



December 15, 2021

ATTACHMENT TO NOTICE OF EXEMPTION

Continuation of Season Delay/Temporary Recreational Trap Prohibition, and Fleet Advisory for the California Dungeness Crab Commercial and Recreational Fishery

The California Department of Fish and Wildlife (Department) has taken final action under the Fish and Game Code and Title 14 of the California Code of Regulations with respect to the above-referenced project. On December 15, 2021, the Director of the Department signed a declaration continuing the current season delay and temporary recreational trap prohibition in Fishing Zone 3, as well as extending the existing Fleet Advisory to ocean waters statewide.

For the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, Section 21000 et seq.), the Department approved the project relying on the Class 7 categorical exemption for "Actions by Regulatory Agencies for Protection of Natural Resources" and the Class 8 categorical exemption for "Actions by Regulatory Agencies for Protection of the Environment" contained in CEQA Guideline Sections 15307 and 15308, Title 14, CCR, respectively.

Categorical Exemptions to Protect Natural Resources and the Environment

In compliance with CEQA, the Department approved the project relying on the categorical exemptions contained in CEQA Guidelines of Title 14, CCR: Section 15307 (Action by Regulatory Agencies for Protection of Natural Resources) and Section 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 project will continue the existing delay the opening of the season of the commercial Dungeness crab fishery and temporarily prohibit the use of recreational crab traps in Fishing Zone 3 in response to marine life entanglement risk, and well as continue the existing depth constraint prohibiting fishing activity in areas in Fishing Zone 4 where humpback whales have been observed. Lines and buoys of Dungeness crab traps pose a marine life entanglement risk, especially for whales and sea turtles migrating through California waters. The additional delay/temporary trap prohibition and depth constraint will have the overall effect of reducing the entanglement risk by preventing traps from being set in areas of the marine environment where whales and sea turtles are present, and thereby is the proper subject of CEQA's Class 7 and 8 categorical exemptions. Additionally, the season opening in Fishing Zone 3 will be subject to a Fleet Advisory, which gives information to fishery participants on whale location and allows for fishing activity to occur in a way that limits risk of entanglement.