

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

(Address)

Project Title: Amend Section 708.5, Title 14, CCR: Re: Mandatory testing of cervids for chronic wasting disease (CWD)

Project Applicant: N/A

Project Location - Specific:

Statewide

Project Location - City: N/A

Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

The regulations will require hunters in or near deer hunt zones with chronic wasting disease (CWD) detected to provide the California Department of Fish and Wildlife with deer tissue samples. The intent is to improve the department's ability to monitor the spread of CWD in the state.

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: CA Code of Regulations, 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 allow the department to better monitor the spread of CWD and protect native deer 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.

Lead Agency

Contact Person: Melissa Miller-Henson Area Code/Telephone/Extension: (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: July 2, 2024 Title: Executive Director

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

**Attachment to Notice of Exemption
Amend Section 708.5, Title 14, California Code of Regulations
Re: Mandatory testing for Chronic Wasting Disease**

June 27, 2024

On June 19, 2024, 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 emergency amendments to Section 708.5, 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, sections 15307 and 15308.)

Categorical Exemptions to Protect Natural Resources and the Environment

In adopting amendments to Section 708.5, 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. This action will make changes to the Deer Tagging and Reporting Requirements in Section 708.5 of Title 14, CCR. On May 6, 2024 the California Department of Fish and Wildlife (Department) confirmed the first detections of chronic wasting disease (CWD) in California’s deer population. CWD is the most significant disease affecting deer and is caused by infectious proteins called prions. The 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 in the brain and lymphatics. Once in the environment, whether shed by a live animal or from a carcass, prions 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 and enhanced surveillance in the affected populations is a necessary step to providing better information to hunters, partners, and decision-makers following the first detections of CWD in California. Knowing the prevalence and geographic extent will allow the Department to make informed decisions on CWD and deer management where CWD is detected.

The Commission is promulgating emergency regulations to: (1) define a CWD Management Zone (CMZ) to include deer hunt zones where CWD has been detected, (2) require hunters who take a deer within a CMZ to provide the Department with samples for CWD testing, (3) identify permissible methods for hunters to provide the Department with samples, and (4) establish the minimum information required from hunters to test samples for CWD.

With these first CWD detections in California, the need to enhance and maintain CWD sampling efforts, both statewide and in the areas of these initial detections, has never been greater. California has a diverse and abundant population of deer and elk. If left unmanaged, CWD poses a significant threat to these populations, potentially leading to severe declines and altering ecosystem dynamics. Furthermore, wildlife-related activities, including hunting and tourism, contribute significantly to California's economy. An outbreak of CWD could lead to reduced hunting opportunities and economic losses for communities dependent on wildlife tourism and recreation. Knowing the prevalence and geographic extent of an outbreak is the

first step to determining effective disease management strategies to mitigate the spread and impact of the disease. Rapid implementation of enhanced surveillance where CWD has been detected will allow for informed management decisions. Delaying implementation of enhanced surveillance would delay implementation of any management action. Therefore, the activity is one that is the proper subject of CEQA's classes 7 and 8 categorical exemptions.