will require you to notify CDFW pursuant to Fish and Game Code section 1602.

General Agreement

- Only for stream crossings (bridge, culvert, or rock ford) or water diversions on non-fish streams or lakes
- Pre-written agreement
- CEQA exempt
- Must comply with terms & conditions
- Term of 5 years

Read the General Agreement

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



General Agreement

Provide:

- Project location, description, water source, etc.
- Biological Resources Assessment
- Design Plans (if applicable)
- Property Diagram

* Fees vary by project cost. Fee schedule is online



Standard Agreement

- Based on project and site-specific conditions
- Applicant works with CDFW to avoid or minimize project impacts

Provide information:

- Project location, description, water source, etc.
- Detailed maps (aerial, plot maps, driving maps)
- Water sources



Standard Agreement - What to Expect

CDFW Review

- May request additional detailed information
- May request a site visit
- Must comply with CEQA
- Fees vary by project cost. Fee schedule is online



Help Yourself — Avoid Common Delays

Plan your project

- Allow sufficient time
- Work with the Regional Office serving your project area
- Review permitting options online before you begin

Provide detailed information

- Identify all activities associated with your cultivation project
 - Include activities not taking place within a river, lake, or stream
- Provide a detailed project description

Help Yourself— Avoid Common Delays

Access your EPIMS account

- Working with a consultant? Make sure you can access your online account

Submit the correct fees

- Fees vary by project cost. Fee schedule is online
- Cannabis remediation fees may be required in addition to LSA fees

Other CDFW Permits and Environmental Review

California Environmental Quality Act (CEQA)

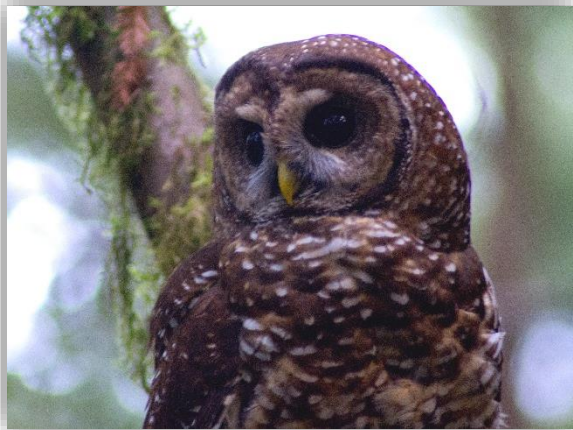
- Applies to all projects approved by California public agencies
- Includes LSA Standard Agreements



Other CDFW Permits and Environmental Review

California Endangered Species Act (CESA)

If cultivation activities may result in take of a threatened, endangered, or candidate species, a separate CESA permit may be required.



Other Fish and Game Code Sections

- Rare native plants (§ 1908)
- Fully protected species (§§ 3511, 4700, 5050, 5515)
- Migratory nongame birds (§ 3513)
- Bird nests and eggs (§ 3503)
- Birds of prey (§ 3503.5)
- Water pollution (§ 5650)
- Refuse disposal into water (§ 5652)
- Fish passage (§ 5901)
- Sufficient water for fish (§ 5937)
- Obstruction of a stream (§ 5948)
- For projects on private timberlands, requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq)

