

## Notice of Exemption

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**To:**

Office of Planning and Research  
[CEQA Submit](#)

**From:**

Department of Fish and Wildlife  
 Northern Region  
 601 Locust Street  
 Redding, CA 96001  
[R1LSARedding@wildlife.ca.gov](mailto:R1LSARedding@wildlife.ca.gov)



**Project Title: Ruth Coastal LLC, Emry Jacques** (Notification of Lake or Streambed Alteration, No. 1600-2020-0059-0000-R1)

**Project Location (Shasta):** The project is located on an unnamed tributary to the Van Duzen River in Trinity County, CA; township 02S, range 07E, section 17, Humboldt Base and Meridian, U.S. Geological Survey (USGS) Ruth Lake quadrangle, County Assessor's Parcel Numbers 020-520-001-000, 020-500-004-000 and 020-080-011-000.

**Project Description:** The project consists of three adjacent parcels, each individually licensed for commercial cannabis operations. Groundwater and rainwater are identified as the water sources for commercial irrigation purposes. On July 14, 2021, CDFW staff conducted site visits to parcels 020-520-001-000 and 020-500-004-000 and staff observed changes to the bed, bank and channel of an unnamed stream without prior notification to the Department pursuant to Fish and Game Code section 1602. The following actions (Project), planned in coordination with CDFW, are intended to remediate the Fish and Game Code violations described above. There will be additional work not associated with remediation of the above violations on parcel 020-080-011-000.

APN 020-520-001-000

Reservoir and Overflow Spillway Maintenance (POD1 and HA1): There is an existing onstream reservoir authorized under a Small Domestic Use Registration (SDUR) D033110. The SDUR authorizes the diversion of 0.89 acre-foot per year with a maximum storage capacity of 1.3 acre-feet to be used for recreation, and fish and wildlife preservation and enhancement purposes. Consumptive use of water is not authorized under this water right. All irrigation piping infrastructure will be removed from the impoundment. The overflow structure consists of an armored spillway and an 18-inch diameter high-density polyethylene pipe that disperses flow into an armored apron and then returns it to the native stream channel. Wildlife escape ramps will be installed to prevent wildlife entrapment in this reservoir and the rain catchment reservoir also on the parcel. The reservoirs will be actively managed to prevent invasive species (primarily bullfrogs), and the embankment and overflow will be monitored for erosion and maintained as necessary. Maintenance will consist of hand removal of sediment and debris from the spillway and overflow mechanism.

APN 020-500-004-000

Substantial Alteration of Bed, Bank, and Channel (HA2 and PP1): Approximately 80-feet



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of stream was obstructed and changed from placement of fill derived from construction of a rain catchment reservoir. The stream channel will be restored by removing the imported debris and spoils. Heavy equipment will be used to remove downed trees, extract fill and other debris from channel, and recontour the streambank. Wildlife escape ramps will be installed in the adjacent rain catchment reservoir to prevent wildlife entrapment. The reservoir will be actively managed to prevent invasive species (primarily bullfrogs), and overflow will be monitored to prevent erosion and maintained as necessary.

APN 020-080-011-000

In-channel Structure Removal: A burnt structure located in a swale at the headwaters of a class III stream will be removed by hand and properly disposed of at a waste facility.

APNs 020-520-001-000, 020-500-004-000, 020-500-004-000

Road Maintenance: There is erosion throughout the three parcels from the dirt road. The road on all parcels will be maintained to be consistent with the requirements found in the Cannabis Cultivation Policy and references in the Site Management Plan to prevent deleterious runoff from entering waters of the state.

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

**Person or Public Agency Carrying Out Project:** John Lee Thornton

**Exempt Status:**

- Statutory Exemption.
- Categorical Exemption. Type – **Class 21; California Code of Regulations, title 14, section 15321**, Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of law, general rule, standard, or objective, administered or adopted by the regulatory agency.

**Reasons why project is exempt:** The Project consists of activities intended to remediate Fish and Game Code violations.

**CDFW Contact Person:** Dyana Judnick (Environmental Scientist), [R1LSARedding@wildlife.ca.gov](mailto:R1LSARedding@wildlife.ca.gov)

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 Janae Scruggs, Acting Environmental Program Manager

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