



State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
4665 Lampson Ave., Suite C
Los Alamitos, CA 90720
<http://www.dfg.ca.gov>

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



July 12, 2012

Re: Notice of Determination that the Department of Fish and Game (Department) herein adopts the Initial Study and Negative Declaration for the Ocean Resources Enhancement and Hatchery Program (OREHP)

To: Interested Parties

The proposed project reviewed in the initial study for the negative declaration is the OREHP. The Department has managed the OREHP since 1983. The California Legislature established the OREHP (Fish and Game Code Section 6590 et. seq.) to conduct a program of basic and applied research into the artificial propagation, rearing and stocking of important marine finfish species occurring in ocean waters off southern California. Over the years, the Legislature has amended the intent language of the program with current legislation calling for a focus on determining if hatchery released fish can artificially enhance certain stocks of desirable species through increased hatchery production of fish and increased monitoring of fisheries to assess the hatchery contribution. The ultimate goal of the legislation is to enhance populations of marine finfish species important to California for their sport and commercial fishing value. White seabass has been chosen as the primary species on which to focus research.

The Department administers the OREHP, with the assistance of the 10-member Ocean Resources Enhancement Advisory Panel (OREAP). The Department's main contractor is Hubbs-SeaWorld Research Institute (HSWRI). HSWRI operates the marine fish hatchery that raises white seabass. As part of their OREHP contractual obligations, HSWRI has developed the culture protocols required for the program. HSWRI has also worked with the Department to develop the assessment techniques that will help evaluate the impact of the hatchery-reared fish on the recreational and commercial fisheries. A Department Fish Pathologist works in conjunction with HSWRI staff to investigate and manage disease issues within the OREHP.

In addition to HSWRI, the OREHP receives considerable support from volunteers who own and operate the growout pens in southern California. These growout pens provide a cost-effective way to increase post-release survival by raising larger white seabass prior to release.

To fund the program, legislation requires the purchase of an Ocean Enhancement Stamp by all recreational anglers and commercial passenger fishing vessels fishing south of Point Arguello, Santa Barbara County. Commercial fishermen are also required to purchase an Ocean Enhancement Stamp if they fish for white seabass

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south of Point Arguello. Since the late 1980s, the OREHP funding has been augmented by federal Sport Fish Restoration Act (SFRA) money.

The initial study conducted by the Department evaluated the potential of the proposed project to generate adverse environmental impacts to: geology/soils; hydrology/water quality; transportation/traffic; air quality; biological resources; cultural resources; noise; land use; public services; recreation; aesthetic, population/housing; hazards/hazardous materials; mandatory findings of significance; aquaculture, kelp harvest, and commercial fishing resource availability; greenhouse gas emissions; mineral resources; and utilities and service systems. The initial study conducted by the Department did not identify any potentially significant impacts which may result from continuing the OREHP. In addition, none of the OREHP facilities, which include a fish hatchery located in Carlsbad as well as grow out pens located in: Santa Barbara, Oxnard, Marina del Rey, Huntington Beach, Newport Beach, Dana Point, Carlsbad, San Diego, and Santa Catalina Island, are currently located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a result, the proposed project would not create a significant hazard to the public or environment. The Department has not identified any impacts that would be considered significant under CEQA; however all impacts identified, whether subject to CEQA mitigation requirements or not, were evaluated and where feasible, operational policies or procedures were instituted to minimize these impacts consistent with the Department's duty as Trustee for the State's natural resources. These actions should not be construed as an admission by the Department that such impacts are considered significant under CEQA.

Pursuant to sections 2180.5 (d)(2)(vi) and 2180.5 (d)(3)(ii) of the Public Resources Code, a copy of the Draft Initial Study and Intent to Adopt a Negative Declaration was placed on file and made available for public review for a 30-day period. Notice was given at the time of publishing that any person interested in commenting on the document should do so, in writing, by 5:00 pm on May 9, 2012, to Valerie Taylor in Los Alamitos. The Department accepted eight comments during the review period and three comments after the review period closed.

Of the comments received, four expressed support for the program, but indicated a desire for the Department to focus resources on California halibut. Three comments indicated agreement with the Initial Study, and the City of Newport Beach showed support for the growout pen in Newport Harbor. The California State Lands Commission (CLSC) requested clarification of the wording in certain sections of the document, and also requested consideration of the effects of sea level rise on the program and its facilities. The California Coastal Commission requested that the Department provide additional information about several sections including genetics, benthic monitoring, disease, and bird and mammal interactions. The comments have all been addressed by the Department and are available by contacting Valerie Taylor at (562) 342-7170.

The Department has reviewed and analyzed the information in the record and comments submitted and has determined the Initial Study and review and analysis of public comments shows that there is no substantial evidence, in light of the whole record before the Department, that the proposed project may have a significant effect on the environment and an environmental impact report will not be prepared. Further the Department asserts that the Initial Study and Negative Declaration represent the independent review, analysis and judgment of the Department regarding potential environmental impacts from the proposed project. At the present time, it is the intention of the Department to adopt the Negative Declaration without change. There will be no substantial revisions or recirculation of the Negative Declaration or opportunities for further comment through this CEQA process. A notice of the Department's determination and adoption of the proposed project will be filed with the State Clearing House and copies will be sent to the appropriate agencies and persons. Copies of all documents that constitute the record of proceedings upon which this decision is made are located at the Department's Los Alamitos Office. Persons interested in reviewing these records may make an appointment to do so by contacting Ms. Valerie Taylor at (562) 342-7170. Please note that any action or proceeding to attack, review, set aside, void, or annul the decision of the Department to adopt the Negative Declaration and approve the proposed project are restrained by the Statue of Limitations provisions found in the California Environmental Quality Act a related provision within Division 13 of the California Public Resources Code.

It is the Department's mission to manage and conserve resources for their ecological value and use and enjoyment for the public. Since its inception in 1983, the OREHP has conducted research designed to provide a new tool for resource management while preventing adverse impacts to the environment or the wild fisheries. It is one of the few marine stocking programs dedicated to assessing the biological and economic impacts of its releases, and it is the only program of its kind on the west coast of North America. Through its responsible approach and extensive, self-imposed scientific review process, the OREHP has established itself as a model for stocking programs worldwide.

For further information, please contact Ms. Valerie Taylor at vtaylor@dfg.ca.gov or (562) 342-7170. If you would like a CD copy of the Final Initial and Negative Declaration, please self-addressed envelope and appropriately stamped CD-size envelope to: Ms. Valerie Taylor, Environmental Scientist, Marine Region, 4665 Lampson Avenue, Suite C, Los Alamitos, CA, 90720.

Sincerely,



Paul Hamdorf
Acting Regional Manager

NOD re OREHP

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