

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

Project Title: Klamath River Dam Removal Sport Fishing

Project Applicant: N/A

Project Location - Specific: Klamath River Basin

Project Location - City: Multiple

Project Location - County: Del Norte,
Humboldt, Siskiyou, and Trinity

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project would amend sport fishing regulations subsection (b)(50) of Section 7.40 and subsection (b)(73) of Section 7.50, Title 14, California Code of Regulations, to protect the public and fish populations during deconstruction of Iron Gate Dam and habitat restoration on the Klamath River above the existing Iron Gate Dam location to the California-Oregon state line.

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

Name of Person or Agency Carrying Out Project: Various entities

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: Class 7, Cal. Code Regs., tit. 14, § 15307
- Statutory Exemptions


Reasons why project is exempt:

See attachment.

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

Contact Person: Melissa Miller-Henson

Telephone: (916) 653-4899

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
Regulatory Action to Amend Subsections (b)(50) of Section 7.40 and (b)(73)
of Section 7.50, Title 14, California Code of Regulations Regarding Klamath
River Dams Removal Sport Fishing**

On February 15, 2024, the California Fish and Game Commission (Commission) took final action under the California Fish and Game Code and the California Administrative Procedure Act with respect to the proposed 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 the regulations relying on the categorical exemption for “Actions by Regulatory Agencies for Protection of Natural Resources” contained in CEQA Guidelines Section 15307, California Code of Regulations, Title 14)

Categorical Exemptions to Protect Natural Resources

For the purposes of CEQA, the Commission relied on the Class 7 categorical exemption. In general, this exemption applies to agency actions to protect natural resources. The regulations close portions of the Klamath River and its tributaries to fishing during the deconstruction of Iron Gate Dam and restoration of anadromy upstream of the existing Iron Gate Dam location to the California-Oregon state line. During deconstruction, much of the area between Iron Gate Dam and the California-Oregon state line will be an active construction site, presenting multiple hazards to the public. After deconstruction is completed, the river and surrounding habitat will be changing rapidly with ongoing natural processes and active restoration activities, which will likely also present significant hazards or impede the recovery of fish populations, at least initially. Because these regulations are intended to protect the public and fish populations, Commission adoption of these regulations is an activity that is the proper subject of CEQA’s Class 7 categorical exemption.