

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: (Public Agency): CA Dept. of Fish and Wildlife  
1416 Ninth Street, Room 1342A  
Sacramento, CA 95814

(Address)

Project Title: Adoption of Dreissenid Mussel Regulations

Project Applicant: N/A

Project Location - Specific:  
Statewide

Project Location - City: N/A Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:  
Adoption of regulations for the prevention and control of dreissenid mussels (quagga and zebra mussels) in California pursuant to Fish and Game Code sections 2301 and 2302.

Name of Public Agency Approving Project: California Department of Fish and Wildlife

Name of Person or Agency Carrying Out Project: same

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: 14 CCR 15061(b)(3), 15307, 15308
- Statutory Exemptions. State code number: \_\_\_\_\_

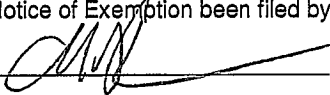
Reasons why project is exempt:

See attached.

Lead Agency  
Contact Person: Craig Martz Area Code/Telephone/Extension: (916) 653-4674

If filed by applicant:

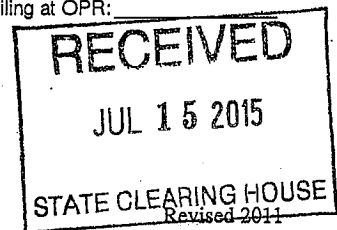
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature:  Date: 7/9/2015 Title: Director

Signed by Lead Agency  Signed by Applicant

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

Date Received for filing at OPR:





July 15, 2015

## **ATTACHMENT TO NOTICE OF EXEMPTION Adoption of Dreissenid Mussels Prevention and Control Regulations**

The California Department of Fish and Wildlife (CDFW), by and through its Director, has taken final action under the Fish and Game Code and the Administrative Procedure Act (APA) with respect to the project mentioned above. On July 9, 2015, CDFW adopted the proposed Dreissenid mussels prevention and control regulations. (Title 14, sections 672, 672.1, and 672.2., California Code of Regulations (CCR).) On January 23, 2015, CDFW initiated a regular rulemaking to adopt of the prevention and control regulations of dreissenid mussels (quagga and zebra mussels) in California pursuant to Fish and Game Code sections 2301 and 2302. (California Regulatory Notice Register 2015, No. 4-Z, pp. 148-151.) A public meeting/hearing was held on March 12, 2015. On May 11, 2015, CDFW provided a continuation notice of modifications to the draft regulations as initially made available, and related Forms. CDFW prepared and submitted its Final Statement of Reasons and associated documentation to the Office of Administrative Law on July 15, 2015.

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

In the adoption of regulations for the prevention and control of dreissenid mussels (quagga and zebra mussels) in California pursuant to Fish and Game Code sections 2301 and 2302, CDFW concluded for purposes of CEQA that its action falls within the Class 7 and 8 categorical exemptions.

The proposed regulations meet the criteria for several categorical exemptions. First, they fall into both California Code of Regulations, Title 14, Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources, and California Code of Regulations, Title 14, Section 15308, Actions by Regulatory Agencies for Protection of the Environment. In enacting Fish and Game Code sections 2301 and 2302, the Legislature highlighted the impacts of dreissenid mussels to the ecological health, food webs, and the utility infrastructure and natural resources of the State. The proposed regulations provide CDFW with procedures to verify that the activities required per 2301 and 2302 are being implemented throughout the state, procedures for CDFW and its agents to quarantine conveyances that may be carrying mussels, and a process for enforcing the Code sections. Therefore, the proposed regulations would enhance CDFW's abilities to oversee maintenance and protection of uninfested waterways, and to limit the spread of dreissenid mussels from infested waters.

The proposed regulations also are exempt under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the

environment. (California Code of Regulations, Title 14 § 15061(b)(3)). The proposed regulations would implement requirements already laid out in Fish and Game Code (FGC) Sections 2301 and 2302 and do not require entities subject to these sections to implement new projects and/or programs. The proposed regulations establish administrative processes and oversight for prevention, control, education and enforcement activities that already occur throughout the state, but do not change those underlying activities in a manner that creates potentially significant impacts to the environment. In addition, through improved administration, CDFW will further reduce the potential adverse impacts to biological resources caused by the spread of dreissenid mussels.