

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

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

Project Title: Hoop nets for Dungeness crab in zones 3 - 5

Project Applicant: Rachel and Craig Thomsson

Project Location - Specific: Hoop nets may only be used between the Sonoma/Mendocino County line (38° 46.125' N. latitude) and Point Conception (34° 27' N. latitude), and no hoop nets shall be used seaward of 30 fathoms.

Project Location - City: NA

Project Location - County: Multiple

Description of Nature, Purpose and Beneficiaries of Project:

Experimental fishing permit (EFP) to test the commercial use of hoop nets in the Dungeness crab fishery to inform future alternative gear certification under the California Department of Fish and Wildlife Risk Assessment Mitigation Program.

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. State type and section number: Class 6 Cal. Code Regs., tit. 14, § 15306
- Statutory Exemptions. State code number:

Reasons why project is exempt:

See attachment.


Lead Agency

Contact Person: Melissa Miller-Henson

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  Date: February 23, 2024 Title: Executive Director

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

Attachment to Notice of Exemption Approval of Experimental Fishing Permit for Testing Hoop Nets in the California Dungeness Crab Fishery

The California Fish and Game Commission (Commission) took final action on February 14, 2024 under the California Fish and Game Code (FGC) and the California Administrative Procedure Act with respect to an experimental fishing permit (EFP) application for testing hoop nets in the California Dungeness crab fishery (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 authorized the California Department of Fish and Wildlife (CDFW) to issue a Tier 2 EFP for the Project in accordance with Section 91, Title 14, California Code of Regulations (CCR), relying on the categorical exemption for “Information Collection” contained in CEQA Guidelines Section 15306, Title 14, CCR.

Categorical Exemption for Information Collection

Section 15306 of the CEQA Guidelines (Class 6) provides a categorical exemption for information collection projects that consist 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. The section goes on to note that these information collection projects may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

The Project will test the commercial use of hoop nets in the Dungeness crab fishery to collect information to inform future alternative gear certification under CDFW’s Risk Assessment Mitigation Program (RAMP). The use of hoop nets in the commercial Dungeness crab fishery has the potential to reduce the risk of marine life entanglement compared to traditional gear because hoop nets are generally lighter weight, set shallower, and have an active tending requirement of two hours. The Project will test whether the previously mentioned qualities of hoop nets reduce the risk of marine life entanglement and whether they can be a reasonable alternative to traditional crab traps during periods of high entanglement risk when the fishery would otherwise be closed.

The Project will occur in waters shoreward of 30 fathoms off the coast of California between the Sonoma/Mendocino counties line (38° 46.125' N. latitude) and Point Conception (34° 27' N. latitude). The Project will include up to 10 participating fishers (authorized agents pursuant to subsection 91(b), Title 14, CCR). Each fisher would test up to 50 hoop nets with no more than 500 hoop nets deployed simultaneously by all participants. Authorized agents will be required to submit reports to the Department for each trip that, among other things, includes fishing location, depth, number of hoop nets deployed, and interactions with other species. All species other than Dungeness crab taken incidentally in hoop nets will be immediately returned to the water. Testing will continue in the event of an early season closure; however, testing will not occur during a season delay (pursuant to Section 132.8, Title 14 CCR).

The EFP will exempt the Project from several provisions:

- Fish and Game Code Section 8276.1(d) and CCR, Title 14, Section 132.8 (RAMP prohibitions, early season closure).
- Fish and Game Code Section 8890 (commercial use of hoop nets).

The purpose of the EFP is to gather information for improving fisheries management and expanding fishing opportunities in the state by allowing researchers and fishers to engage in commercial marine fishing activities that are otherwise prohibited. All activities conducted under the EFP must comply with the terms and conditions placed on the permit for research purposes and the conservation and management of marine resources and the environment. As such, the Project is the proper subject of CEQA's Class 6 categorical exemption.

The Commission does not believe reliance on the Class 6 categorical exemption to approve the permit under CEQA is precluded by the exceptions set forth in CEQA Guidelines Section 15300.2. Commission review was guided by the California Supreme Court's recent decision in *Berkeley Hillside Preservation v. City of Berkeley*. The Commission reviewed all of the available information in its possession relevant to the issue and does not believe authorizing the permit poses any unusual circumstances that would constitute an exception to the cited categorical exemption. Even if there were unusual circumstances, which the Commission does not believe is the case, no potentially significant effects on either a project-specific or cumulative basis are expected from the Project.

Furthermore, all activities authorized under the EFP Program are specifically prohibited from adversely impacting any established fisheries, marine living resources, or other natural resources under the provisions of Fish and Game Code Section 1022. Therefore, the exceptions set forth in CEQA Guidelines Section 15300.2 that would preclude the use of the categorical exemption do not apply and no further review is required.