

April 29, 2022

**ATTACHMENT TO NOTICE OF EXEMPTION  
Recreational Clam, Sand Crab and Shrimp Gear Specifications  
(Certificate of Compliance)**

The California Fish and Game Commission (Commission) has taken final action under California Fish and Game Code and the Administrative Procedure Act with respect to the proposed project. On April 20, 2022, the Commission adopted an action to convert emergency regulations to permanent regulations by amending sections 29.05, 29.20 and 29.80 to Title 14 of the California Code of Regulations (CCR). The certificate of compliance make permanent the emergency regulations authorized under OAL #2021-0226-02E and under two re-adoption actions.

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

In compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.), the Commission adopted the regulation by relying on the categorical exemptions contained in CEQA Guidelines, sections 15307 (“Action by Regulatory Agencies for Protection of Natural Resources”) and 15308 (“Action by Regulatory Agencies for Protection of the Environment”) of Title 14, CCR. The exemptions apply to agency actions to protect natural resources and the environment, respectively.

Clammers in Tomales Bay and elsewhere have begun using a type of handheld PVC pump that hydraulically liquefies sand around submerged clams to help facilitate their removal (“clamming”), in particular gaper clams (*Tresus nuttalli* and *T. capax*). The increased interest in clamming and development of the new hydraulic gear has led to a spike in the level of clamming. More importantly, the ease with which clams can be taken using the new hydraulic gear and the difficulties of enforcing existing rules against individuals use such gear have facilitated additional black-market activities. As a result, the Commission took action on February 10, 2021 to temporarily prohibit the use of the gear through an emergency action.

The Commission action through a certificate of compliance process makes permanent the prohibition on the use of hydraulic pumps for the take of clams. The action will stop potential unsustainable take and prevent facilitation of related black-market activities. As such, the proposal is an activity that is the proper subject of CEQA’s Class 7 and 8 categorical exemptions.