

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

**From:** (Public Agency): California Department of Fish and Wildlife Regulations  
 715 P Street  
 Sacramento, CA 95814

County Clerk: N/A

County of: N/A

Project Title: Readopt Emergency Amendment to Section 132.2 of Title 14, CCR - Expand Retrieval of Lost or Abandoned Commercial Dungeness Crab Traps

Project Applicant: N/A

Project Location: Ocean Waters, Statewide

Project Location – City: N/A

Project Location – County: N/A

**Description of Nature, Purpose, and Beneficiaries of Project:**

The proposed project would continue to allow the Director of the Department of Fish and Wildlife to authorize permitted Dungeness crab vessels to retrieve an unlimited number of lost or abandoned commercial Dungeness crab traps when implementing management actions pursuant to the Risk Assessment and Mitigation Program (Sec. 132.8(f), Title 14, CCR) and clarify activities under the amended subsection are notwithstanding the general prohibitions established by Fish and Game Code §9002.

The purpose of the proposed project is to prevent entanglements of endangered species, including humpback whales, blue whales, and leatherback sea turtles. The proposed amendments will improve removal efforts for lost or abandoned traps which could otherwise entangle endangered species.

Name of Public Agency Approving Project: California Department of Fish and Wildlife

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: Categories 7 & 8; Cal. Code Regs., tit. 14, §§ 15307, 15308
- Statutory Exemptions. State code number:

**Reasons why project is exempt:**

The Class 7 and Class 8 exemptions apply to agency actions to assure the maintenance, restoration, and enhancement of natural resources and the environment, respectively. The Director approved the emergency regulation by relying on the categorical exemptions described in CEQA Guidelines Sections 15307 (Action by Regulatory Agencies for Protection of Natural Resources), the Class 7 Exemption, and 15308 (Action by Regulatory Agencies for Protection of the Environment), the Class 8 Exemption. These exemptions apply because the increased removal of lost or abandoned commercial Dungeness crab traps will help reduce entanglement risk for endangered marine life.

The Department takes this emergency action pursuant to its duty and authority to protect marine resources in state waters. Following each fishing season, thousands of commercial Dungeness crab traps are left in the ocean due to inadvertent loss or willful abandonment. Since 2020, 12 humpback whales and one leatherback sea turtle have been reported as entangled in California commercial Dungeness crab traps. Another 18 humpback whales have been reported as entangled in unidentified gear which could have originated from the same fishery. Increasing the number of lost or abandoned traps that can be retrieved by permitted commercial Dungeness crab vessels after the close of the current fishing season will reduce the risk of entanglements for endangered marine species. Therefore, the continuation of this action will ensure the maintenance and enhancement of marine resources and the marine environment.

**No Exceptions to Categorical Exemptions Apply**

Based on review of all available information, the Department also concluded that the relevant exceptions to categorical exemptions set forth in subsections 15300.2(b)-(f) of Title 14, California Code of Regulations do not apply.

Cumulative Impacts: The proposed project presents no risk of cumulative impacts from successive projects of the same type. The more traps that are retrieved by permitted commercial Dungeness crab vessels, the lower the entanglement risks are for endangered marine species, resulting in more environmental benefits.

Significant Effect: There is also no reasonable possibility that the proposed regulations, which increase the number of lost or abandoned commercial Dungeness crab traps that can be retrieved by permitted commercial Dungeness crab vessels, will have a significant effect on the environment due to unusual circumstances, based on the California Supreme Court's 2015 decision in *Berkeley Hillside Preservation v. City of Berkeley*. Compared to the activities that fall within Classes 7 and 8 generally, which include natural resource enhancement activities such as the regulatory effort here, there is nothing unusual about the emergency regulations. In addition, even if there were unusual circumstances, no potentially significant effects on either a project-specific or cumulative basis are expected. Readoption of the emergency regulations are intended to protect endangered species.

Scenic Highways: There will be no impacts to scenic resources within designated scenic highways because the proposed action will only affect the marine environment.

Hazardous Waste Site: The proposed project is not located on or near a hazardous waste site that is on a list compiled pursuant to Section 65962.5 of the Government Code because the proposed project only affects commercial fishing activity in the marine environment.

Historic Resources: The proposed project will not impact the significance of any historic resources because the project only affects commercial fishing activity in the marine environment.

Since none of the circumstances described in CEQA Guidelines Section 15300.2, subd. (b)-(f) exist, none of the exceptions to the Class 7 and Class 8 categorical exemptions apply.

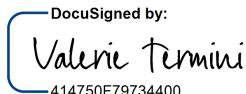
**Lead Agency**

Contact Person: Ryan Bartling

Area Code/Telephone/Extension: 707-576-2877

**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: 8/19/2024 Title: Director

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