

State of California
Natural Resources Agency

California Fish and Game Commission

Draft Negative Declaration for
Harpoons and Flying Gaffs for Recreational Tuna Fishery and
Gear Marking in Commercial Harpoon Swordfish Fishery

Title 14, California Code of Regulations
Sections 28.38, 28.40, 28.90, 28.95 and 107

Prepared by:

California Department of Fish and Wildlife Marine Region
for consideration by the California Fish and Game Commission

June 2026

This report has been prepared pursuant to the California Environmental Quality Act of 1970

State Clearinghouse #

Project Summary and Findings

The Project

The California Fish and Game Commission (Commission) proposes to use regular rulemaking authority to amend the recreational fishing regulations for tuna, marlin, and swordfish and the commercial fishing regulations for swordfish as set forth in Title 14 of the California Code of Regulations (Project). The amendments will allow recreational anglers to use harpoons and flying gaffs to help land tuna that have been legally taken. The amendment will also make a variety of minor, nonsubstantive, changes to update the species common name from “broadbill” or “broadbill swordfish” to “swordfish,” and “fin fish” to “finfish” and to clarify existing prohibitions on the use of spears and bow and arrow fishing gear to take marlin. The amendment will add gear marking requirements for commercial harpoon gear to clearly differentiate that gear from federally authorized deep-set buoy gear.

The Findings

The Commission subjected the draft negative declaration to its own review and analysis. Based on that review and analysis, the draft reflects the independent judgment of the Commission and fulfills the Commission’s responsibilities. The Commission finds that the Project would not have a significant effect on the environment.

The completed initial study, attached to this negative declaration, documents the bases for this finding and the Commission’s determination that the Project will not have any significant or potentially significant effects on the environment, and that there is no substantial evidence, in light of the whole record before the Commission, that the Project may have significant effects on the environment. Therefore, no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment.

The initial study concluded that the project will not have a significant effect on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

Therefore, this Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080, subdivision (c).

Basis of the Findings

This proposed negative declaration consists of:

- Project Description and Background Information on the Proposed Amendments to Recreational Tuna, Swordfish and Marlin fishing and Commercial Harpoon Fishing Gear
- Initial Study Environmental Checklist Form
- Explanation of the Responses to the Initial Study Environmental Checklist Form

Project Description and Background Information on the Proposed Amendments to Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery

Current regulations establish recreational tuna, swordfish, and marlin gear restrictions and bag limits as well as commercial swordfish gear restrictions. Under California Fish and Game Code sections 200, 205, 7701, and 7708, the Commission has the authority to adopt recreational and certain commercial fishing regulations.

Project Goals and Objectives

The goal of this project is to allow the use of hand thrustured harpoons and flying gaffs (where the gaff head detaches from the handle) to assist in the landing of tuna that have been legally taken by recreational anglers. The project also seeks to better identify commercial swordfish harpoon gear, to distinguish it from federally approved deep set buoy gear and ensure compliance with commercial gear limits.

Background

Current regulations establish recreational fishing regulations for tunas, swordfish, and marlin and commercial regulations for swordfish. This change is in response to a petition for regulatory change approved by the Fish and Game Commission (Petition #2024-04) to allow the use of harpoons to assist in landing large fish. Large (>100 pound) tuna have been more available to California anglers in recent years. Landing these large fish can be difficult, and the potential for losing fish after a long time on the fishing line increases as the fish get larger. Tuna in the Atlantic are regularly landed with the assistance of hand-held harpoons and flying gaffs (where the hook is attached to a line and separates from the handle), which decreases the chance of wasting fish that have been exhausted during the fishing process and could die if lost. The use of harpoons and gaffs to land Pacific halibut, another species that can grow to a very large size, has been successfully allowed for decades in California under Title 14, California Code of Regulations, Section 28.20.

