

ANNUAL CANNABIS CULTIVATION LICENSES

A Reference Guide for the Application Attachments

CalCannabis Cultivation Licensing, a division of the California Department of Food and Agriculture, created this document to provide guidance with the application attachments required for each annual cannabis cultivation licensing application. This document is for informational purposes and is not the official state application, nor does it include all the application requirements. For the official state application for an annual cannabis cultivation license, please visit the CalCannabis website: cannabis.cdfa.ca.gov.

INTRODUCTION

The following application attachments are reviewed in this document:

- Surety Bond
- Legal Right to Occupy Property
- Waste Discharge Program Enrollment
- California Department of Fish and Wildlife Documentation
- EnviroStor Records
- California Environmental Quality Act (CEQA) Compliance
- California Secretary of State Documentation
- Water Source Documentation



SURETY BOND

Applicants must submit evidence of a surety bond in an amount of no less than \$5,000, made payable to the California Department of Food and Agriculture. To meet this requirement, contact a corporate surety company licensed for transactions in California, ask for a bond with a \$5,000 premium, and request the company use the bond form posted on the CalCannabis Cultivation Licensing Division (CalCannabis) website: static.cdfa.ca.gov/MCCP/document/Bond%20Form%20for%20Commercial%20Cannabis_3.5.18.pdf.

For information about cannabis insurance in California, including licensed corporate sureties, please visit this California Department of Insurance web page: insurance.ca.gov/01-consumers/160-cannabis.

LEGAL RIGHT TO OCCUPY PROPERTY

Applicants must submit evidence of the legal right to occupy the proposed premises. The type of documentation required will depend on the property ownership.

If the applicant **owns** the property on which the premises is located, a copy of the **title or deed** to the property is required.

If the applicant **does not own** the property on which the premises is located, **all** the following documentation is required:

- documentation from the property owner stating the applicant has the right to occupy and use the property for commercial cannabis cultivation;
- the property owner's mailing address and phone number; and
- copy of the lease or rental agreement, or other contractual documentation.

WASTE DISCHARGE PROGRAM ENROLLMENT

Applicants must enroll in or transition to an applicable waste discharge program administered by the State Water Resources Control Board (SWRCB). Under the General Order, the SWRCB will issue either a **Conditional Waiver of Waste Discharge Requirements** or a **Notice of Applicability**, which must be submitted with the application.

If an applicant is currently enrolled in the North Coast Order or the Central Valley Order, CalCannabis will accept evidence of enrollment (Notice of Applicability or Waiver of Waste Discharge Requirements); however, the applicant must transition to the General Order by **July 1, 2019**.

For more information about the SWRCB's General Order, please visit:

waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DOCUMENTATION

Applicants must submit a copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife (CDFW), pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from CDFW that a lake or streambed alteration agreement is not required.

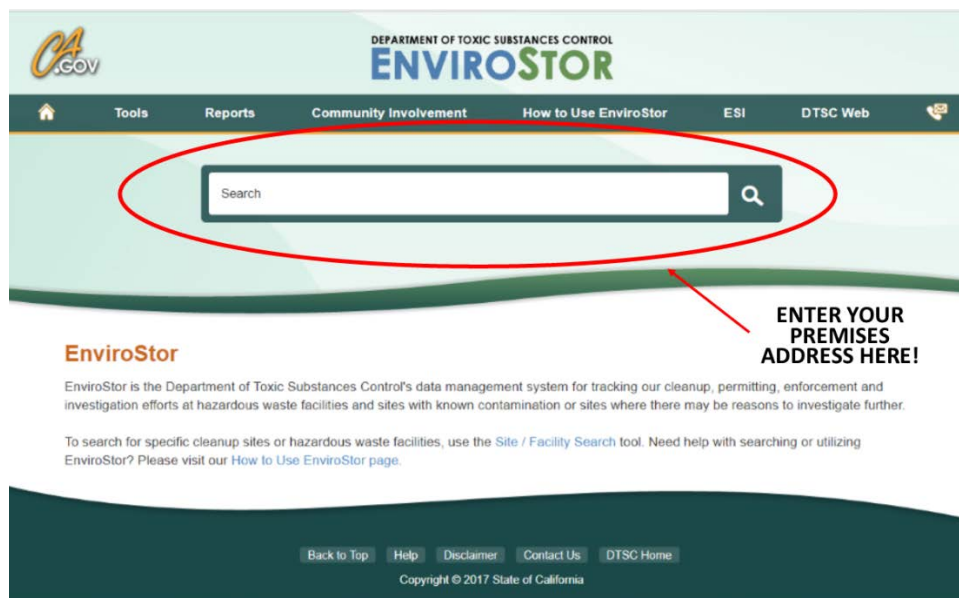
For more information about the CDFW Cannabis Program and how to acquire a lake or streambed alteration agreement, or for written verification that a lake or streambed alteration agreement is not required, please visit the CDFW Cannabis Program website: wildlife.ca.gov/Conservation/Cannabis.

