

2019100509

**Notice of Exemption****Appendix E**

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

County Clerk

County of: N/A

**From:** (Public Agency): CA Dept. of Fish and Wildlife  
1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109

(Address)

Project Title: Standardized Commercial Trap Marking ProgramProject Applicant: N/A

Project Location - Specific:

State water where commercial trap fishing occurs

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

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project would establish a statewide standard for marking commercial trap through fishery-specific buoy markings. The standard will help the state assess and mitigate impact commercial fishing traps may have on the marine environment and marine life.

Name of Public Agency Approving Project: California Department of Fish and WildlifeName of Person or Agency Carrying Out Project: California Department of Fish and WildlifeExempt 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));  
 Categorical Exemption. State type and section number: 7 & 8; 14 CCR 15061 & 15307  
 Statutory Exemptions. State code number: \_\_\_\_\_


Reasons why project is exempt:

Categories 7 and 8 exempt agency actions for the protection of natural resources and the environment, respectively. The proposed project would reduce potential interactions between traps and th marine environment (See Attachment).

Lead Agency

Contact Person: Anthony Shiao Area Code/Telephone/Extension: (805) 560-6056**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:  Date: 10/15/19 Title: Director Signed by Lead Agency  Signed by Applicant

Governor's Office of Planning &amp; Research

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

Date Received for filing at OPR: **OCT 25 2019****STATE CLEARINGHOUSE**



October 14, 2019

## **ATTACHMENT TO NOTICE OF EXEMPTION Standardized Commercial Trap Marking Program**

The California Department of Fish and Wildlife (Department) has taken final action under the Fish and Game Code and the Administrative Procedure Act with respect to the proposed project on October 16, 2019. On June 21, 2019, the Department noticed its intent to amend sections 122.1, 125, 126.1, 180.1 & 180.5 of Title 14 of the California Code of Regulations (“CCR”) that establishes a standardized system for marking commercial trap buoys (California Regulatory Notice Register No. 25-Z: File Z-2019-0611-06). The proposed “Standardized Commercial Trap Marking Program” (Marking Program) would help with the identification of fishing gear if it is entangled with marine life, allowing the State to direct resources to those fisheries with the greatest contribution to marine life entanglement. The Department accepted comments through August 6, 2019, then underwent a second 45-day continuation comment period August 20 to October 4, 2019. The Department then adopted the Standardized Commercial Trap Marking Program regulations on October 14, 2019.

### **Categorical Exemptions to Protect Natural Resources and the Environment**

In compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.), the Department adopted the regulation pertaining to buoy marking relying on the categorical exemptions contained in CEQA Guidelines Sections 15307 (Action by Regulatory Agencies for Protection of Natural Resources) and 15308 (Action by Regulatory Agencies for Protection of the Environment). The exemptions apply to agency actions to protect natural resources and the environment, respectively.

The proposed regulations would require commercial trap fishery participants in state-managed commercial trap fisheries to mark the buoys of their traps with identification numbers that identify the operator of the trap and the fishery it belongs to. The Marking Program’s Identification Letter would allow the gear to be identified to a fishery, and the Identification Number would allow the gear to be identified to an individual fisherman or operator. In the event that a marine life is entangled or if large amount of fishing gear from a specific fishery is found lost, the Department can take appropriate action ameliorate the situation and mitigate future occurrences.