Notification of Lake or Streambed Alteration for Cannabis Cultivation

- Business and Professions Code section 26060.1(b)(3) requires that every license for cannabis cultivation issued by the California Department of Food and Agriculture include a condition that the license shall not be effective until the licensee has complied with Fish and Game Code section 1602 or receives written verification from the California Department of Fish and Wildlife (CDFW) that a lake or streambed alteration agreement (Agreement) is not required for the project the license covers.

- Notification to CDFW is required to obtain an Agreement or verification that an Agreement is not required. Prior to commencing any cannabis cultivation or related activity (e.g., infrastructure), applicants must notify the CDFW regional office that serves the county where the activity will occur (see map on reverse). Notification forms, instructions, and the fee schedule are available at https://www.wildlife.ca.gov/Conservation/LSA.

- Lake or Streambed Alteration Agreement is required when CDFW determines that the activity, as described in a complete notification, could substantially adversely affect an existing fish or wildlife resource. An Agreement includes measures necessary to protect fish and wildlife resources and may limit the work period.
  
  - When requesting a Regular Agreement (term of five years or less), CDFW has 30 days to determine if the notification is complete. If the notification is determined incomplete, CDFW will request that the applicant provide additional information. Once the notification is deemed complete, CDFW has 60 days to provide the applicant with either a draft Agreement or verification that an Agreement is not required. A final Agreement may be issued once the applicant has agreed to CDFW terms, CDFW has complied with the California Environmental Quality Act (CEQA), and both parties have signed the final Agreement.

  - When requesting a Long-term Agreement (term greater than five years), CDFW has the discretion whether to issue a long-term Agreement or a Regular agreement. For a long-term Agreement, there are no statutory timelines for CDFW to review the notification or issue a draft Agreement. The final Agreement may be issued once the applicant has agreed to CDFW terms, CDFW has complied with CEQA, and both parties have signed the final Agreement.

  - When requesting a General Agreement for cannabis cultivation (term of five years or less) that should be available beginning January 2018, there will be no statutory or regulatory timelines and only certain activities will be covered. Streamlining will occur through electronic notification, project eligibility criteria, standard conditions, and exemption from CEQA.

- Written Verification that an Agreement is not required will be transmitted to the applicant within the timelines specified above if CDFW finds that the activity described in a complete notification will not: (a) substantially alter any river, stream, or lake as specified in Fish and Game Code Section 1602, or (b) result in substantial adverse impacts to fish and wildlife resources.

- For more information, please contact the CDFW regional office serving your county or visit the following CDFW websites: https://www.wildlife.ca.gov/Conservation/LSA and https://www.wildlife.ca.gov/Conservation/Cannabis.