

## Notice of Exemption

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**To:**

Office of Planning and Research  
For U.S. Mail:  
P.O. Box 3044  
Sacramento, CA 95812-3044

**From:**

Department of Fish and Wildlife  
Northern Region  
601 Locust Street  
Redding, CA 96001



*Street Address:*

1400 Tenth Street  
Sacramento, CA 95814

**Project Title:** Diversion of Water for Commercial Cannabis Irrigation (Lake or Streambed Alteration Agreement No. EPIMS-02639-R1)

**Project Location (include county):** The project is located at an unnamed tributary to Canyon Creek, which is then a tributary to the South Fork Trinity River, Trinity County, State of California; 40.688433°N, 123.527611°W; Assessor's Parcel Number 011-090-07-00.

**Project Description:** The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement number EPIMS-02639-R1, pursuant to Section 1602 of the Fish and Game Code to Richard Collins, representing Hole in the Earth, LLC.

The Project is limited to diversion of water from two separate locations. The first point of diversion (POD1) is a spring at the headwaters of Canyon Creek. The second point of diversion (POD2) is a second spring at the headwaters of Canyon Creek. The water is diverted using gravity, with a trickle flow diversion rate. The water is piped underground through a 1" pipe and fills a 2500-gallon tank near the springs. Using gravity, the water travels to the storage facilities. The maximum monthly diversion rate from each diversion is 29,500 gallons per month. There is a valve at each POD that can be closed to adjust flow to 1 gal /min. Each POD provides water necessary to irrigate the cannabis garden, irrigate up to an acre of food/landscaping and to provide 2 people with a domestic water supply year-round.

Water diverted for cannabis irrigation shall be diverted only during allowable times, and will be stored in a pond that is not hydrologically connected to other streams. Using a submersible Grundfos well pump powered by 3 solar panels, the water will be pumped during the forbearance season (April 1-October 31) to the places of use for cannabis cultivation.

**Public Agency Approving Project:** CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**Person or Public Agency Carrying Out Project:** Richard Collins, representing Hole in the Earth, LLC

**Exempt Status:**

Statutory Exemption.

Categorical Exemption. Type – **Class 1; California Code of Regulations, title 14, section 15301**  
Consists of the operation, repair, and maintenance of existing private facilities that involves negligible or no expansion of current use.

**Reasons why project is exempt:** The project is the continued operation of an existing diversion, with modifications to when diversion occurs and where the water is stored. Continued operation of the existing infrastructure and storage modifications will not pose a risk to the environment or public safety, nor will it result in significant adverse impacts on endangered, rare, or threatened species or their habitat pursuant to California Code of Regulations, title 14, section 15065.

**CDFW Contact Person:** Kate Blanchard, Senior Environmental Scientist, Specialist (530) 225-2239

*Signature:* \_\_\_\_\_

*Date:* \_\_\_\_\_

Adam McKannay  
Interior Cannabis and Conservation Planning Supervisor

Governor's Office of Planning & Research

Date received for filing at OPR: \_\_\_\_\_

**MAR 20 2020**

**STATE CLEARINGHOUSE**

CDFW\_LSA\_NOE – 10/05/2017