ENVIROSTOR RECORDS

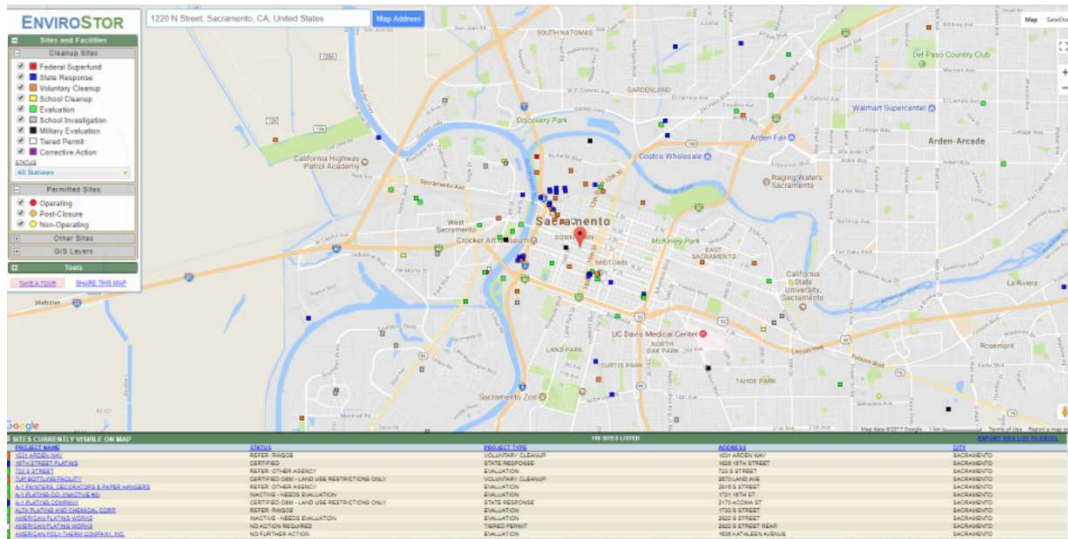
Applicants must submit evidence that a hazardous-materials record search of the EnviroStor database has been completed; if hazardous sites are encountered on an applicant's proposed premises, then documentation outlining employee health-and-safety protocols also must be provided. EnviroStor is the California Department of Toxic Substances Control's data-management system for tracking the cleanup, permitting, enforcement, and investigation efforts of hazardous-waste facilities and sites with known contamination, or sites where there may be a need for further investigation.

To access EnviroStor, please visit the website: envirostor.dtsc.ca.gov/public.

1. Enter the premises address in the search bar (circled in red below).



- Take a screenshot of the search results and save a digital copy to attach to the cannabis licensing application. The EnviroStor search results should look something like this:



CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Applicants must submit evidence of either compliance with, or exemption from, CEQA.

If the applicant’s local jurisdiction has demonstrated CEQA compliance, the following documentation must be provided:

- a Notice of Determination or Notice of Exemption and a copy of the CEQA document or a reference to where it can be located electronically; or
- the local license, permit, or other authorization, if the local jurisdiction has adopted an ordinance, rule, or regulation pursuant to section 26055(h) of the Business and Professions Code, and requires discretionary review and approval of permits.

If no evidence of a CEQA approval exists, or if the local jurisdiction did not prepare a CEQA document, applicants are responsible for preparing the required environmental compliance document in compliance with CEQA.

For more information about CEQA compliance, please visit the CalCannabis website: cannabis.cdfa.ca.gov.

