



Item 6

Staff Recommendation
February 26, 2020

Drift Gillnet Transition Program & Whale and Sea Turtle Entanglement Response Network Support and Disentanglement Trainings

Paige Berube, Program Manager

RECOMMENDED ACTION: Authorization to disburse up to \$1,000,000 to Pacific States Marine Fisheries Commission to support the state’s implementation of the drift gillnet transition program; to disburse up to \$110,000 to The Marine Mammal Center to support the whale and sea turtle entanglement response network; and to disburse up to \$59,101 to the National Marine Sanctuary Foundation to support emergency responder trainings for whale and sea turtle disentanglement.

LOCATION: Statewide

STRATEGIC PLAN OBJECTIVES: Goal 3: Enhance Coastal and Marine Biodiversity; Target 3.3.5 and follow-up actions

EXHIBITS:

- Exhibit A: Letter(s) of Support for 6a
- Exhibit B: Letter(s) of Support for 6b1-2

FINDINGS AND RESOLUTION:

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings: “Based on the accompanying staff report and attached exhibit, OPC hereby finds that:

- 1) The proposed projects are consistent with the purposes of Division 26.5 of the Public Resources Code, the Ocean Protection Act;
- 2) The proposed projects are consistent with the Budget Act of 2018, which included a \$7.5 million General Fund appropriation to address whale and sea turtle entanglement; and
- 3) The proposed projects are not ‘legal projects’ that triggers the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section, section 15378.”

Staff further recommends that OPC adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

“OPC hereby approves the disbursement of up to \$1,000,000 to the Pacific States Marine Fisheries Commission to support the state’s implementation of the drift gillnet transition program; to disburse up to \$110,000 to The Marine Mammal Center to support the whale and sea turtle entanglement response network; and to disburse up to \$59,101 to the National Marine Sanctuary Foundation to support emergency responder trainings for whale and sea turtle disentanglement.

This authorization is subject to the condition that prior to disbursement of funds, Pacific States Marine Fisheries Commission, The Marine Mammal Center, and the National Marine Sanctuary Foundation, each shall submit for the review and approval of the Executive Director of the OPC detailed work plans, schedules, staff requirements, budgets, and the names of any contractors intended to be used to complete the projects, as well as discrete deliverables that can be produced in intervals to ensure the projects are on target for successful completion. All projects will be developed under a shared understanding of process, management and delivery.”

PROJECT SUMMARY:

California’s coastal waters include some of the most productive and diverse ecosystems in the world. To conserve this biodiversity and the coastal economies and communities that rely on a healthy ocean, OPC is committed to protecting endangered and threatened whale and sea turtle species as well as supporting thriving commercial and recreational state-managed fisheries. The *Strategy for Protecting Whales and Sea Turtles & Ensuring Thriving Fisheries: Reducing the Risk of Entanglement in California Fishing Gear*¹ (Strategy), approved by the OPC at its November 2019 meeting, outlines investment priorities to reduce the risk of entanglement in California fishing gear and is one component of a more comprehensive effort to protect whales and sea turtles in California. This is consistent with Target 3.3.5 of OPC’s *Strategic Priorities to Protect California’s Coast and Ocean for 2020-2025*:

“3.3.5: Develop a statewide whale and sea turtle protection plan by 2022 with a target of zero mortality (Vision Zero). As a component of this overall plan, develop and initiate a funding strategy to reduce the risk of entanglement in California fishing gear by 2020.

One action of Target 3.3.5 states that OPC will, “provide funding for the state’s drift gillnet transition program – consistent with SB 1017 (Allen, 2018) – and work towards the target of elimination of large mesh drift gillnets off the California coast by 2024.” The first project within this staff recommendation recommends OPC authorization of up to \$1 million to support implementation of California Department of Fish and Wildlife’s drift gillnet transition program.

¹ [Strategy for Protecting Whales and Sea Turtles & Ensuring Thriving Fisheries: Reducing the Risk of Entanglement in California Fishing Gear](#)

The second and third projects within this staff recommendation recommend OPC support of statewide whale and sea turtle disentanglement response and outreach consistent with the Strategy’s focus on a comprehensive approach to reduce the risk of entanglement in California fishing gear through advancing collaborative partnerships, best available science, gear innovation, as well as disentanglement response and outreach. Supporting statewide entanglement response network operations and increasing the number of trained emergency responders will contribute to the network’s efforts to increase documentation and knowledge surrounding entanglements and to successfully disentangle and reduce mortality of protected and endangered whales and sea turtles which are essential to California marine ecosystems.

