

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:

From: (Public Agency): California Department of Fish and Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090

Project Title: Add Section 685, Title 14, California Code of Regulations, Re: Prescribed Herbivory on Department Lands

Project Applicant: N/A

Project Location - Specific: Department Lands, Statewide

Project Location - City: NA

Project Location - County: NA

Description of Nature, Purpose and Beneficiaries of Project:

The proposed regulation amendments clarify the Department of Fish and Wildlife's (Department) authority to enter into service contracts for vegetation treatment activities using targeted grazing (also known as prescribed herbivory) for fuels reduction and/or habitat restoration purposes on Department-managed lands. Furthermore, the proposed amendments would specify the types of animals that can be used for prescribed herbivory treatments. See attachment for full description.

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: Cal. Code Regs., tit. 14, §§ 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 provide benefits to native plants and wildlife, such as increased biodiversity, non-native vegetation control, and the reduction of wildfire risk on Department lands statewide. The Department's adoption of 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: Michelle Selmon, Area Code/Telephone/Extension: (916) 373-6613

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:

7/29/24

Title: Director

Signed by Lead Agency

Signed by Applicant.

Date Received for filing at OPR:

DocuSigned by:

Michelle Selmon

10/30/2024

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Director's Office
P.O. Box 944209
Sacramento, CA 94244-2090
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 29, 2024

ATTACHMENT TO NOTICE OF EXEMPTION Prescribed Herbivory on Department Lands

On July 29, 2024, the Director of the California Department of Fish and Wildlife (Department) took action under the Fish and Game Code and the Administrative Procedure Act with respect to the proposed project. The Director approved an action to add Section 685 of Title 14 of the California Code of Regulations. The action is exempt from the California Environmental Quality Act (CEQA; Public Resources Code section 21000 et seq.) because the Class 7 and Class 8 exemptions apply.

Class 7 and Class 8 Categorical Exemptions to Protect Natural Resources and the Environment

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 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 this clarification in authority and utilization of prescribed herbivory will assure the maintenance and enhancement of Department lands and reduce the risk of wildfires.

The Department takes this action pursuant to its duty and authority to protect Department lands. The Department is currently implementing traditional grazing treatments on approximately 80,000 acres per year and seeks to increase that amount to reduce wildfire risk, improve habitat quality, and help meet statewide goals set by the Governor's Wildfire and Forest Resilience Task Force, 30X30 [Initiative](#), and Natural and Working Lands Strategies. Over the next 5 years, the Department will be evaluated by California Natural Resources Agency, the Governor and the Legislature and will need to demonstrate substantial progress in implementing the Department's Wildfire Resiliency Initiative. Targeted prescribed herbivory can provide both fuels reduction and desired ancillary benefits, such as increasing native plant densities and decreasing non-native species that might be unpalatable to cattle. The Department intends to utilize prescribed herbivory in different ways and conditions (e.g., # animals, type of animals, timing, type of vegetation species grazed) than are typical under the current standard revenue-generating land use agreements. Goats and sheep, for example, will generally consume more target species than cows at a lower cost. These animals are also more suited to working in riparian areas, which is a focal habitat type for fuels reduction for the Department. The proposed changes are necessary to support and expand fire resiliency work in diverse vegetation communities on Department lands across the state. In some

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circumstances, prescribed herbivory is a tool that is more feasible, cost-effective and less damaging to the environment than mechanical removal of overgrown vegetation. Therefore, the action will ensure the maintenance and enhancement of Department lands, while reducing the risk of catastrophic wildfires.

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 Cal. Code Regs., tit. 14, section 15300.2, subd. (b)-(f) do not apply.

Cumulative Impacts: The proposed project presents no risk of cumulative impacts from successive projects of the same type. The more acres that maintained and treated by the Department through grazing the lower the wildlife risks there are on Department lands, resulting in more environmental benefits.

Significant Effect: There is also no reasonable possibility that the proposed regulations, which clarifies Department authority to enter into service contracts for vegetation treatment activities using targeted grazing (also known as prescribed herbivory) for fuels reduction and/or habitat restoration purposes on Department-managed lands, 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 regulations. In addition, even if there were unusual circumstances, no potentially significant effects on either a project-specific or cumulative basis are expected. The regulations are intended to support and expand fire resiliency work in diverse vegetation communities on Department lands across the state.

Scenic Highways: There will be no impacts to scenic resources within designated scenic highways because the proposed action will only affect herbivory actions on Department lands.

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 herbivory actions on Department lands.

Historic Resources: The proposed project will not impact the significance of any historic resources because the project only affects herbivory actions Department lands.

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.

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