

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): CA Fish and Game Commission
PO Box 944209
Sacramento, CA 94244-2090

County Clerk
County of: N/A

(Address)

Project Title: Add Sections 90 and 704, T14, CCR, Experimental Fishing Permit Program (Phase 1)

Project Applicant: N/A

Project Location - Specific:
North and south of Point Conception.

Project Location - City: N/A Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:
The proposed regulations will bring existing experimental gear permits that were approved by FGC and issued by CDFW in December 2018 pursuant to Fish and Game Code Section 8606 (repealed 2018) into compliance with Fish and Game Code 1022, Experimental Fishing Permit Program. (CCR = California Code of Regulations)

Name of Public Agency Approving Project: California Fish and Game Commission (FGC)

Name of Person or Agency Carrying Out Project: California Department of Fish and Wildlife (CDFW)

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Sections 15306 & 15307, Title 14, CCR
Statutory Exemptions. State code number:

Reasons why project is exempt:
The Class 6 exemption is related to CDFW's actions of basic data collection, research, experimental management, and resource evaluation activities; and, Class 7 to assure the maintenance, restoration, or enhancement of a natural resource authorized by statute to protect natural resources and the environment. No exceptions to categorical exemptions apply. See attachment.

Lead Agency
Contact Person: Craig Castleton Area Code/Telephone/Extension: (916) 653-4899

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Melissa J. Mella-Henry Date: 10/14/19 Title: Executive Director

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at Governor's Office of Planning & Research

OCT 14 2019
STATE CLEARINGHOUSE

October 10, 2019

ATTACHMENT TO NOTICE OF EXEMPTION
Adoption of Chapter 5.6, Section 90, and Section 704
Title 14, California Code of Regulations (CCR)
RE: Experimental Fishing Permit Program (Phase 1)

The California Fish and Game Commission (Commission) has taken final action under the Fish and Game Code and the Administrative Procedure Act (APA) with respect to the project adopted on October 10, 2019. In taking its final action for the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, Section 21000 *et seq.*), the Commission adopted Chapter 5.6, Experimental Fishing Permit (EFP) Program, Section 90, Issuance of Experimental Fishing Permits, and Section 704, Experimental Fishing Permits; Fees and Forms, of Title 14, CCR, relying on the categorical exemptions for "Information Collection" and "Actions by Regulatory Agencies for Protection of Natural Resources" contained in CEQA Guidelines sections 15306 and 15307, Title 14, CCR.

In adopting Chapter 5.6, Section 90, and Section 704, Title 14, CCR, the Commission relied, for purposes of CEQA, on the Class 6 exemption related to the California Department of Fish and Wildlife's (Department) actions of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource; and, the Class 7 exemption to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment, as set forth in the CEQA Guidelines, sections 15306 and 15307, Title 14, CCR.

The project is part of a study that may lead to future action which the Department has not yet taken.

The proposed regulations implement, in part, Assembly Bill 1573 (Bloom, 2018), also known as the California Fisheries Innovation Act of 2018, which became effective on January 1, 2019. This legislative action repealed the experimental gear permit (EGP) provisions in Fish and Game Code Section 8606 and added new Fish and Game Code Section 1022, providing for an EFP program to facilitate fishery-related exploration and experimentation to inform fishery management. Specifically, the proposed regulations establish the process for issuing the new EFP to the previously approved applicants for box crab EGPs to provide clarity and consistency with Fish and Game Code Section 1022. Because the project involves a process for information gathering for possible future management consideration by the Department and Commission and will not result in significant disturbances to marine resources, the activity is one that is the proper subject of CEQA's Class 6 and Class 7 categorical exemptions.

No exceptions to these categorical exemptions apply.