# 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 94244-2090

Project Title: Amendment of Section 671, Title 14, CCR, Re: Addition of Invasive Non-native Mussels (including golden, pond and axe-head mussels) and Green Crab to the List of Live Animals Restricted from Importation, Transportation, and Possession

Project Applicant: N/A

Project Location - Specific: Statewide

Project Location - City: NA

Project Location - County: NA

Description of Nature, Purpose and Beneficiaries of Project: Add green crab and the *Limnoperna*, *Sinanodonta* and *Xenostrobus* genera to the list of restricted animals in Section 671, Title 14, California Code of Regulations (CCR). Including these species on the list of restricted animals prohibits their live importation, transportation, and possession in California.

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:

- ☐ 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. CCR, Title 14, sections 15307 and 15308, Class 7 and Class 8
- ☐ 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: November 7, 2025 Title: Executive Director

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

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

Revised 2011

# Attachment to the Notice of Exemption for Amendment to Section 671, Title 14, California Code of Regulations, Addition of Invasive Non-native Mussels (including Golden, Pond and Axe-head mussels) and Green Crab to the List of Live Animals Restricted from Importation, Transportation, and Possession

At its October 8-9, 2025 meeting, the California Fish and Game Commission (Commission) took final action under the California Fish and Game Code and the California Administrative Procedure Act with respect to the above-named 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 adopted an amendment to Section 671, Title 14, California Code of Regulations (CCR), relying on categorical exemption classes 7 and 8 to protect natural resources and the environment (CEQA Guidelines, Title 14, sections 15307 and 15308, CCR).

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

The Commission action adds green crab (*Carcinus maenas*), an invasive, non-native crustacean species, and the *Limnoperna*, *Sinanodonta* and *Xenostrobus* genera, which are invasive, non-native bivalve species, to the list of restricted animals consistent with California Fish and Game Code sections 2118 and 2120. For purposes of CEQA, the Commission adopted the amendments to Section 671, Title 14, CCR, relying on the class 7 and 8 categorical exemptions. In general, the exemptions apply to agency actions to protect natural resources and the environment. Class 7 actions include those taken by regulatory agencies to assure the maintenance, restoration, or enhancement of a naturel resource where the regulatory process involves procedures for protection of the environment. Class 8 actions include those taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment.

***Green Crab (*C. maenas*)***

Green crab (*C. maenas)*, also known as European green crab, is a small littoral crab native to the northeast Atlantic Ocean and northern Africa, and is an invasive non-native species to California. Green crab was first detected in California in 1989 in the southern San Francisco Bay. It is suspected that the green crab arrived in seaweed-wrapped bait shipments from Maine. Since then, green crab has spread throughout California and has been identified in many locations, including San Francisco Bay and Bay Delta, Elkhorn Slough, Bolinas Lagoon, Bodega Bay, Tomales Bay, and Humboldt Bay.

There is concern that green crab will continue to expand beyond currently established populations in California and cause extensive damage to recreational and commercial fishery resources, aquaculture, native fisheries, and sensitive habitats.

***Golden Mussel (genus* Limnoperna*)***

On October 17, 2024, golden mussel (*L. fortunei*), an invasive, freshwater bivalve native to rivers and creeks of China and Southeast Asia, was discovered in the Port of Stockton by California Department of Water Resources (DWR) staff while conducting routine operations.

This was the first known occurrence of this highly invasive species in North America. Additional discoveries of golden mussel have occurred throughout the Delta and interconnected waters, including the lower reach of the San Joaquin River (San Joaquin County), and at several points in the California Aqueduct including, from north to south, Bethany Reservoir (Alameda County), O'Neill Forebay (Merced County), Dos Amigos Pumping Plant (Merced County), Pleasant Valley Pumping Plant (Fresno County), Las Perillas Pumping Plant on the Coastal Branch Aqueduct (Kings County), and Check 24 (Kings County). Without actions to prevent further spread, golden mussel is also likely to spread overland on trailered watercraft and equipment out of the Delta and to nearby and distant fresh and brackish waters, including rivers, lakes, and reservoirs within California and the rest of North America.

Golden mussel is known to be established outside of its native range in Hong Kong, Japan, Taiwan, Brazil, Uruguay, Paraguay, and Argentina. The initial introductions to these countries and territories were likely the result of ships with biofouling on the hulls and/or ballast water release. Impacts in these invaded regions include heavy encrustations of golden mussels forming dense reef-like structures that block municipal and industrial water supplies, agricultural irrigation, and power plant operations, necessitating ongoing biofouling removal. In most cases, the invaded range has expanded upstream from the point of introduction, and inland from ports through local, human-mediated pathways. Within the invaded range, significant impacts resulting from the dense colonization of golden mussels on hard surfaces are widely documented.

