

2019078105

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): CDFW
1416 Ninth Street, Room 1342-A
Sacramento, CA 95814

(Address)

Project Title: Amend §§ 106, 107, add 106.5, CA Code Regulations (CCR), Re: Drift Gill Net

Project Applicant: N/A Transition Program Implementation

Project Location - Specific:
All state coastal ocean waters

Project Location - City: N/A Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project would reduce the number of drift gill nets deployed in state waters, with an eventual complete phase out. This would reduce bycatch of marine mammals, sharks, and sea turtles. The proposed project would also clean up outdated regulatory language, as well as add new regulatory language.

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));
☒ Categorical Exemption. State type and section number: Class 7,8; T14 CCR 15307, 15308
☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Class 7 categorical exemption exempts actions for the protection of natural resources. The proposed action would reduce bycatch of marine mammals, sharks, and sea turtles. Class 8 categorical exemption exempts actions for the protection of the environment. The proposed action would reduce bycatch, and support sustainable fishing methods for swordfish in state waters.

Lead Agency

Contact Person: John Ugoretz Area Code/Telephone/Extension: 805-568-1226

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: July 16, 2019 Title: 9am peckie

☒ 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.

Governor's Office of Planning & Research
Date Received for filing at OPR: _____

JULY 19 2019

STATE CLEARINGHOUSE



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 17, 2019

**ATTACHMENT TO NOTICE OF EXEMPTION
Drift Gill Net Transition Program Implementation
Adoption of Amendments to California Code of Regulations, Title 14, sections 106
and 107; and addition of section 106.5**

The California Department of Fish and Wildlife (Department) has taken final action under the Fish and Game Code and the Administrative Procedure Act (APA) with respect to the project mentioned on June 25, 2019. In taking its final action for the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 *et seq.*), the Department adopted the regulations relying on the categorical exemption for "Actions by Regulatory Agencies for Protection of Natural Resources" contained in CEQA Guidelines section 15307, and the categorical exemption for "Actions by Regulatory Agencies for Protection of the Environment" contained in CEQA Guidelines section 15308. (Cal. Code Regs., tit. 14, §§ 15307, 15308.)

Categorical Exemptions to Protect Natural Resources and the Environment

In adopting these regulations, for purposes of CEQA the Department relied on the Class 7 and 8 categorical exemptions. In general, both exemptions apply to agency actions to protect natural resources and the environment. The regulations describe the implementation of the Drift Gill Net Transition Program and specify a sunset date on state drift gill net shark and swordfish permits. The proposed regulations are developed by legislative mandate (Senate Bill 1017, signed in to law September 2018) with the dual purpose of conserving natural resources by reducing bycatch of marine mammals, sharks, and sea turtles, while at the same time supporting sustainable fishing methods for swordfish. Because these regulations are intended to protect the sustainability of the swordfish fishery as a natural resource, as well as reduce bycatch levels, Department adoption of these regulations is an activity that is the proper subject of CEQA's Class 7 and 8 categorical exemptions.