

Notice of Exemption

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

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

County Clerk County of: N/A

Project Title: Inland Sport Fishing Regulations Updates

Project Applicant: N/A

Project Location: See attachment Project Location: Statewide

Description of Nature, Purpose, and Beneficiaries of Project:

The project makes amendments to sections 7.40 and 7.50, Title 14, California Code of Regulations (CCR), for the 2023 sport fishing regulatory cycle to correct inaccuracies in the current regulations, thereby reducing public confusion and improving regulatory enforcement.

For full project description, see attachment.

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: Class 7, CCR, Title 14, Section 15307
- Statutory Exemptions. N/A

Reasons why project is exempt: See attachment

Lead Agency: California Fish and Game Commission

Contact Person: Melissa Miller-Henson, Executive Director, at (916) 653-4899

Signature:  Date: 10/23/2023

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

ATTACHMENT TO NOTICE OF EXEMPTION
Regulatory Action to Amend Sections 7.40 and 7.50, Title 14, California Code of Regulations, Regarding Inland Sport Fishing Regulations Updates

On October 11, 2023, 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 amendments to subsections 7.40(b)(27) and (b)(79) and subsections 7.50(b)(7) and (b)(47), Title 14, California Code of Regulations (CCR). 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 exemption Class 7 to protect natural resources, Section 15307, Title 14, CCR.

Class 7 Actions by Regulatory Agencies for Protection of Natural Resources

Class 7 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.

Categorical Exemptions to Protect Natural Resources and the Environment

Categorically exempt projects are classes of projects that the California Natural Resources Agency has determined not to have a significant effect on the environment; therefore, these projects are exempt from the requirement to prepare environmental documents (Section 15300, et seq.). The Commission determined, pursuant to Section 15061, that the proposed amendments to sections 7.40 and 7.50, fall within the Class 7 categorical exemption.

The proposed changes to the sport fishing regulations add clarity or correct errors and do not have any significant impact.

- Under current regulation, 7.40(b)(27), the lower portion of Chorro Creek to Morro Bay (San Luis Obispo County) is open to fishing during the steelhead season; however, this portion overlaps with the Morro Bay State Marine Reserve, which does not allow fishing. The boundary of the reserve is the mean high tide line, which the Department proposes as the new fishing boundary, resulting in a reduction of approximately 0.75 miles of Chorro Creek to fishing; about 0.25 miles of the creek will remain open.
- The addition of subsection 7.40(b)(79)(D), which would reference subsection 632(b)(37), clarifies that fishing is not allowed in the Russian River State Marine Recreational Management Area.
- Minor changes to the fishing boundaries described in subsection 7.50(b)(81) for Los Gatos Creek (Santa Clara County) replacing “Camden drop” with “Vasona Lake Dam.” The change protects anadromous fish (fish species which ascend a river to spawn) below the dam and allows for different regulations above the dam where resident trout only are present.
- Delete an error in subsection 7.50(b)(7) for Bear Creek in Shasta and Siskiyou counties. The former regulation for Bear Creek should have been removed in a 2022 rulemaking and is corrected by deletion with this regulatory change.

No Exceptions to Categorical Exemptions Apply

As to the exceptions to categorical exemptions set forth in Section 15300.2, including the prospect of unusual circumstances and related effects, the Commission's review was guided by the California Supreme Court's decision in *Berkeley Hillside Preservation v. City of Berkeley*. The Commission has reviewed all of the available information it possesses relevant to the issue and does not believe adoption of the regulations poses any unusual circumstances that would constitute an exception to the categorical exemptions set forth above. Compared to the activities that fall within Class 7 generally, which include the given example of wildlife preservation activities such as the effort here, there is nothing unusual about the proposed regulations. Therefore, the Commission does not believe that reliance on the Class 7 categorical exemption is precluded by the exceptions set forth in 15300.2.