A commercial deep set buoy gear (DSBG) fishery was approved by federal regulations in 2023. This fishery allows for the use of up to 10 buoys, which are attached to fishing lines designed to catch swordfish. Commercial fishermen are allowed to set DSBG gear while simultaneously fishing for swordfish using harpoon gear. When a swordfish is harpooned, a terminal buoy, which is identical in design to DSBG buoys, is attached to the harpoon line and placed in the water while the fish is fighting. Because of this, there is the potential for more than 10 buoys to be in the water, making it difficult for enforcement officers to determine if gear limitations are being adhered to. A marking requirement, which clearly delineates harpoon buoys, would allow enforcement officers to identify gear without pulling it from the water.

Project Location

The recreational fishing addressed by this environmental document occurs in California State Marine Waters throughout the entire state.

Project Description

The Project would allow for the use of harpoons and flying gaffs to land tuna legally taken by recreational anglers. The regulations would specify that such devices must be securely attached to the vessel and not have buoys or floats attached to help prevent illegal use to take free swimming fish that have not been hooked. The changes would update a number of out-of-date references to the common name “broadbill swordfish” or “broadbill,” replacing it with “swordfish,” which is the current common name. The changes would also correct references to the term “fin fish,” replacing it with “finfish” as a single word that is consistent with the definition found in Title 14, Section 1.46.

The Project would also clarify that marlin are not allowed to be taken with either spear or bow and arrow gear. Possession of these gears onboard vessels that have taken marlin is already prohibited in Title 14, Section 28.95, but the species is not referenced in lists both in that section and elsewhere prohibiting the use of such gear.

The Project would add gear marking requirements to the commercial swordfish harpoon fishery. These requirements would include marking the terminal buoy with the commercial fishing vessel ID and affixing a yellow tag to the buoy with the letters “HAR” inscribed using a contrasting color and at least 1 ¾” tall.

Schedule

If adopted by the Commission and approved by the Office of Administrative Law (OAL), the proposed regulatory amendments described below will become effective upon OAL approval after the Commission adopts the amendments in fall 2026.

Proposed Changes

The proposed regulations would make the following changes:

Section 28.38: The proposed amendments would allow the use of harpoons and flying gaffs to assist in landing large tuna. Large (>100 pound) tuna have been more available to California anglers in recent years. This is necessary to aid recreational anglers in landing tuna and helps prevent the loss of legally taken tuna.

In subsection (a) the phrase “The following daily bag limits apply” would be deleted and “(a) Limit” added to be consistent with other finfish subsections that describe daily bag and possession limits. This subsection would also be renumbered with no change to the original regulatory text.

A new subsection (b) would be added to define and provide for the use of handheld

harpoons and flying gaffs (where the head detaches from the pole) as an aid in landing tuna. This is necessary to specify that harpoons and flying gaffs are allowed in the recreational fishery when "...secured to the vessel with a line no longer than 30 feet total length and without buoys, floats, or other attachments." The use of landing nets (handheld dip nets) and gaffs (without detachable heads) which are generally allowed for finfish landing are also included in the new subsection.

Section 28.40: The proposed amendments would make a nonsubstantive change updating the term "broadbill swordfish" to "swordfish" in the title to make the term consistent with the current common name for swordfish in use and makes the regulations consistent across sections without changes to the regulatory text.

Section 28.90: The proposed amendments would make a nonsubstantive change clarifying an inconsistency in regulations by changing "fin fish" to "finfish", making the term consistent with the definition of finfish found in Section 1.46. The first paragraph would also be amended by deleting 'broadbill' and replacing with "swordfish", to make the term consistent with the current common name for swordfish, and adding 'marlin' to make the regulation consistent with section 28.95 which prohibits the possession of spears onboard vessels that have taken marlin.

Section 28.95: The proposed amendments would alter the sentence "Harpoons may be used ..." by adding "and to assist in taking tuna as specified in subsection 28.38(b)", referencing and clarifying this new provision as a method of take for the listed species. Nonsubstantive changes would be made updating the term "broadbill swordfish" to "swordfish" and "fin fish" to "finfish" making the terms consistent with the current common names throughout regulation and the definition of finfish found in section 1.46. In the list of species prohibited for take by bow and arrow, the term "broadbill" would be changed to "swordfish" and "marlin" would be added for clarity, as the possession of such gear onboard vessels where marlin have been taken is prohibited earlier in the same paragraph.

