

Notice of Determination

To:
 Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address 1400 Tenth St., Rm 113
Sacramento, CA 95814

County Clerk
County of: _____
Address: _____

From:
Public Agency California Fish and Game Commission
Address: 715 P Street, 16th Floor, Sacramento, CA 95814
Contact: Maurene Trotter, Regulatory Analyst
Phone (916) 653-4899

Lead Agency (if different from above): _____
Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code

State Clearinghouse Number (if submitted to State Clearinghouse): 2023020567

Project Title: Regulatory Amendments Allowing Incidental Take During Work on Pre-existing Artificial Structures in Marine Protected Areas (MPAs): Supplement to the MPA Region Environmental Impact Reports (EIRs)

Project Applicant: California Department of Fish and Wildlife

Project Location (include county): State waters off the coast of California from the California/Oregon border to the California/Mexico border

Project Description:
California's network of MPAs was established by the California Fish and Game Commission following certification of EIRs for each of four planning regions, encompassing state waters along the California coast. MPAs are specific marine or estuarine areas designed to protect and conserve marine life and the habitats they depend upon. Artificial structures with entitlements that existed prior to establishing the MPAs are located within the network. While some MPAs have individual regulations allowing for take of marine resources incidental to the continued operation, maintenance, repair, removal, and replacement (O&M) of pre-existing structures, there are additional MPAs that do not authorize this type of take. The Commission is proposing to amend Title 14 of the California Code of Regulations in Subsection 632(a)(1) and to add subsections 632(a)(1)(E), (a)(13), (a)(14) and (a)(15) to allow take of marine resources to occur incidental to O&M of artificial structures that existed prior to establishing the network and artificial structures that were constructed and installed after MPA implementation pursuant to public health and safety concerns.

This is to advise that the California Fish and Game Commission **has approved the above-**
(Lead Agency or Responsible Agency)
described project on December 14, 2023 **and has made the following determinations regarding the above-described project.**
(date)

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project to the provisions of CEQA.
3. Mitigation Measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final supplement with comments and responses and record of project approval, is available to the general public at <https://fgc.ca.gov/Regulations/2023-New-and-Proposed#632>.

fgc.ca.gov

Signature (Public Agency): Melissa A. Miller-Henson Title: Executive Director

Date: 12/19/2023 Date Received for filing at OPR: _____