6a. \$1,000,000 to Pacific States Marine Fisheries Commission for the Drift Gillnet Transition Program

This project will provide up to \$1 million to the Pacific States Marine Fisheries Commission to support the state’s implementation of the drift gillnet transition program.

Overview

California supports coastal fishing communities and fishermen who provide locally-caught seafood, as well as enhancing the sustainability of marine fisheries including supporting transition to more selective fishing gear types. The drift gillnet fishing gear type operates within federal waters and targets swordfish using 14-inch mesh, as well as other marketable catch including various species of tuna, shark, mackerel and opah. The National Oceanic and Atmospheric Association (NOAA) West Coast Region Observer Program, has placed NOAA-trained observers on drift gillnet vessels since 1990 to document the incidental capture of marine mammals and sea turtles. Observers have documented incidental capture of protected marine mammals, including whales, and sea turtles in drift gillnet fishing gear between 1990 and 2018.²

OPC’s *Strategic Priorities to Protect California’s Coast and Ocean for 2020-2025* states that OPC will, “provide funding for the state’s drift gillnet transition program – consistent with SB 1017 (Allen, 2018) – and work towards the target of elimination of large mesh drift gillnets off the California coast by 2024.” Public Resources Code,³ as amended by Senate Bill 1017 (Allen, 2018), requires the Ocean Protection Council to use \$1 million of the \$7.5 million General Fund for whale and sea turtle entanglement to fund the drift gillnet transition program established pursuant to Section 8583 of the Fish and Game Code.⁴ Public Resources Code states that OPC shall enter into an agreement with the fiscal agent described in Section 8583 of the Fish and Game Code to provide funds to the fiscal agent for permittees who participate in the transition program.

² [NOAA Fisheries Observer Program Data Summaries](#)

³ [Public Resources Code Section 35651](#)

⁴ [Fish and Game Code: Article 16: Drift Gill Net Shark and Swordfish Fishery \[8561 - 8583.5\]](#)

California Department of Fish and Wildlife (CDFW) adopted new regulations⁵ to implement the drift gillnet transition program that were effective September 15, 2019.⁶ The transition program allows permittees to voluntarily surrender their drift gillnet shark and swordfish permit and large mesh drift gillnet(s) to CDFW ahead of the sunset date prescribed by FGC Section 8561 in exchange for a one-time payment prescribed by FGC Section 8583, and described in more detail below. In October 2019, CDFW designated the Pacific States Marine Fisheries Commission (PSMFC) as the fiscal agent for the program. Drift gillnet fishermen who were interested in participating in the program were required to submit declaration of intent forms by January 1, 2020.⁷

Program Details

In alignment with Fish and Game Code and the California Code of Regulations, a permittee “who has landed swordfish or thresher shark with a shark or swordfish gillnet or with a deep-set buoy gear authorized pursuant to a federal exempted fishing permit between April 1, 2012, and March 31, 2018,” and who voluntarily participates in the drift gillnet transition program will receive \$10,000 for surrender of the permit and \$100,000 for surrender of the net(s), to the extent funds for the transition program are available. A permittee “who has not landed swordfish or thresher shark on or after April 1, 2012,” and who voluntarily participates in the drift gillnet transition program will receive \$10,000 for surrender of the net(s) to the extent that funds for the transition program are available.

Any permittee who participates in the transition program “shall be prohibited from obtaining a new California drift gillnet shark and swordfish permit, shall agree not to fish under a federal drift gill net permit, shall agree not to transfer or renew a federal drift gillnet permit, and shall surrender the permittee’s shark or swordfish gillnet or nets to an entity approved by CDFW for the purpose of destroying⁸ the nets.”⁹ Thus far, CDFW has approved one “net destruction entity” called Net Your Problem,¹⁰ which is an organization that works with fishermen and recyclers to dispose of nets by turning them into new plastic products.¹¹

Regarding funding for the drift gillnet transition program, CDFW shall notify the Legislature within 10 days of the date that the fiscal agent receives \$1 million from non-state sources for purposes of the transition program and secures \$1 million through an agreement with OPC pursuant to Public Resources Code. Drift gillnet permits “shall be surrendered or revoked as of January 31 of the fourth year following CDFW’s notification to the Legislature” of receipt of \$1 million from non-state sources and \$1 million from OPC.

