

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: Repeal Section 679 and add sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, 679.9, and Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual, Title 14, California Code of Regulations (CCR), relating to the possession of wildlife and wildlife rehabilitation.

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 proposed regulations will update the standards and requirements for the care and possession of injured, orphaned, and sick wildlife. The intent is to protect the welfare of native wild animals undergoing rehabilitation for the purpose of their return to suitable habitat to the wild, and to improve program administration by the California Department of Fish and Wildlife to issue revocable, nontransferable permits to perform wildlife rehabilitation activities. See attachment for full description.

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: CCR, 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. The regulatory proposal will protect the welfare of wild animals during rehabilitation. The Commission's adoption of these regulations is an activity that is the proper subject of CEQA's class 7 and class 8 categorical exemptions. See attachment for background.

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: 
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Date: 12/31/2024

Title: Executive Director

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

Attachment to Notice of Exemption

Adoption of Sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8 and 679.9, and Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual, Amendments to Section 703, and Repeal of Section 679, Title 14, California Code of Regulations, Related to Wildlife Possession and Rehabilitation

The California Fish and Game Commission (Commission) took final action on December 12, 2024 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 sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8 and 679.9, and Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual (679 Manual), amended Section 703, and repealed Section 679 of 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).

Categorical Exemptions to Protect Natural Resources and the Environment

In repealing Section 679, adopting new sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8 and 679.9, and Chapter 2 and Chapter 3 of the 679 Manual, and amending Section 703 of Title 14, CCR, the Commission relied for purposes of CEQA on the classes 7 and 8 categorical exemptions. In general, the exemptions apply to agency actions to protect natural resources and the environment. The amendments to the regulations are intended to protect animal welfare and update the standards and requirements for the care and temporary possession of injured, orphaned, or sick native wildlife in California.

The regulations will improve program administration and the oversight of revocable, nontransferable permits issued for the purpose of wildlife rehabilitation. A permit holder (wildlife rehabilitator) is allowed to rehabilitate wild birds, mammals, amphibians, and reptiles with the goal of returning these animals to the wild, or alleviate suffering through humane euthanasia if most appropriate. Animals that are rehabilitated and returned to the wild can help maintain and bolster native wildlife populations. Currently, there are 83 permitted wildlife rehabilitators operating wildlife rehabilitation facilities and more than 500 satellite facilities that intake approximately 100,000 wild animals, including special status species, each year in California. Updating the regulations to meet new standards and establish new requirements addresses the observed deficiencies known to result in substandard care and rehabilitation of wildlife under certain circumstances.

California Fish and Game Code (F&G Code) Section 1050 authorizes the California Department of Fish and Wildlife to prepare and issue a permit to a person, granting certain privileges under that permit. F&G Code Section 2118 prohibits the import, transport, possession, or release alive of any wild animal in California, except under a revocable, nontransferable permit. F&G Code sections 200 and 3005.5 authorize the Commission to regulate the take or possession of wildlife, and to promulgate regulations permitting the temporary confinement of game mammals, game birds, nongame birds, nongame mammals, or furbearers for the purpose of treating the animals, if injured or diseased.

Therefore, because the regulatory changes will better protect the welfare of wild animals during rehabilitation, the activity is one that is the proper subject of CEQA classes 7 and 8 categorical exemptions.