

# 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 95814

Project Title: State Water Bottom Lease M-430-06 Assignment

Project Applicant: N/A

Project Location: Tomales Bay, CA (Marin County) near Marconi, CA

Project Location – City: Marconi

Project Location – County: Marin

Description of Nature, Purpose, and Beneficiaries of Project: This project would assign (or transfer) state water bottom lease M-430-06, used for purposes of commercial marine aquaculture, from Cove Mussel Co., LLC to Starbird Mariculture Incorporated, pursuant to California Fish and Game Code Section 15412.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: Starbird Mariculture Incorporated

**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. Class 1; Section 15301
- Statutory Exemptions. State code number:

Reasons why project is exempt: In general, the Class 1 exemption consists of leasing existing facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. All provisions of the lease are identical to the original lease, with the exception of additional monitoring and reporting requirements to ensure the site is properly maintained. This lease does not increase, decrease, or change existing operations or allow for any new activities by the lessee. (See attached)

**Lead Agency**

Contact Person: Melissa Miller-Henson

Area Code/Telephone/Extension: (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 3, 2025 Title: Executive Director

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

**Attachment to Notice of Exemption Regarding  
Assignment of State Water Bottom Lease M-430-06 in Tomales Bay,  
Marin County, to Starbird Mariculture Incorporated**

The California Fish and Game Commission (Commission) took final action on February 13, 2025 to assign State Water Bottom Lease M-430-06 from Cove Mussel Co., LLC to Starbird Mariculture Incorporated. In taking its final agency action for the purposes of the California Environmental Quality Act (CEQA), the Commission approved the lease assignment relying on the categorical exemption for “Existing Facilities” contained in CEQA Guidelines Section 15301 (California Code of Regulations, Title 14, Section 15301).

**Class 1 Categorical Exemption**

The Commission finds that the lease renewal is subject to the “Class 1” or “Existing Facilities” categorical exemption pursuant to CEQA Guidelines Section 15301. In general, the Class 1 exemption consists of the leasing of existing facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The subject lease assignment falls within the Class 1 exemption because it is assigning an already existing lease agreement and uses the same lease boundary, approved species, and operation. It also enhances marine debris removal requirements. All provisions of the lease remain in effect, with the exception of additional monitoring and reporting requirements to ensure the site is properly maintained and updates to contact information. This lease does not increase, decrease, or change existing operations in any way or allow for any new activities by the lessee.

With regard to the exceptions to the categorical exemptions set forth in CEQA Guidelines section 15300.2, including the prospect of unusual circumstances and related effects, Commission review was guided by the California Supreme Court’s decision in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal. 4th 1086. The Commission reviewed all of the available information in its possession relevant to the issue and does not believe authorizing the assignment poses any unusual circumstances that would constitute an exception to the cited categorical exemption and has no significant impacts from unusual circumstances because: (a) the project is an activity that falls within the Class 1 categorical exemption, and (b) the project is not unusual compared to activities that fall within this class generally. The same is true with respect to, among other things, the location, duration, and project-specific setting. The Commission does not believe there is anything unusual about the project that might give rise directly or indirectly to any related potentially significant effect. Neither does the Commission believe there is anything unusual about the project that would contribute to cumulative effects. This project involves ongoing aquaculture operations and does not include any changes in the culture methods or species currently approved by the Commission for the lease.

In short, the Commission does not believe reliance on the Class 1 categorical exemption to approve the project under CEQA is precluded by the exceptions set forth in CEQA Guidelines Section 15300.2.