⁵ [14 CCR § 106.5: Drift Gillnet Shark and Swordfish Transition Program](#)

⁶ [CDFW rulemaking: Drift Gillnet Transition Program](#)

⁷ [Drift Gillnet Transition Program \(CDFW\)](#)

⁸ According to Title 14, “destroy” means “modification of the nets to the point they may no longer be used for the purpose of drift gillnet fishing, and may include recycling net components for non-drift gillnet purposes.”

⁹ [Fish and Game Code: Article 16: Drift Gill Net Shark and Swordfish Fishery \[8561 - 8583.5\]](#)

¹⁰ [Net Your Problem](#)

¹¹ [Drift Gillnet Transition Program \(CDFW\)](#)

Any permittee who declared interest in participating in the drift gillnet transition program may withdraw their intent to participate prior to receipt of compensation by submitting written notice postmarked on or before January 1, 2021 to CDFW.¹²

There are 68 current drift gillnet permittees who could voluntarily participate in the program, 31 of which are “active” with landings within the past 5 years. As of January 1, 2020, CDFW has received 43 declaration forms, of which 28 declaration forms were from “active” permittees. If all permittees who submitted forms participate, the total cost of the drift gillnet transition program is \$3,230,000.

About the Drift Gillnet Fishery in California

The drift gillnet fishery is a limited entry fishery and landings have been declining substantially over several decades. Swordfish landings have averaged a slightly over \$1 million in ex-vessel value per year since 2010.¹³

The drift gillnet fishery for swordfish and shark operates outside of state waters within federal waters and is primarily managed by the Pacific Fishery Management Council (PFMC) under the Highly Migratory Species Fishery Management Plan.¹⁴ The fishery is managed by California state and federal limited entry permit systems, with mandatory gear requirements and seasonal area closures implemented to address various conservation concerns. In addition to these limited entry permits, the Highly Migratory Species Fishery Management Plan requires a general highly migratory species permit with a drift gillnet gear endorsement for all vessels that fish for highly migratory species within the West Coast exclusive economic zone. Both the state and federal permits are issued to an individual fisherman, rather than a vessel. In addition, California requires a general resident or non-resident commercial fishing license, general gillnet permit, and a current vessel registration to catch and land fish caught in drift gillnet gear. Drift gillnet fishermen also must maintain a logbook. In 2001, the National Marine Fisheries Service implemented two Pacific sea turtle conservation areas on the West Coast with seasonal gillnet restrictions to protect endangered leatherback and loggerhead turtles.¹⁵

Historically, swordfish have been targeted using harpoon and drift gillnet fishing gear. Both participation and fishing effort have declined over the years.¹⁶ The Pacific Fishery Management Council provides participation (in number of vessels) and landings information for 1990 to 2018 for the West Coast drift gillnet fishery, with 2018 consisting of 21 vessels landing 201 round metric tons.¹⁷

¹² [Drift Gillnet Transition Program \(CDFW\)](#)

¹³ [CDFW Economic and Fiscal Impact Statement for the Drift Gillnet Transition Program Rulemaking](#)

¹⁴ [PFMC Highly Migratory Species Fishery Management Plan](#)

¹⁵ [Pacific Fishery Management Council: Drift Gillnet Fishery](#)

¹⁶ [Pacific Fishery Management Council: Drift Gillnet Fishery](#)

¹⁷ [Pacific Fishery Management Council: Participation and landings data \(1990-2018\)](#)

6b1. \$110,000 to The Marine Mammal Center for Whale and Sea Turtle Entanglement Response Network Support

This project will provide \$110,000 to The Marine Mammal Center to support the whale and sea turtle entanglement response network statewide.

