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: NA

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

Project Title: Deep-Set and Night-Set Buoy Gear Fishing within State Waters (Nathan Perez/Commission Tracking #2022-01)

Project Location: State waters around the Channel Islands and limited areas off southern California (Ventura, Los Angeles, and Orange counties).

Project Location - City: NA

Project Location - County: Santa Barbara, Ventura, Los Angeles and Orange

Description of Nature, Purpose and Beneficiaries of Project: The experimental fishing permit (EFP) tests commercial use of deep-set buoy gear and night-set buoy gear to target swordfish and other highly migratory species within state waters. The applicant has requested changes to the approved EFP (Commission Tracking #2022-01), 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 deep-set buoy gear and night-set buoy gear and the requested changes would revise the EFP terms and conditions to increase the number of authorized agents and vessels from three to five.

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: 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: Melissa A. Miller-Henson Date: August 22, 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 Deep-Set and Night-Set Buoy Gear Fishing (Commission Tracking #2022-01)

On August 14, 2025, the California Fish and Game Commission (Commission) took final action under Section 1022 of the California Fish and Game Code (F&G Code) 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 3 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 which do not result in a serious or major disturbance to an environmental resource. The section goes on to note that these information collection projects may be strictly for information gathering purposes, or as part of a study leading to an action which 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 otherwise-prohibited commercial marine fishing activities to inform fishery management. EFPs may be approved for one or a combination of the following purposes: research, education, limited testing, data collection, compensation fishing, conservation engineering, and exploratory fishing.

The amended EFP will add additional fishers and vessels to the existing permit that gathers information related to testing deep-set buoy gear (both standard and linked) and night-set buoy gear (both standard and linked) to harvest swordfish, Pacific bluefin tuna, opah, common thresher shark, and other highly migratory species.

The amended EFP would exempt the proposed project from sections 8603, 9025.5, and 9028 of F&G Code:

- sections 8603, 9025.5 and 9028 (exemption from permitted gear configuration, maximum allowances of hooks per line, and maximum line length)

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.

The amendments to the EFP increase the number of authorized agents and vessels from three to five, which is consistent with the original purpose of the EFP. The activities authorized by the amended EFP will continue to gather information for improving fishery management or expanding fishing opportunities in the state by allowing researchers and fishers to engage in otherwise-prohibited commercial fishing activities. 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.* 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.