

# 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 Fish and Game Commission  
PO Box 942209  
Sacramento, CA 95814

(Address)

Project Title: Recreational Abalone Closure

Project Applicant: N/A

Project Location - Specific:  
State waters north of San Francisco Bay

Project Location - City: Multiple Project Location - County: Multiple

Description of Nature, Purpose and Beneficiaries of Project:  
The proposed project would extend the closure on recreational take of red abalone by five years.

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: 7; 14 CCR 15307
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Category 7 exempts agency actions for the protection of natural resources. The proposed project would prevent the fragile red abalone populations from being exposed to fishing before it can recover (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 D. Miller-Henson Date: 12/15/2020 Title: Executive 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: \_\_\_\_\_

## **ATTACHMENT TO NOTICE OF EXEMPTION Recreational Abalone Closure**

The California Fish and Game Commission (Commission) has taken final action under the Fish and Game Code and the Administrative Procedure Act with respect to the proposed project on December 9, 2020. On August 19, 2020, the Commission noticed its intent to amend Section 29.15 of Title 14 of the California Code of Regulations (“CCR”) that extends the closure on recreational abalone take by five years (California Regulatory Notice Register 2020, September 4, 2020). The Commission held a discussion hearing on October 14, 2020 and adopted the proposed regulations on December 9, 2020.

### **Categorical Exemptions to Protect Natural Resources**

In compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.), the Department adopted the regulation pertaining to recreational abalone fishing on the categorical exemptions contained in CEQA Guidelines Section 15307 (Action by Regulatory Agencies for Protection of Natural Resources). The exemption applies to agency actions to protect natural resources.

The red abalone population in Northern California has been subject to very unfavorable environmental conditions since 2014. The Commission voted to suspend the fishery starting with the 2018 season. The current closure is set to expire on April 1, 2021. Dive surveys conducted by Department staff in 2019 suggests that the stock is in no condition to sustain any fishing pressure in the near future. As such, the proposed regulations would extend the closure by five years. The proposal would help safeguard the fragile red abalone stock, and thus would serve to protect natural resources.