Fines and Penalties

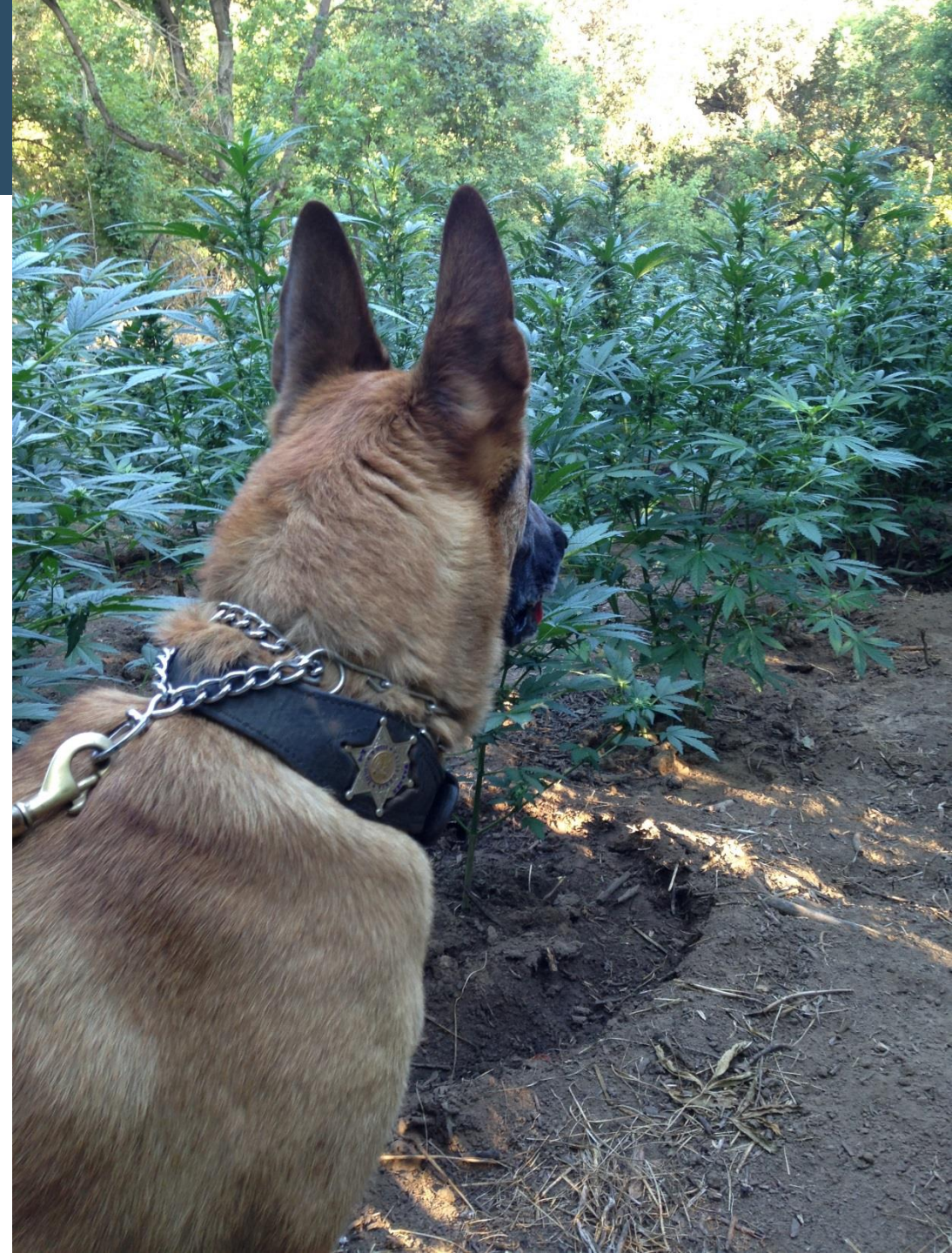
Enhanced fines for violations of Fish & Game Code violations related to cannabis cultivation

Substantial diversion/obstruction/use of stream without notification:

- **\$8,000-10,000 per violation, per day**

Water pollution and disposal of trash within 150 feet of a water body:

- **\$20,000-\$40,000 per violation, per day**





Start your permit process!

Work with your regional CDFW office to permit your activities

Protect your investment

Protect California's Fish and Wildlife

wildlife.ca.gov/Cannabis





Additional Information

www.wildlife.ca.gov/conservation/cannabis

Northern Region (Redding)	(530) 225-2300
Northern Region (Eureka)	(707) 445-6493
North Central Region	(916) 358-2900
Central Region	(559) 243-4005 x 151
South Coast Region	(858) 467-4201
Inland Deserts Region	(909) 484-0167