

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

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

County Clerk
County of: NA

Project Title: Expansion of Pop-Up Gear Testing in the California Dungeness and Rock Crab Fisheries and Addition of Commercial Spot Prawn Testing (Greg Wells/National Marine Sanctuary Foundation, Commission Tracking #2023-02)

Project Location: Waters off the coast of California between the California/Oregon border (42° N. latitude) and Point Conception (34° 27' N latitude).

Project Location - City: NA

Project Location - County: Multiple

Description of Nature, Purpose and Beneficiaries of Project:

An approved experimental fishing permit (commission tracking #2023-02) tests commercial use of several pop-up gear systems in the California Dungeness crab and rock crab fisheries. The EFP is used to inform future alternative gear certification under the Risk Assessment and Mitigation Program in California Code of Regulations (CCR; Title 14, Section 132.8). Any changes to the approved EFP are subject to review by the California Department of Fish and Wildlife and approval by the California Fish and Game Commission.

At the request of the permit holder, the project revises the permit terms and conditions to allow expanded geographic scope of the fishing area, expand pop-up testing to the spot prawn (*Pandalus platyceros*) fishery, add additional gear types, and provide flexibility for additional gear testing in the future.

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. State type and section number: Class 6 CCR., 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:  Date: February 19, 2026 Title: Executive Director

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

**Attachment to Notice of Exemption
Regarding Approval of Experimental Fishing Permit Major Amendment for
Pop-Up Gear Testing in the
California Dungeness, Rock Crab, Spot Prawn Fisheries (Greg Wells/National
Marine Sanctuary Foundation, Commission Tracking #2023-02)**

The California Fish and Game Commission (Commission) has taken final action under the California Fish and Game Code and the Administrative Procedure Act with respect to the experimental fishing permit (EFP) major amendment for the above-referenced project on February 11, 2026. 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 2 EFP for the project in accordance with Section 91, Title 14, California Code of Regulations (CCR), relying on the Class 6 categorical exemption for “Information Collection” contained in the CEQA Guidelines (Section 15306, Title 14, CCR).

Categorical Exemption for Information Collection

Section 15306, 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 (Class 6 exemption). 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 project is to allow fishers and scientific partners to obtain limited, short-term exemptions from state fishing laws and regulations to engage in experimental commercial or recreational marine fishing activities that are otherwise prohibited to inform fisheries management. Specifically, the authorized EFP will expand the geographic scope of the fishing area, expand pop-up testing to the spot prawn fishery, add additional gear types, and provide flexibility for additional gear testing in the future.

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. 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.

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 California Fish and Game 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 (Fish and Game Code, Section 1022, subdivision (a)(2)). Therefore, the exceptions set forth in Section 15300.2, Title 14, CCR that would preclude the use of the categorical exemption do not apply and no further review is required.