Observed and reported entanglements provide important information on current and future risk of entanglement, as well as the origins and causes of entanglements. In the case that a whale is unintentionally entangled, expert first responders, who are authorized under a permit held by National Oceanic and Atmospheric Administration (NOAA) Fisheries' Marine Mammal Health and Stranding Response Program (MMHSRP), will respond and approach the whale to attempt disentanglement. These responders operate as part of the West Coast Large Whale Entanglement Response Network¹⁸ which is overseen by NOAA West Coast Region's Protected Resources Division. In the case that a sea turtle is unintentionally entangled, a Large Whale Entanglement Response Team or a member of NOAA's West Coast Region's Marine Mammal and Sea Turtle Stranding Network may respond. The West Coast Large Whale Entanglement Network responders participate in comprehensive training and apprenticeship to use appropriate techniques and abide by protocols to ensure their personal safety and the safety of the animals.

NOAA states that most entanglement reports are not immediately life-threatening to the whale, which typically allows sufficient time for an entanglement response team to advance a safe and effective response. If the entanglement is not a threat to the whale's survival, and/or the whale is likely to shed the gear on its own, responders may monitor the situation rather than attempt disentanglement, especially if ocean/weather conditions are dangerous. Responders may collect photos and video to identify the whale in the future, document any injuries from the entanglement, and/or take a small biopsy to genetically identify the population the whale belongs to, as well as to identify the individual in case it is ever found dead. Teams are highly trained and use specialized equipment to respond to entangled whales.¹⁹

This project will support the following general three categories of the entanglement response network statewide: (1) emergency responses – vessel expenses; (2) repair or replacement of lost or damaged tools; (3) readiness expenses. Readiness expenses include, but are not limited to:

- New entanglement response tools: telemetry, radios, satellite communication systems, specialized disentanglement knives, poles, inflatable boats, buoys
- Personal Protective Equipment (PPE) such as helmets, personal flotation devices (PFDs), very high frequency (vhf) radios
- Research including but limited to genetic samples, gear analysis, and gear storage
- Documentation: unmanned aircraft system (UAS), camera, video

¹⁸ [West Coast Large Whale Entanglement Response Network](#)

¹⁹ [Large Whale Entanglement Response: California \(NOAA\)](#)

Additionally, this project may scope how the disentanglement response network may contribute to conducting research surveys on whales based on a scientific study design while simultaneously monitoring for entanglements.

This project intends to support enhanced success of disentanglement in the case of an entanglement. A successful disentanglement results in all potentially lethal gear being removed from the animal; minimal injuries to the whale and no injuries to the first responders; documentation of the whale (species, individual identification and status); documentation of the entanglement; retrieval of gear for identification.²⁰

Historically, the large whale entanglement response network received two allocations of \$100,000 through the 2015-2016 and 2016-2017 Governor's Budgets for grants administered by the Wildlife Health Center at the University of California Davis,²¹ which were advanced via a sub-agreement with California Whale Rescue/Oceanic Society.

This project is specifically aligned with a November 2019 California Dungeness Crab Fishing Gear Working Group Recommendations Memo, which states that the "Working Group recommends the OPC allocate \$110,000 per year for five years to provide support to the Large Whale Entanglement Response Network in support for entanglement responses, documentation, and analysis."²² This project will provide one year of support to the entanglement response network statewide for priority needs and allow for assessment of this partnership after a one-year period.

While not a directly preventative solution to reducing the risk of entanglement in fishing gear, the entanglement response network will facilitate important documentation and response efforts in the case of an entanglement. Additionally, the collected gear from successful disentanglements goes into a gear repository and experts in the field meet to perform a forensic review analysis of how and why the whale may have gotten entangled. This analysis has proven highly beneficial in informing managers working towards mitigation/prevention efforts. This may provide a better understanding of entanglement occurrence and resolution as well as contribute to reducing overall whale and sea turtle mortality in California.

6b2. \$59,101 to the National Marine Sanctuary Foundation for Emergency Responder Trainings for Whale and Sea Turtle Disentanglement

This project will provide \$59,101 to the National Marine Sanctuary Foundation to support emergency responder trainings for whale and sea turtle disentanglement.

OPC's *Strategy for Protecting Whales and Sea Turtles & Ensuring Thriving Fisheries* includes disentanglement trainings as one important aspect of entanglement response and outreach efforts. Disentanglement trainings will fill a critical need through providing higher

²⁰ [Large Whale Entanglement Response: California \(NOAA\)](#)

²¹ [SB 826 Budget Act of 2016](#)

²² [California Dungeness Crab Fishing Gear Working Group Recommendations memo \(November 2019\)](#)

numbers of trained professionals that can successfully disentangle and reduce mortality of protected and endangered whales and sea turtles which are essential to California marine ecosystems.

