

ATTACHMENT TO NOTICE OF EXEMPTION

Adoption of Amendments to Sections 165 and 165.5, and Appendix A, and addition of Section 705.1, Title 14, California Code of Regulations (CCR)

Re: Commercial harvest of kelp and other aquatic plants, lease of kelp beds for exclusive harvest of *Macrocystis* and *Nereocystis*, commercial kelp harvesting and drying application, and monthly harvest reports

The California Fish and Game Commission (Commission) has taken final action under the Fish and Game Code and Administrative Procedure Act with respect to the proposed project mentioned on February 16, 2022. In taking its final action for the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, Section 21000 *et seq.*), the Commission adopted the amendments to sections 165 and 165.5, and Appendix A and the addition of Section 705.1 relying on the categorical exemption for “Actions by Regulatory Agencies for Protection of Natural Resources and the Environment” contained in CEQA Guidelines sections 15307 and 15308 [California Code of Regulations (CCR), Title 14, sections 15307, 15308].

Categorical Exemption from California Environmental Quality Act (CEQA) Review

In adopting the amendments to sections 165 and 165.5, and Appendix A, and adding Section 705.1, Title 14, CCR, the Commission relied, for purposes of CEQA, on the Class 7 and 8 categorical exemptions. The exemptions are related to agency actions to maintain and protect natural resources and the environment. The Title 14 amendments imposing bull kelp harvest limits in Del Norte and Humboldt counties and a closure in Mendocino and Sonoma counties, are not expected to lead to any significant increase in other algae take. Therefore, the activity is one that is the proper subject of CEQA’s Class 7 and Class 8 categorical exemptions.