At its December 11, 2024 meeting, the Commission approved an emergency rulemaking to add golden mussel (*L. fortunei*) to the list of restricted animals in Section 671 (Office of Administrative Law File Number 2024-1213-03E). The adopted rulemaking serves as the basis for the certificate of compliance for the addition of *L. fortunei* to the list of restricted animals.

Beyond the immediate threat of *L. fortunei*, the other five mussel species within the genus *Limnoperna* have the potential to be inadvertently introduced to California, and likely to have similar negative impacts to California as *L. fortunei*. The other five species within the genus *Limnoperna* are *L. siamensis, L. ngocngai, L. bogani, L. sambasensis,* and *L. taprobanensis. Limnoperna* mussels are native to Asia, primarily Southeast Asia. Most *Limnoperna* species can be found in freshwater to estuarine habitats, although it is hypothesized that *L. taprobanensis* is a marine species.

Outside of *L. fortunei* , there are few records of invasions by other species of *Limnoperna* beyond their native ranges; however, available literature indicates they may have similar biology and impacts as *L. fortunei*.

***Pond Mussels (genus* Sinanodonta*)***

Pond mussels (*Sinanodonta*) (also known as Asian pond mussels) consist of 26 species of freshwater unionid bivalves that are fast-growing and can reach high densities. Species within *Sinanodonta* are difficult to morphologically identify, which has led to extensive misidentification of species. Additionally, the molecular taxonomy within the genus is still being resolved.

Native to East Asia (including China, Japan and Korea) and eastern Russia, three species of *Sinanodonta* (*S. woodiana, S. lauta,* and *S. pacifica*) have been documented to be invasive outside of their native ranges and have spread rapidly to other countries including Kazakhstan,

Uzbekistan, Iran, South Korea, Myanmar, Indonesia, Malaysia, Philippines, Borneo, Dominican Republic, Costa Rica, Spain, France, Italy, Germany, Austria, Slovakia, Hungary, the Czech Republic, Poland, Croatia, Serbia, Romania, Moldova, Belgium, Ukraine and Sweden.

In 2010, *S. woodiana* was detected for the first time in the United States within aquaculture ponds in Franklin Township, New Jersey. Pond mussels have not been detected in California, or any other U.S. state with the exception of New Jersey.

Based on the establishment of *S. woodiana* in North America, potential vectors of introduction, and anticipated impacts to native species and the environment, prohibiting all species in the genus *Sinanodonta* is warranted.

***Axe-Head Mussel (genus* Xenostrobus*)***

Axe-head mussel (*X. securis*), a small, non-native, invasive, biofouling brackish water bivalve, was discovered on December 6, 2024, just north of the Port of Long Beach and Port of Los Angeles in the lower reaches of Dominguez Channel, Los Angeles County. The detection was made by California Department of Fish and Wildlife staff conducting early detection monitoring for invasive mussels. This is the first known occurrence of the invasive species in North America. Shortly after, axe-head mussel was detected in high densities at additional sites, including the lower reaches of San Gabriel River and Los Angeles River in February 2025.

Axe-head mussel is one of eight extant species of the genus *Xenostrobus*. The eight species are *X. pulex* and *X. securis* from Australia and New Zealand; *X. inconstans* from Australia; *X. balani*, *X. mangle* and *X. sambasensis* from Southeast Asia; *X. hepatica* from Fiji; and *X. atratus* from Japan, Korea and China. Axe-head mussel has been introduced and established outside of its native range in Japan, China, Korea, Hong Kong, Italy, France and Spain.

Globally, axe-head mussel was likely introduced by ballast water discharge and biofouling on ships. Without containment, axe-head mussel is likely to spread via watercraft in the marine environment to other estuaries, brackish waters and ports of California, other U.S. states and territories, and internationally, and overland on trailered vessels and equipment in North America.

Beyond the immediate threat of axe-head mussel, the other seven species of *Xenostrobus* mussels have the potential to be inadvertently introduced to California, and are likely to have similar negative impacts to California as axe-head mussel.

**Protection of the Environment**

The adopted regulations will help to prevent the new introductions of species within the *Limnoperna*, *Sinanodonta,* and *Xenostrobus* genera to waterbodies of the state and the translocation of green crab, and members of the *Limnoperna* and *Xenostrobus* genera to other waterbodies in the state and beyond, thereby protecting native wildlife, the agricultural interests of the state and public health and safety.

Including the described species to the list of restricted species supports class 7 and 8 exemptions towards the maintenance and preservation of the ecological health of waterbodies in California, as well as the systems in place for public health and safety as noted. The project

(adding the described species to Section 671, Title 14, CCR) will assist with protecting natural resources and the environment and, thus, is the proper subject of CEQA's class 7 and class 8 categorical exemptions.