Rescuing large entangled whales, like all emergency response operations, requires highly trained, experienced, and coordinated teams who are prepared and ready to respond while also ensuring the safety of their team members and the whale under stress. A response team completes various levels of trainings and responders handle different responsibilities on the water based on their acquired skills. The entanglement response program is authorized via an Endangered Species Act or Marine Mammal Protection Act permit issued to the Marine Mammal Health and Stranding Response Program. There are five levels of authorization which are directly related to experience and training: Level 1 and 2 responders conduct entanglement awareness, reporting, assessment, documentation and assisting advanced network responders with cases; Level 3 responders conduct deployment of satellite tags and assist primary entanglement responders directly with cases; Level 4 and 5 lead a disentanglement event (level is species dependent).²³

The National Marine Sanctuaries Foundation (Foundation) works in partnership with the National Large Whale Entanglement Response Network and the national marine sanctuaries to support whale disentanglement trainings for coordinating the response community, facilitating access to sanctuary vessels as rescue vehicles, providing specialized equipment and supplies, and testing new approaches and technologies to improve future disentanglement response missions.

This project supports the Foundation, to work in partnership with OPC, NOAA Fisheries and the Office of National Marine Sanctuaries, to host two entanglement responder trainings in California in 2020, specifically in Monterey Bay and Santa Barbara in coordination with Monterey Bay National Marine Sanctuary and the Channel Islands National Marine Sanctuary. Trainings will include disentanglement mission preparation in the classroom, on-the-water skills practices, and conducting a full-scale mock disentanglement operation to fully test the whale disentanglement response team under real world conditions. Specifically, participants would develop and strengthen skills such as small vessel operations and telemetry tagging, line handling, using grappling and cutting tools, and pole cam (small underwater camera mounted on a pole) practice that are limited to higher levels responder trainings.

Specific objectives include: (1) for each training, train up to 40-50 non-federal participants from the California Entanglement Response Network in each region to allow responders to refresh and advance their knowledge and skills in emergency response entanglement efforts; and (2) responders will demonstrate skills necessary to respond safely to entangled whales.

²³ [Large Whale Entanglement Response: California \(NOAA\)](#)

Each two-day training session will provide valuable skills development and experience that directly aid in the response effort. Preparedness is key to a safe and successful disentanglement. In supporting the emergency responder trainings, this project fills a key need in ensuring higher numbers of trained professionals that are equipped to conduct successful disentanglements of protected and endangered whales and sea turtles which are vital to California marine ecosystems.

About the Grantees

The Pacific States Marine Fisheries Commission (PSMFC) is an interstate compact agency that partners with resource agencies and the fishing industry to support sustainable management of Pacific Ocean resources. The PSMFC supports California, Oregon, Washington, Idaho and Alaska. PSMFC has no regulatory or management authority. PSMFC's expertise includes coordinating research activities, monitoring fishing activities, and collecting data and maintaining fisheries databases. PSMFC will work closely with OPC, CDFW, and fishermen participating in the program throughout the course of the project.

The Marine Mammal Center is a non-profit organization whose mission is to advance global ocean conservation through marine mammal rescue and rehabilitation, scientific research, and education. The Center's work focuses on three key program areas: animal care, scientific research, and education. The Center's operations span from Fort Bragg to San Luis Obispo and the Center coordinates closely with entanglement responders throughout California. The Center will support disentanglement network responders statewide, including those outside of the Center's response and rescue range.

The National Marine Sanctuary Foundation (Foundation), established in 2000, is the official non-profit partner of the National Marine Sanctuary System. The Foundation directly supports the United States' national marine sanctuaries through their mission to protect species, conserve ecosystems and preserve maritime heritage. The Foundation accomplishes its mission through advancing community stewardship and engagement programs, on-the-water conservation projects, public education and outreach programs, and scientific research and exploration. The Foundation fosters innovative projects that are solution-oriented, scalable and transferable, and develop strategic partnerships that promote the conservation and recovery of species and their habitats.

