

Notice of Exemption

Appendix E

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

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

County Clerk, County of: NA

Project Title: Longlining Traditional Gear for Commercial Dungeness Crab (Pacific Coast Federation of Fishermen’s Associations and California Coast Crab Association: Commission Tracking #2023-04)

Project Location: Waters off the coast of California between the California/Oregon border (42° N. latitude) and Point Conception (34° 27’ N. latitude).

Project Location - City: NA

Project Location - County: Multiple

Description of Nature, Purpose and Beneficiaries of Project: The experimental fishing permit (EFP) authorizes testing commercial use of “longline” gear in the California Dungeness crab fishery to inform future certification as “alternative gear” under California’s Risk Assessment and Mitigation Program (subdivision 132.8(h), Title 14, California Code of Regulations). Permitted vessels will use a modified configuration of traditional crab gear, known as “trawls,” where multiple traps are connected together by a common groundline. The longlines will use traditional gear (i.e., without pop-up systems) without vertical lines. The project will collect information on the performance, feasibility, and compatibility of longlined traditional gear without vertical lines in the commercial Dungeness crab fishery.

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: Class 6, California Code of Regulations, Title 14, Section 15306
- Statutory Exemptions. State code number:

Reasons why the Project is exempt: See attachment.

Lead Agency: California Fish and Game Commission

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: *Melissa A. Miller-Henson*

Date: April 4, 2025

Title: Executive Director

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

**Attachment to Notice of Exemption Regarding
Approval of Experimental Fishing Permit for
Longlining Traditional Gear for Commercial Dungeness crab
(Pacific Coast Federation of Fishermen’s Associations and California
Coast Crab Association: Commission Tracking #2023-04)**

On February 13, 2025, the California Fish and Game Commission (Commission) took final action under California Fish and Game Code (F&G Code) Section 1022 and Section 91 of Title 14, California Code of Regulations (CCR) with respect to the above-referenced 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 authorized the California Department of Fish and Wildlife (Department) to issue a Tier 2 experimental fishing permit (EFP) for the proposed project in accordance with Section 91, Title 14, CCR, relying on the categorical exemption for “Information Collection” contained in CEQA Guidelines Section 15306, Title 14, CCR.

Categorical Exemption for Information Collection

Section 15306 of the CEQA Guidelines (Class 6 exemption), Title 14, CCR, provides a categorical exemption for information collection projects that consist of basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource. The section goes on to note that the information collection projects may be strictly for information gathering purposes, or as part of a study leading to an action that a public agency has not yet approved, adopted, or funded.

The project will test the commercial use of “longline” gear in the commercial California Dungeness crab fishery to inform future certification as “alternative gear” under California’s Risk Assessment and Mitigation Program (subsection 132.8(h), Title 14, CCR). The project will allow permitted vessels to fish “longlines” - a modified configuration of traditional crab gear also known as “trawls” where multiple traps are connected together by a common groundline. The longlines will use traditional gear and be fished without vertical lines to assess performance, feasibility, and compatibility in the California Dungeness crab fishery. The project will test whether this gear configuration will reduce the risk of marine life entanglement and whether longlines with traditional gear can be a reasonable alternative to traditional crab trap configurations during periods of high entanglement risk when the fishery would otherwise be closed. The proposed project would occur off the coast of California between the California/Oregon border (42° N. latitude) and Point Conception (34° 27' N. latitude).

The purpose of the EFP Program is to allow fishers and scientific partners to obtain limited, short-term exemptions from state fishing laws and regulations to engage in experimental commercial or recreational marine fishing activities that are otherwise prohibited to inform fisheries management. This project will gather information related to gear types that may reduce the likelihood of entanglement with marine mammals. EFPs may be approved for one or a combination of seven purposes: research, education, limited testing, data collection, compensation fishing, conservation engineering, and exploratory fishing. All activities conducted under the EFP must comply with the terms and conditions placed on the permit for research purposes and the conservation and management of marine resources and the environment. As such, the project is the proper subject of CEQA’s Class 6 categorical exemption.

The EFP exempts the project from several provisions in F&G Code and/or Title 14, CCR:

- CCR, Title 14, Section 132.8 (RAMP prohibitions, early season closure)
- F&G Code Section 9004 (96-hour trap service interval)
- F&G Code subdivision 9012(b) (prohibition of using a common ground line to attach Dungenes crab traps)
- F&G Code Section 9005 and CCR, Title 14, subsection 132.6(a) and Section 180.5 (marking each trap with a buoy)

The Commission does not believe reliance on the Class 6 categorical exemption to approve the permit under CEQA is precluded by the exceptions set forth in CEQA Guidelines Section 15300.2. Commission staff's review was guided by the California Supreme Court's decision in *Berkeley Hillside Preservation v. City of Berkeley*. Commission staff reviewed all of the available information in the Commission's possession relevant to the issue and does not believe authorizing the permit poses any unusual circumstances that would constitute an exception to the cited categorical exemption. Even if there were unusual circumstances, which Commission staff does not believe is the case, no potentially significant effects on either a project-specific or cumulative basis are expected from the project.

Furthermore, all activities authorized under the EFP Program are specifically prohibited from adversely impacting any established fisheries, marine living resources, or other natural resources under the provisions of F&G Code Section 1022. An EFP shall be revoked if the continued use would have an adverse impact on any resource or allocation of a resource, or other adverse impact to established fisheries or other marine living resources, pursuant to F&G Code Section 1022, subdivision (a)(2). Therefore, the exceptions set forth in CEQA Guidelines Section 15300.2, Title 14, CCR, that would preclude the use of the categorical exemption do not apply and no further review is required.