Section 107: The proposed amendments would make nonsubstantive changes to the title and subsection (a) updating the term "broadbill swordfish" to "swordfish", making the term consistent with the current common name for swordfish in use and making the regulations consistent across sections. A new subsection (c) would be added to distinguish harpoon buoys in the water from federal deep set buoy gear buoys, which are sometimes fished by the same vessel. Since deep set buoy gear is limited to a specific number of pieces of gear, having additional buoys that are not marked can lead to enforcement issues. Clearly marking the buoy for harpooned fish will allow enforcement officers to distinguish the gear on the water.

Initial Study Environmental Checklist Form

1. Project Title:

Proposed Amendments to Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery, Title 14, California Code of Regulations

2. Lead Agency Name and Address: California Fish and Game Commission
PO Box 944209, Sacramento, CA 94244-2090

3. Contact Person and Phone Number: Melissa Miller-Henson, (916) 653-4899

4. Project Location:
California State Marine Waters

5. Project Sponsor's Name and Address:
California Department of Fish and Wildlife, Marine Region
20 Lower Ragsdale Dr., Suite 100
Monterey, CA 93940

6. General Plan designation: N/A (statewide)

7. Zoning: N/A (statewide)

8. Description of Project:

Allow the use of harpoons and flying gaffs to land tuna legally taken by recreational anglers. Make nonsubstantive changes in reference to common names and other terms. Implement gear marking requirements in the commercial swordfish harpoon fishery. These proposed amendments are needed to effectively manage California's fisheries and to maintain consistency with the Commission's mission to ensure that California will have abundant, healthy, and diverse fish and wildlife that thrive within dynamic ecosystems.

9. Surrounding land uses and setting: N/A

10. Other Public Agencies Whose Approval Is Required: None

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?

No.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agriculture and Forestry
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Energy
- ☐ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards and Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/ Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation
- ☐ Tribal Cultural Resources
- ☐ Utilities/Service Systems
- ☐ Wildfire
- ☐ Mandatory Findings of Significance

This project will not have a “Potential Significant Impact” on any of the environmental factors listed above; therefore, no boxes are checked.

DETERMINATION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Melissa Miller-Henson, Executive Director

September 14, 2026

Date

Responses to Initial Study Environmental Checklist

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTS)	Less Than Significant Impact (LTS)	No Impact (NI)
I. Aesthetics. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	NI
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	NI
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	NI
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	NI
II. Agriculture And Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	NI
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	NI
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	NI
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	NI
III. Air Quality. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	NI
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	NI
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	NI
d) Result in any other emissions (such as those leading to odors) affecting a substantial number of people?	☐	☐	☐	NI
IV. Biological Resources. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	LTS	☐

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	NI
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	NI
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	NI
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	NI
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	NI
V. Cultural Resources. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	NI
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	NI
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	NI
VI. Energy. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operations?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	NI
VII. Geology and Soils. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	NI
ii) Strong seismic ground shaking?	☐	☐	☐	NI
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	NI
iv) Landslides?	☐	☐	☐	NI
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	NI
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	NI
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	NI
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	NI
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
VIII. Greenhouse Gas Emissions. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	NI
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	NI
IX. Hazards And Hazardous Materials. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	NI
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	NI
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	NI
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	NI
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	NI
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	NI
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
X. Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☐	NI
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	NI
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	NI
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	NI
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	NI
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of pollution runoff; or	☐	☐	☐	NI
iv) impede or redirect flood flows?	☐	☐	☐	NI
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	NI
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	NI
XI. Land Use and Planning. Would the project:				
a) Physically divide an established community?	☐	☐	☐	NI
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
avoiding or mitigating an environmental effect?				
XII. Mineral Resources. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	NI
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	NI
XIII. Noise. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	NI
b) Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	NI
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	NI
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	NI
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
XV. Public Services.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	NI
Police protection?	☐	☐	☐	NI
Schools?	☐	☐	☐	NI
Parks?	☐	☐	☐	NI
Other public facilities?	☐	☐	☐	NI
XVI. Recreation.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	NI
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	NI
XVII. Transportation. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	NI
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	NI
d) Result in inadequate emergency access?	☐	☐	☐	NI
XVIII. Tribal Cultural Resources.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☐	☐	NI
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	NI
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	NI
XIX. Utilities and Service Systems. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	NI
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	NI
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	NI
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	NI
XX. Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	NI
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	NI
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	☐	☐	☐	NI
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
XXI. Mandatory Findings Of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	NI
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	NI
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	NI

Explanation of Responses to Initial Study Environmental Checklist

I. Aesthetics

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade, in nonurbanized areas, the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.

