

Notice of Exemption

Appendix E

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

From: California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

County Clerk, County of:

Project Title: Amend sections 257.5, 475, 676 and 712, and add sections 681 and 714 of Title 14, California Code of Regulations (CCR) Re: Mitigating risks for cervid importation and movement

Project Applicant: N/A

Project Location - Specific: Statewide

Project Location - City: NA

Project Location - County: NA

Description of Nature, Purpose, and Beneficiaries of Project

The proposed regulations will restrict the importation of live cervids, clarify language concerning importation of hunter harvested cervids, and restrict the possession and use of cervid-derived biofluids, such as urine and glandular secretions. The intent is to further protect against the importation of chronic wasting disease into the state. See attachment for full description.

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

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

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));
- Categorical Exemption: CCR, Title 14, sections 15307, 15308
- Statutory Exemptions. State code number:

Reasons why project is exempt:

These exemptions are related to agency actions to protect natural resources and the environment. This regulatory proposal will protect native cervid populations. The Commission's adoption of these regulations is an activity that is the proper subject of CEQA's Classes 7 and 8 categorical exemptions. See attachment for background.

Lead Agency

Contact Person: Melissa Miller-Henson

Area Code/Telephone: (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 A. Miller-Henson* Date: October 14, 2023 Title: Executive Director

Signed by Lead Agency Signed by Applicant. Date Received for filing at OPR:

Attachment to Notice of Exemption

Adoption of Sections 681 and 714 and Amendments to Sections 257.5, 475, 676, and 712, Title 14, California Code of Regulations

On October 11-12, 2023, the California Fish and Game Commission (Commission) took final action under the California Fish and Game Code and the California Administrative Procedure Act (APA) with respect to the project. In taking its final action for the purposes of the California Environmental Quality Act (CEQA, Public Resources Code, Section 21000 *et seq.*), the Commission adopted sections 681 and 714 and amendments to sections 257.5, 475, 676 and 712, Title 14, California Code of Regulations (CCR), relying on the categorical exemption for “Actions by Regulatory Agencies for Protection of Natural Resources and the Environment” contained in CEQA Guidelines sections 15307 and 15308 (CCR, Title 14) .

Categorical Exemptions to Protect Natural Resources and the Environment

In adopting the new sections 681 and 714 and amendments to sections 257.5, 475, 676 and 712 of Title 14, CCR, the Commission relied for purposes of CEQA on the classes 7 and 8 categorical exemptions. In general, these exemptions apply to agency actions to protect natural resources and the environment. The amendments to the regulations are intended to prevent the importation of chronic wasting disease (CWD) and other diseases (e.g., bovine tuberculosis and brucellosis) into California. CWD is the most significant disease affecting cervids (deer, elk, moose, and caribou). CWD is caused by infectious proteins called prions. Infectious prions are shed by infected animals through secretions (e.g. scent glands) and excretions (e.g. urine, feces, and saliva) and are present in many other tissues, especially brain and lymphatics. Once in the environment, whether shed by a live animal or from a carcass, they can remain infectious for years to decades. For these and many other reasons, eradicating CWD once it has become established in an area is infeasible if not impossible, leaving managers with limited management options beyond mitigating prevalence and spread. Thus, prevention remains the best management goal for CWD.

To date, CWD has never been detected in California’s deer or elk herds. These regulations will require a permit and increase restrictions for the importation of live cervids into California, amend language to current hunter importation regulations to clarify that all members of the Family Cervidae are included in that regulation and clarify what parts of hunter harvested cervids can be imported into the state, and restrict possession and use of cervid-derived biofluids (currently allowed to be used as lures when hunting) which may carry prions. Preventing the importation of CWD-causing prion by restricting importation of live or harvested cervids and their biological products prevents the potential introduction of this disease to native cervid populations. Therefore, the activity is one that is the proper subject of CEQA’s classes 7 and 8 categorical exemptions.