

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): California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Project Title: Commercial and Recreational Take of California Spiny Lobster; Recreational Hoop Net Requirements for Take of Crustaceans

Project Applicant: N/A

Project Location - Specific: State ocean waters

Project Location - City: N/A

Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project would amend sections 29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2 and 705, Title 14, California Code of Regulations, to improve implementation of existing management for spiny lobster fisheries and to reduce entanglement risk of protected marine life.

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: Classes 7 and 8; sections 15307 and 15308, Title 14, California Code of Regulations
- 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: 4/20/2023 Title: Executive Director

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

April 20, 2023

ATTACHMENT TO NOTICE OF EXEMPTION

Regulatory Action to Amend Sections 29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2 and 705, Title 14, California Code of Regulations Re: Commercial and Recreational Take of California Spiny Lobster; Recreational Hoop Net Requirements for Take of Crustaceans

At its April 19-20, 2023 meeting, the California Fish and Game Commission (Commission) took final action under the California Fish and Game Code and the Administrative Procedure Act with respect to the proposed project. The Commission adopted an action to amend sections 29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2 and 705, Title 14, California Code of Regulations (CCR).

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 regulations relying on the categorical exemptions contained in CEQA Guidelines, Title 14, sections 15307 (Class 7, Action by Regulatory Agencies for Protection of Natural Resources) and 15308 (Class 8, Action by Regulatory Agencies for Protection of the Environment). The exemptions apply to agency actions to protect natural resources and the environment.

The amendments will improve the enforcement of existing rules that were adopted to help safeguard the sustainability of spiny lobster resources and the surrounding marine ecosystem. For example, prohibiting the use of hoop nets in southern California right before the start of the recreational spiny lobster season helps prevent individuals from taking spiny lobsters before the start of the season. The new start time for the recreational spiny lobster season will help law enforcement more efficiently and safely deploy its resources. Clarifying when spiny lobsters must be measured for recreational anglers and commercial lobster operators, as well as the new marking requirement for commercial lobster receivers will improve enforcement of the minimum size limit and reduce take of undersize lobsters. The new requirements for in-season retrieval of lost traps by commercial operators will reduce trap theft/loss and any associated habitat impact.

Various changes to the use of hoop nets, namely the additional prescription of allowed hoop net configuration and the extension of hoop net marking requirements to northern California, are designed to mitigate entanglement risk for protected marine life. Preventing hoop nets from becoming more trap-like will ensure that anglers continue to actively tend to this gear as opposed to leaving them in the water like they would for traps. The marking requirement will help enforcement officers hold anglers accountable for their gear.

The regulations will help facilitate enforcement of existing rules that were in turn adopted to protect the spiny lobster resource and the surrounding marine environment. The regulations will also aid efforts to reduce entanglement risk for marine life. As such, the action is an activity that is the proper subject of CEQA's Class 7 and Class 8 categorical exemptions.