

## 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: Re-adopt 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 offshore California. On November 21, 2021, the Pacific Fishery Management Council (PFMC) recommended precautionary changes to reduce the then-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 went into effect in federal regulation on January 1, 2022. The objective of this emergency amendment is to keep in place existing sub-bag limits for these species put in place through emergency regulation to ensure 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:

Title: Executive Director

Signed by Lead Agency  Signed by Applicant

Date Received for filing at OPR:

## **ATTACHMENT TO NOTICE OF EXEMPTION**

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

On August 17, 2022, the California Fish and Game Commission (Commission) took final action under the California Fish and Game Code and the California Administrative Procedure Act with respect to the proposed project. The Commission re-adopted and noticed an emergency amendment of Section 28.55, Title 14, California Code of Regulations (CCR) to amend the recreational bag limits for vermilion, copper, and quillback rockfish. In compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.), the Commission re-adopted the regulation relying on the categorical exemption to protect natural resources (CEQA Guidelines, Section 15307 and Section 15308, Title 14, CCR).

### **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 California 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 maintain reduced 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—which went into effect on January 1, 2022—similarly reduced take. The Commission routinely adopts regulations for recreational groundfish for consistency with federal regulations. This project will have the overall effect of maintaining reduced 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.