

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

Project Title: Amend Sections 132.2 and 705; Add Section 132.7, Title 14, CCR, Re: Dungeness Crab

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 project would establish a statewide lost or abandoned gear retrieval program designed to incentivize the removal of lost or abandoned commercial Dungeness crab traps after the close of the fishing season, thereby reducing interactions with marine life (i.e. entanglement risk) and the marine environment.

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));
[X] Categorical Exemption. State type and section number: 7 and 8; 14 CCR Sec.15307 and 15308
Statutory Exemptions. State code number:

Reasons why project is exempt:

Classes 7 and 8 exempt agency actions for the protection of natural resources and the environment, respectively. The proposed project would reduce potential interactions between lost and abandoned crab trap gear and marine life by incentivizing their removal after the close of the season.

Lead Agency
Contact Person: Craig Shuman Area Code/Telephone/Extension: 916-445-6459

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: [Signature] Date: 7/17/19 Title: Marine Regional Manager

[X] Signed by Lead Agency [ ] Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:



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](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



2019078088

July 17, 2019

## ATTACHMENT TO NOTICE OF EXEMPTION

### 132.2, 132.7 and 705, Title 14, CCR, Re: Adoption of a Lost or Abandoned Dungeness Crab Trap Gear Retrieval Program

The California Department of Fish and Wildlife (Department) has taken final action under the Fish and Game Code and the Administrative Procedure Act with respect to the above-referenced project. On July 17, 2019, the Department filed a final statement of reasons with the Office of Administrative Law to add Section 132.7 to Title 14 of the California Code of Regulations (CCR), as well as amend Sections 132.2 and 705 of Title 14, CCR. The project was discussed at a public hearing held in Santa Rosa, CA, on April 2, 2019 and a second public hearing held in Monterey, CA on June 25, 2019.

For the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, Section 21000 et seq.), the Department adopted the regulations relying on the Class 7 categorical exemption for "Actions by Regulatory Agencies for Protection of Natural Resources" and the Class 8 categorical exemption for "Actions by Regulatory Agencies for Protection of the Environment" contained in CEQA Guideline Sections 15307 and 15308, Title 14, CCR, respectively.

#### Categorical Exemptions to Protect Natural Resources and the Environment

In compliance with CEQA, the Department adopted the regulation relying on the categorical exemptions contained in CEQA Guidelines of Title 14, CCR: Section 15307 (Action by Regulatory Agencies for Protection of Natural Resources) and Section 15308 (Action by Regulatory Agencies for Protection of the Environment). The exemptions apply to agency actions to protect natural resources and the environment, respectively.

The proposed project will incentivize the removal of lost or abandoned commercial Dungeness crab traps that are no longer being actively fished after the end of the commercial fishing season, and that otherwise could remain in ocean waters on the seafloor. The associated lines and buoys of the trap also pose a marine life entanglement risk. This activity has the overall effect of reducing this entanglement risk and removing traps from the marine environment, and thereby is the proper subject of CEQA's Class 7 and 8 categorical exemptions.