CALIFORNIA SECRETARY OF STATE DOCUMENTATION

Applicants must submit copies of all documents filed with the California Secretary of State, which includes, but is not limited to, business-formation documents. The California Secretary of State's office maintains an online portal called Cannabizfile for information relevant to cannabis-related business filings. Using the online portal in coordination with the Secretary of State's office is highly recommended for ensuring the proper business documentation has been collected. **Attach copies of all documents filed with the Secretary of State with the cannabis licensing application.**

For more information, please visit the Cannabizfile website: sos.ca.gov/business-programs/cannabizfile.

WATER SOURCE DOCUMENTATION

Applicants must report information for **each water source** associated with cannabis cultivation activities. The type of water source, and the associated attachments required for each type, are described below.

For more information about types of water sources, please visit the State Water Resources Control Board website: waterboards.ca.gov/water_issues/programs/cannabis.

RETAIL WATER SUPPLIER

A retail water supplier is any local entity, including a public agency, city, county, or private water company, that provides retail water service. Unless an applicant's retail water supplier is a "small retail water supplier," as described below, the applicant only needs to provide the name of the retail water supplier.

SMALL RETAIL WATER SUPPLIER

A small retail water supplier has 10 or fewer customers, delivers 10 percent or more of the diverted water to one or more cannabis cultivators or cannabis cultivation sites (as established by an assessor's parcel number), delivers 25 percent or more of the water used for cannabis cultivation, or is an affiliate of the applicant pursuant to California Code of Regulations, title 23, section 2814.20. Applicants must submit the following information about the small retail water supplier based on their water source:

Delivery or Pickup From a Surface Waterbody or Underground Stream

If an applicant's small retail water supplier contract is for delivery or pickup from a surface waterbody or an underground stream flowing in a known and definite channel, the following information must be provided:

1. Name of the retail water supplier under contract;
2. Geographic location coordinates of any point of diversion used by the retail water supplier to divert water delivered to the applicant, in either latitude and longitude or the California Coordinate System;
3. Authorized place of use of any water right used by the retail water supplier to divert water delivered to the applicant; and
4. Maximum amount of water (in gallons) delivered to the applicant for cannabis cultivation in any year.

Delivery or Pickup of Water From a Groundwater Well

If an applicant's small retail water supplier contract is for delivery or pickup of water from a groundwater well, the following information must be provided:

1. Name of the retail water supplier under contract;
2. Geographic location coordinates for any groundwater well used to supply water to the applicant, in either latitude and longitude or the California Coordinate System;
3. Maximum amount of water (in gallons) delivered to the applicant for cannabis cultivation in any year; and
4. A copy of the well log filed with the California Department of Water Resources (CDWR), pursuant to section 13751 of the Water Code, for each percolating groundwater well used to divert water to the applicant. If a well log is not available, evidence from CDWR must be provided that indicates the department does not have a well log record.

GROUNDWATER WELL

If an applicant's water source is a groundwater well, the following information must be provided:

1. Groundwater well's geographic location coordinates in either latitude and longitude or the California Coordinate System; and
2. A copy of the well log filed with the California Department of Water Resources (CDWR), pursuant to section 13751 of the Water Code. If a well log is not available, evidence from CDWR that indicates the department does not have a well log record.

RAINWATER CATCHMENT SYSTEM

If an applicant's water source is a rainwater catchment system, the following information must be provided:

1. Total square footage of the catchment footprint area(s);
2. Total storage capacity (in gallons) of the catchment system(s); and
3. A detailed description of the type, nature, and location of each catchment surface; examples of catchment surfaces include a rooftop or a greenhouse.

DIVERSION FROM A WATERBODY

If an applicant's water source is a diversion from a waterbody, any applicable statement, application, permit, license, or small irrigation use registration identification numbers and one of the following must be provided:

1. A copy of any applicable registrations, permits, or licenses, or proof of a pending application issued under Part 2 (commencing with section 1200) of Division 2 of the California Water Code that provides evidence of water diversion approval by the State Water Resources Control Board (SWRCB);
2. A copy of any statements of diversion and use filed with the SWRCB before October 31, 2017, that details the water diversion and use; or
3. A copy of documentation submitted to the SWRCB before October 31, 2017, that demonstrates the diversion is authorized under a riparian right and no diversion occurred in any calendar year between January 1, 2010, and January 1, 2017;
4. If the applicant has claimed an exception from the requirement to file a statement of diversion and use, pursuant to section 5101 of the Water Code, a copy of the documentation submitted to the SWRCB before January 1, 2019, that demonstrates the diversion is subject to subdivision (a), (c), (d), or (e) of section 5101 of the Water Code is required.