II. Agriculture and Forestry Resources

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.
- b) The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timber zoned Timberland Production. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.
- d) There will be no loss of forest land and the project will not result in the conversion of forest land to non-forest use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.
- e) The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural

use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.

III. Air Quality

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- b) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Such an impact will not occur because the project involves no ongoing sources of air pollution.
- c) The project will not expose sensitive receptors to substantial pollutant concentrations. Such an impact will not occur because the project will not increase pollutant concentrations.
- d) The project will not create objectionable odors affecting a substantial number of people.

IV. Biological Resources

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the Department, NMFS or U. S. Fish and Wildlife Service (USFWS).

Less than Significant: The proposed regulations would:

- 1) Allow a method of landing tuna in a vessel that have already been legally taken by anglers;
- 2) Correct name references;
- 3) Clarify existing gear prohibitions for marlin; and,
- 4) Implement gear marking requirements for commercial swordfish fishermen.

The project is not expected to adversely affect Federal threatened or endangered species and/or their critical habitat.

Future tuna, swordfish, and marlin harvest associated with the project is not expected to be appreciably different than current levels. The project is therefore anticipated to have an overall negligible net effect on managed fish over the period the rules are expected to be in effect.

- b) The project will not have an adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies and regulations, or

by the Department or the USFWS. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.

- c) The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Such an impact will not occur because the project will not result in any construction, land alteration, or land use changes.
- f) The project will not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

V. Cultural Resources

- a) The project will not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. There is no ground disturbing work or work permanently modifying any existing structure or resource and thus no potential to affect historical resources.
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. There is no ground disturbing work and thus no potential to affect archaeological resources.
- c) The project will not disturb any human remains, including those interred outside of formal cemeteries. There is no ground disturbing work and thus no potential to affect human remains.

VI. Energy

- a) The project would not result in a potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations. Such an impact will not occur because the project will not use energy resources.

- b) The project will not affect nor obstruct any state or local plan for renewable energy or energy efficiency. There is no activity in any plan areas for renewable energy or energy efficiency and thus no potential impact.

VII. Geology and Soils

- a i) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area, or based on other substantial evidence of a known fault. Such an impact will not occur because the project will not involve any construction or create any structures for human habitation.
- a ii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Such an impact will not occur because the project will not involve any construction or create any structures for human habitation.
- a iii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Such an impact will not occur because the project will not involve any construction or create any structures for human habitation.
- a iv) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Such an impact will not occur because the project will not involve any construction, ground disturbing work, or the creation of any structures for human habitation.
- b) The project will not result in substantial soil erosion or the loss of topsoil. Such an impact will not occur because the project will not involve ground disturbing work.
- c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable and potentially result in on- or off- site landslides, lateral spreading, subsidence, liquefaction, or collapse. Such an impact will not occur because the project will not involve ground disturbing work.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Such an impact will not occur because the project will not involve ground disturbing work.
- e) The project will not create any sources of waste water requiring a septic system. Such an impact will not occur because the project will not involve ground disturbing work.
- f) The project will not indirectly destroy a unique paleontological resource or site or unique geologic feature. Such an impact will not occur because the project will not involve or indirectly result in any ground disturbing work.

VIII. Greenhouse Gas Emissions

- a) The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Additionally, the project will not involve construction, land alteration, or land use changes.
- b) The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. The Project is expected to result in a small amount of GHG via the use of fuel in vehicles used to transport anglers to and from the designated fishing areas, but does not conflict with an applicable plan, policy or regulation reducing the emissions of GHG.