Project Timelines

Pacific States Marine Fisheries Commission, *Drift Gillnet Transition Program* – March 2020 – December 2020

The Marine Mammal Center, *Whale and Sea Turtle Entanglement Response Network Support* – March 2020 – March 2021

National Marine Sanctuary Foundation, *Emergency Responder Trainings for Whale and Sea Turtle Disentanglement* – March 2020 – December 2020

PROJECT FINANCING:

Staff recommends that the Ocean Protection Council (OPC) authorize encumbrance of up to \$1,000,000 to Pacific States Marine Fisheries Commission to support the state’s implementation of the drift gillnet transition program; to disburse up to \$110,000 to The Marine Mammal Center to support the whale and sea turtle entanglement response network; and to disburse up to \$59,101 to the National Marine Sanctuary Foundation to support emergency responder trainings for whale and sea turtle disentanglement.

Ocean Protection Council – Drift Gillnet Transition Program	\$1,000,000
<i>Non-state sources – Drift Gillnet Transition Program</i>	<i>\$1,000,000</i>
Ocean Protection Council – Whale and Sea Turtle Entanglement Response Network Support	\$110,000
Ocean Protection Council – Emergency Responder Trainings for Whale and Sea Turtle Disentanglement	\$59,101
<i>National Marine Sanctuary Foundation – Emergency Responder Trainings for Whale and Sea Turtle Disentanglement</i>	<i>\$6,300</i>
OCEAN PROTECTION COUNCIL TOTAL	\$1,169,101

The anticipated source of funds will be from the Ocean Protection Council’s General Fund appropriation from the 2018 Budget Act, which included \$7.5 million for whale and sea turtle entanglement.²⁴ Of the \$7.5 million appropriated to OPC, \$1 million was directed toward supporting sea lion and seal stranding rescue and rehabilitation activities. In addition, Public Resources Code (PRC) Section 35651,²⁵ as amended through Senate Bill 1017 (Allen, 2018), directed \$1 million to fund the drift gillnet transition program established by the California Department of Fish and Wildlife pursuant to Fish and Game Code Section 8583. OPC approved an investment strategy in November 2019 to guide a comprehensive approach to reducing the risk of entanglement in California fishing gear.

Leverage of OPC funds

Regarding funding for the drift gillnet transition program, CDFW shall notify the Legislature within 10 days of the date that the fiscal agent receives \$1 million from non-state sources for purposes of the transition program, and secures \$1 million through an agreement with OPC pursuant to Public Resources Code.

The National Marine Sanctuary Foundation will provide \$6,300 in support of the emergency responder trainings for whale and sea turtle disentanglement, including use of national marine sanctuary vessels during the trainings.

²⁴ [2018-2019 Governor’s Budget](#)

²⁵ [Public Resources Code \(PRC\) Section 35651](#)

CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:

The proposed projects are consistent with the California Ocean Protection Act, Division 26.5 of the Public Resources Code.

Specifically, this drift gillnet transition program support implements Section 35651 of Division 26.5 of the Public Resources Code, which states the following:

“35651. The council shall use one million dollars (\$1,000,000) of the amount appropriated to it in Item 0540-101-0001 of Section 2.0 of the Budget Act of 2018 (Chapter 29 of the Statutes of 2018) for whale and sea turtle entanglement to fund the transition program established pursuant to Section 8583 of the Fish and Game Code. The council shall enter into an agreement with the fiscal agent described in Section 8583 of the Fish and Game Code to provide funds to the fiscal agent for permittees who participate in the transition program. If the amount described in this section is not necessary due to the number of participants who have indicated an intention to participate in the transition program pursuant to Section 8583 of the Fish and Game Code, the council may redirect the remaining funds to other purposes related to whale and sea turtle entanglement.”

The whale and sea turtle entanglement response network support and disentanglement trainings are consistent with the California Ocean Protection Act as they will provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources, as well as improve management, conservation, and protection of coastal waters and ocean ecosystems.

CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:

These projects are consistent with Target 3.3.5 of OPC's *Strategic Priorities to Protect California's Coast and Ocean for 2020-2025*.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The proposed projects are categorically exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to 14 Cal. Code of Regulations Section 15306 because the projects will not result in a serious or major disturbance to an environmental resource. Staff will file Notice of Exemptions upon approval by the OPC. Please note that in the case of an entanglement response, the response is conducted under a permit held by National Oceanic and Atmospheric Administration (NOAA) Fisheries’ Marine Mammal Health and Stranding Response Program (MMHSRP).