

The regulatory amendments would add three new subsections to California Code of Regulations Title 14 Section 632(a) and revise existing Section 632(a)(1). The new subsections would (1) define what qualifies as a pre-existing artificial structure in a designated MPA; (2) define an incidental take buffer zone within which take of any marine resource would be allowed around pre-existing artificial structures incidental to authorized O&M activities; and (3) specify identification and permit or lease requirements for O&M of pre-existing artificial structures. In addition, Section 632(a)(1) would be amended to revise the MPA designation of SMR to SMCA for the proposed incidental take buffer zone around pre-existing artificial structures only when structures in SMRs are being actively operated, maintained, repaired, removed, or replaced to allow take of any marine resources to occur incidental to the authorized O&M activities. A new subsection would also be added to Section 632(a)(1) to clarify that no take of any marine resources other than that specified for each MPA designation type in this section would be lawful. These proposed amendments would not affect current recreational fishing regulations applicable to the different types of MPAs designated in California's Network, would not expand opportunities to install new structures within MPAs, and all other marine resource protection regulations that were implemented after the MPAs were designated would remain in place.

All O&M activities would occur within the 250-foot incidental take buffer zone immediately surrounding the pre-existing artificial structures. Artificial structures are designed to have long-term life spans, typically remaining in place between 10 and 30 years. Most of the pre-existing artificial structures require little to no regular maintenance. O&M activities for these structures are limited to repair and replacement of the structures or portions of the structures on an as-needed basis. The proposed regulatory amendments would not result in a change in the frequency of operations, maintenance, repair, or removal of any pre-existing artificial structures. In addition, any O&M activities would continue to be subject to federal, state, and local permits, as applicable.

Document Availability: The Draft EIR Supplement is available for review online at: <https://fgc.ca.gov/Regulations/2023-New-and-Proposed>.

Public Meeting: A public meeting will be held on August 31, 2023, beginning at 4:00 pm with a summary presentation followed by an opportunity for public comments on the Draft EIR Supplement. The public meeting will be held virtually via Zoom webinar: <https://wildlife-ca-gov.zoom.us/j/87133185693> or telephone: (215) 446-3656; (888) 363-4734 (US Toll Free); conference code: 179976.

Public Review and Comment Period: A 45-day public review period for the Draft EIR Supplement begins on July 31, 2023, and ends on September 11, 2023, at 5:00 p.m. Please send your written comments via letter or email, with appropriate contact information, to:

Amanda Canepa
California Department of Fish and Wildlife
Marine Region
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940
R7CEQA@wildlife.ca.gov

Comments provided via email should include "MPA Artificial Structures Draft Supplement Comments" in the subject line and the full name of the commenter in the body of the email.

Anticipated Significant Environmental Impacts: Based on the environmental analyses in the Draft EIR Supplement for the proposed regulatory amendments, implementation of the project would not result in any significant environmental impacts.

Cortese-Listed Sites: Section 15087 (c)(6) of the CEQA Guidelines requires that this notice disclose whether the project area is listed on any of the lists enumerated under Government Code Section 65962.5 (Cortese List). Because of the size of the project area, the fact that the exact locations of future O&M activities are not known at this time, and the long-term nature of the project, conducting a site-specific search of applicable hazardous waste databases would need to be done on a case-by-case basis. As noted in Chapter 3 of the Draft EIR Supplement, if authorized O&M activities are required on a site included on a list of hazardous materials sites, all applicable federal, state, and local regulations would be complied with to reduce potential exposure of people and the environment to hazards or hazardous materials.



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

Print [REDACTED] **Finalize&Email**

RECEIPT NUMBER:
 38-08/01/2023-081
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY STATE OF CALIFORNIA, DEPARTMENT OF FISH AND WILDLIFE	LEAD AGENCY EMAIL	DATE 08/01/2023
COUNTY/STATE AGENCY OF FILING SAN FRANCISCO COUNTY		DOCUMENT NUMBER 2023-0000049
PROJECT TITLE		

REGULATORY AMENDMENTS ALLOWING INCIDENTAL TAKE DURING WORK ON PRE-EXISTING ARTIFICIAL STRUCTURES IN MARINE PROTECTED AREAS: SUPPLEMENT TO THE MARINE PROTECTED AREA REGION EIRS

PROJECT APPLICANT NAME AMANDA CANEPA	PROJECT APPLICANT EMAIL R7CEQA@WILDLIFE.CA.GOV	PHONE NUMBER
PROJECT APPLICANT ADDRESS MARINE REGION, 20 LOWER RAGSDALE DRIVE, SUITE 100	CITY MONTEREY	STATE CA
		ZIP CODE 93940

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$ 3,839.25 \$ _____
- Mitigated/Negative Declaration (MND)(ND) \$ 2,764.00 \$ _____
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$ 1,305.25 \$ _____
- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)
- Water Right Application or Petition Fee (State Water Resources Control Board only) \$ 850.00 \$ _____
- County documentary handling fee \$ 79.00 \$ _____
- Other NOTICE OF AVAILABILITY \$ _____

PAYMENT METHOD:

Cash Credit Check Other

TOTAL RECEIVED \$ _____ 0.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE Mariedyne Nadonza Deputy Clerk
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