IX. Hazards and Hazardous Materials

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not involve the transport, use, or disposal of hazardous materials.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project will not involve the transport, use, or disposal of hazardous materials.
- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not involve the transport, use, or emission of any hazardous materials.
- d) The project will not be located on any site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) The project will not be located within an airport land use plan area.
- f) The project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The project will not involve any construction, land alteration, or land use changes.
- g) The project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The project will not involve any construction, land alteration, or land use changes.

X. Hydrology and Water Quality

- a) The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project will not involve any construction, land alteration, water use, or water discharge.

- b) The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project will not involve any construction, land alteration, or groundwater use.
- c i) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site because the project will not involve any construction or land alteration.
- c ii) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in flooding on- or off-site because the project will not involve any construction or land alteration.
- c iii) The project will not create or contribute runoff water that would exceed the capacity of existing or planned storm-water drainage systems, or provide substantial additional sources of polluted runoff because the project will not involve any construction or land alteration.
- c iv) The project will not impede or redirect flood flows because the project will not involve any construction or land alteration.
- d) In flood hazard, tsunami, or seiche zones, the project would not risk release of pollutants due to project inundation because the project would not involve any construction or land alteration.
- e) The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project will not involve any construction, land alteration, or groundwater use.

XI. Land Use and Planning

- a) The project will not physically divide an established community. The project will not involve any construction, land alteration, or land use changes.
- b) The project will not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project will not involve any construction, land alteration, or land use changes.

XII. Mineral Resources

- a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

- b) The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

XIII. Noise

- a) The project will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project will not involve construction or physical alteration of land, and its implementation will not generate noise levels in excess of agency standards.
- b) The project will not result in generation of excessive ground-borne vibration or ground-borne noise levels. The project will not involve construction or physical alteration of land.
- c) The project will not be located within the vicinity of a private airstrip or an airport use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

XIV. Population and Housing

- a) The project will not induce substantial unplanned population growth in an area, either directly or indirectly. Such an impact will not occur because the project will not construct any new homes, businesses, roads, or other human infrastructure.
- b) The project will not displace any existing people or housing and will not necessitate the construction of replacement housing elsewhere.

XV. Public Services

- a) The project will not have any significant environmental impacts associated with new or physically altered governmental facilities. The project will not involve any construction, land alteration, or land use changes.

XVI. Recreation

- a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b) The project does not require construction or expansion of recreational facilities.

XVII. Transportation

- a) The project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project involves no land use or transportation system modifications.
- b) The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b), which pertains to vehicle miles traveled. The amount and distance of vehicle miles traveled by recreational anglers should not change substantially under the proposed regulations.
- c) The project will not increase hazards due to a geometric design feature or incompatible uses with equipment. The project involves no land use or transportation system modifications.
- d) The project will not result in inadequate emergency access. The project involves no land use or transportation system modifications.

XVIII. Tribal and Cultural Resources

- a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further:
 - a i) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). The project does not involve ground disturbing work and does not have the potential to affect tribal cultural resources.
 - a ii) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. The project does not involve ground disturbing work and does not have the potential to affect tribal cultural resources.

XIX. Utilities and Service Systems

- a) The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. The project does not involve any construction or land alteration.
- b) The project requires no new water supplies.

- c) The project will not produce wastewater.
- d) The project will not generate solid waste. Thus, the project will be in compliance with state and local standards for solid waste.
- e) The project will not create solid waste. Thus, the project will be in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. Wildfire

- a) The project will not impair an adopted emergency response plan or emergency evacuation plan.
- b) The project will not exacerbate wildfire risks due to slope, prevailing winds, and other factors.
- c) The project will not require the installation or maintenance of any infrastructure.
- d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

XXI. Mandatory Findings and Significance

- a) The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.
- b) The project does not have adverse impacts that are individually limited, but cumulatively considerable. Cumulative adverse impacts will not occur because there are no potential adverse impacts due to project implementation.
- c) The project does not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. The project will not involve any construction, land alteration, or the creation of new infrastructure.