

**Attachment to Notice of Exemption for
Amending Sections 28.06 and 28.65, Title 14, California Code of
Regulations (90-day emergency extension)
Regarding Recreational Gear Restrictions for White Shark**

On October 14, 2026, the California Fish and Game Commission (Commission) took final action under the California Fish and Game Code and the California Administrative Procedure Act (APA) with respect to the proposed project. This project extends the emergency rule originally adopted at the June 17-18, 2026 Commission meeting (Office of Administrative Law File Number 2026-0626-01E). The El Niño conditions that prompted the emergency are continuing and anticipated to increase through the fall, necessitating an extension of the emergency regulations. 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 emergency amendments to sections 28.06 and 28.65, Title 14, California Code of Regulations (CCR), relying on the statutory exemption for specific actions necessary to prevent or mitigate an emergency, as contained in Public Resources Code Section 21080, subdivision (b)(4), and the categorical exemption for “Actions by Regulatory Agencies for Protection of Natural Resources” contained in CEQA Guidelines section 15307.

Statutory Exemption for Specific Actions Necessary to Prevent or Mitigate an Emergency

In compliance with CEQA, the Commission adopted the regulation relying on a statutory exemption contained in Public Resources Code Section 21080, subdivision (b)(4) (Actions Necessary to Prevent or Mitigate an Emergency). The exemption applies to agency actions to prevent or mitigate an emergency. The Commission considered four factors in determining whether an emergency exists: (1) the magnitude of potential harm, (2) the existence of a crisis situation, (3) the immediacy of the need, and (4) whether the anticipation of harm has a basis firmer than simple speculation. Because the regulation is intended to prevent harm to natural resources and people in response to continuing unusual ocean conditions, readoption of the regulation by the Commission is an activity that is the proper subject of the statutory exemption.

The recreational take of white shark (*Carcharodon carcharias*) is prohibited. White sharks are slow-growing, long lived, and have low reproductive rates compared to other fish species. As a top-level predator, healthy populations are necessary to maintain a balanced ecosystem. Dr. Chris Lowe, shark researcher at California State University of Long Beach, has documented increased shark aggregations in southern California waters this year. Juvenile white sharks usually move into southern California waters in the summer months, as waters to the south become too warm. During warm water events, the sharks are present in greater numbers and are present farther north.

The National Oceanic and Atmospheric Administration is forecasting a strong El Niño event, that began this last summer and is bringing warmer than normal waters to the California coast. Warm water events have historically led to increased presence of white sharks in California, and a northward shift in the range of juvenile white sharks. In early April 2026, 20 juvenile white sharks were caught in a single day from the Hermosa Beach Pier. At least three white

sharks have been documented to have died this year following being hooked and released with heavy fishing gear consisting of wire leaders and large hooks.

In addition to the harm to the species, a hooked white shark poses a serious risk of harm to ocean users. In 2014, an ocean swimmer was bitten by a shark that had been hooked off the Manhattan Beach Pier. The swimmer ran into the fishing line and was bitten by the shark fighting on the line. The individual was hospitalized with lacerations and puncture wounds on the right side of his torso and his right hand. An additional risk is an ocean user becoming entangled in the fishing line or leader. Wire leader has the capability of severely injuring someone if entangled while a large shark is struggling on the end. A single incident involving a hooked white shark harming a bystander in the water is unacceptable. The increased number of sharks already being hooked from piers and beaches indicates that a crisis exists, which will likely increase through the year without intervention.

Categorical Exemption to Protect Natural Resources

In readopting amendments to sections 28.06 and 28.65 of Title 14, CCR, the Commission relied on the Class 7 categorical exemption under CEQA, which applies to agency actions taken to protect natural resources. This proposed extension of the emergency amendments to sections 28.06 and 28.65, Title 14, California Code of Regulations requires the immediate release of hooked white sharks and prohibits removing white sharks from the water. The extension will also prohibits the use of wire or metallic line or leaders or hooks greater than one and one-half inches in maximum inside diameter when fishing from the shoreline (including beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore) or within 1,000 yards of the mean high tide line, when fishing in ocean waters south of Pigeon Point (San Mateo County, 37° 11' N. lat.).

White sharks are an important apex predator in the marine ecosystem and are protected under state and federal fishing regulations. White sharks are slow-growing, long-lived, and have low reproductive rates compared to other fish species. As a top-level predator, healthy populations are necessary to maintain a balanced ecosystem. There have been several recent incidents involving pier and beach anglers either intentionally targeting white sharks or accidentally hooking them with very heavy fishing gear. In early April 2026, 20 juvenile white sharks were caught in a single day from the Hermosa Beach Pier. These incidents have resulted in the death of at least three white sharks this year. Young white sharks are already being observed in significantly higher numbers in southern California. Because of this, there is an immediate need to curtail illegal targeted fishing for white sharks, and to help ensure accidentally hooked sharks are released alive.