

## Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**From:** (Public Agency): California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

County Clerk, County of:

Project Title: Emergency amendment to Section 28.55, Title 14, CCR, Re: Recreational Sub-Bag limits for Vermilion, Copper and Quillback Rockfishes

Project Applicant: N/A

Project Location - Specific: California coastal waters where groundfish, in particular rockfish (Genus: *Sebastes*) may be fished

Project Location - City: Multiple

Project Location - County: Multiple

Description of Nature, Purpose and Beneficiaries of Project:

The California Fish and Game Commission regularly adopts recreational groundfish fishing regulations to conform to federal regulations. New information in 2021 indicated significant declines in some rockfish stocks off California. On November 21, 2021, the Pacific Fishery Management Council (PFMC) recommended precautionary changes to reduce the current sub-bag limit for vermilion rockfish (*Sebastes miniatus*), and to implement new sub-bag limits for both quillback rockfish (*Sebastes maliger*) and copper rockfish (*Sebastes caurinus*), which are expected to go into effect in federal regulation on or around January 1, 2022. The objective of the proposed emergency amendment is to adjust the sub-bag limits for these species to ensure the state regulations are consistent with PFMC recommendations and federal regulations.

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:  Date: December 16, 2021 Title: Executive Director

Signed by Lead Agency  Signed by Applicant. Date Received for filing at OPR:

December 16, 2021

## **ATTACHMENT TO NOTICE OF EXEMPTION**

RE: Emergency Action to Amend Section 28.55 Rockfish, Title 14, California Code of Regulations.

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 16, 2021. The Commission adopted and noticed an emergency amendment of Section 28.55, Title 14, California Code of Regulations (CCR) to amend the recreational bag limits on vermillion, copper, and quillback rockfish. In compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.), the Commission adopted the regulation relying on the categorical exemption to protect natural resources (CEQA Guidelines, CCR, Title 14, Section 15307 and Section 15308).

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

Class 7 CEQA Guidelines Section 15307, consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Wildlife. Class 8 CEQA Guidelines Section 15308, consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

The proposed emergency regulation would reduce allowable take levels of certain rockfish species in response to new information indicating either a stock decline, or that current harvest levels are too high. Federal regulation expected to go into effect on or around January 1 would similarly reduce take. The Commission routinely adopts regulations for recreational groundfish for consistency with federal regulations. This project will have the overall effect of reducing take of these species, consistent with federal regulations, and is protective of those rockfish species at issue. Therefore, it is the proper subject of CEQA's Class 7 and 8 categorical exemptions.