

**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:** Major Amendment to Experimental Fishing Permit for Pop-Up Gear Testing in the California Dungeness and Rock Crab Fisheries (Greg Wells, National Marine Sanctuary Foundation, Commission Tracking #2023-02)

**Project Location:** Waters off the coast of California between the California/Oregon border (42° N. latitude) and Lopez Point (36° 00' 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 several pop-up gear systems in the California Dungeness crab and rock crab fisheries (Project) to inform future alternative gear certification under California’s Risk Assessment and Mitigation Program (RAMP; Section 132.8, Title 14, California Code of Regulations.). The applicant requested several changes to its approved EFP (Commission Tracking #2023-02), which is subject to review by the California Department of Fish and Wildlife and approval by the California Fish and Game Commission. The purpose of the Project is to collect information on the gear systems; the requested changes will make changes to the permit terms and conditions, including to expand the number of individuals conducting EFP activities and the amount of deployed gear, adjust the configuration of deployed gear, and increase the required service interval.

**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 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:  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 Major Amendment to Experimental Fishing Permit for Pop-Up Gear Testing in the Commercial California Dungeness Crab and Rock Crab Fisheries (National Marine Sanctuary Foundation: Commission Tracking #2023-02)**

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 amend a Tier 2 experimental fishing permit (EFP) for the 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 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 commercial or recreational marine fishing activities—that are otherwise prohibited—to inform fisheries management. The amended EFP 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.

The project exempts the amended EFP from a provision in F&G Code Section 9004 (96-hour trap service interval). The project will be subject to special conditions deemed necessary by the Commission to avoid direct and indirect adverse impacts to marine resources and the environment, including:

- restrictions on the type and amount of fishing gear that may be used to conduct the authorized activities.
- restrictions on number of authorized fishers and vessels.
- restrictions on trap service intervals.

The EFP amendments, including an increased number of participants conducting EFP activities and the amount of deployed gear, as well as adjustments to gear configurations, are consistent with the original purpose of the EFP. The activities authorized by the amended EFP will continue to gather information for improving fisheries management or expanding fishing opportunities in the state by allowing researchers and fishers to engage in commercial or recreational marine fishing activities that are otherwise prohibited. 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 Commission does not believe reliance on the Class 6 categorical exemption to approve the amended 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 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 this 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.