

# 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:

**From:** (Public Agency): California Fish and Game Commission  
1416 Ninth Street, Ste 1320  
Sacramento, CA 95814

Project Title: Amend Sections 27.30 et. al, Title 14, CCR, Re: Groundfish 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:

Recreational and commercial groundfish fisheries are managed through a cooperative system of state and federal management agencies. The Fish and Game Commission has taken concurrent action to conform state regulations to federal regulations to ensure consistency with both state and federal laws.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Department of Fish and Wildlife

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: Cal. Code Regs., tit. 14, §§ 15307, 15308
- Statutory Exemptions. State code number: .

Reasons why project is exempt:

See attachment

Lead Agency

Contact Person: Melissa Miller-Henson

Area Code/Telephone/Extension: (916) 653-4899

**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: Melissa A. Miller-Henson Date: 11/5/2020 Title: Executive Director

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- 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:

## **ATTACHMENT TO NOTICE OF EXEMPTION**

### **Adoption of Recreational and Commercial Groundfish Fishing Regulations**

The California Fish and Game Commission (Commission) took final action on October 14, 2020 under the California Fish and Game Code and the Administrative Procedure Act (APA) with respect to recreational and commercial groundfish fishing 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 the regulations relying on the categorical exemption for “Actions by Regulatory Agencies for Protection of Natural Resources” contained in CEQA Guidelines Section 15307, and the categorical exemption for “Actions by Regulatory Agencies for Protection of the Environment” contained in CEQA Guidelines Section 15308. (California Code of Regulations, Title 14, sections 15307 and 15308)

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

In adopting the groundfish recreational and commercial fishing regulations to conform to federal regulations developed by the Pacific Fishery Management Council at its June 19, 2020 meeting, and adopted by the National Marine Fisheries Service, the Commission relied for purposes of CEQA on the Class 7 and 8 categorical exemptions. In general, both exemptions apply to agency actions to protect natural resources and the environment. The regulations define annual fishing seasons, harvest limits, depth restrictions, daily bag limits and specify methods of take for alignment with enacted federal regulations. The federal regulations are developed with the dual purpose of maintaining optimum recreational and commercial take (yield) while at the same time preventing overfishing and conserving the resource. State conformance with federal regulations is also necessary to avoid federal preemption under the Magnuson-Stevens Fishery Conservation and Management Act (United States Code, Title 16, Subsection 1856 (b)(1)). Because these regulations are intended to protect the sustainability of the fishery as a natural resource, Commission adoption of these regulations is an activity that is the proper subject of CEQA’s Class 7 and 8 categorical exemptions.