

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: N/A

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

Project Title: Amend Section 29.06, Title 14, CCR, Re: Recreational Sea Urchin Bag Limit Exemption

Project Applicant: N/A

Project Location - Specific: Caspar Cove, Mendocino County

Project Location - City: N/A

Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

The project will continue to exempt for five more years all recreational purple sea urchin take by hand and hand-held tools in Caspar Cove from any daily bag limit.

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: California Code of Regulations, Title 14, sections 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: 2/26/2024

Title: Executive Director

Signed by Lead Agency Signed by Applicant

Date Received for filing at OPR:

Attachment to Notice of Exemption Regarding Recreational Take of Sea Urchin Bag Limit Exemption

The California Fish and Game Commission (Commission) has taken final action under the California Fish and Game Code and the California Administrative Procedure Act with respect to the proposed project on February 14, 2024. On October 12, 2023, the Commission authorized publication of a notice of intent to amend Section 29.06 to Title 14 of the California Code of Regulations (CCR), and it subsequently adopted the proposed rulemaking on February 14, 2024.

Categorical Exemption for Data Collection, Research, Experimental Management, and Resource Evaluation Activities

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 exemption contained in CEQA Guidelines, Title 14, Section 15306 (Action by Regulatory Agencies for Information Gathering). The exemption applies to agency actions for information gathering and experimental management which do not result in a serious or major disturbance to an environmental resource.

The adopted regulations allow testing the concept of controlling overpopulated sea urchins through recreational diving activities; the regulations extend the existing sunset date to 2029, enabling the experimental management action to continue rather than allowing it to sunset in 2024. By gathering data and information for scientific assessment by the California Department of Fish and Wildlife and its agency partners, the project is designed to lead to the restoration of diminishing kelp forests in central and northern California. As such, the proposal is an activity that is the proper subject of CEQA's Class 6 categorical exemption.

Categorical Exemptions to Protect Natural Resources and the Environment

In compliance with CEQA, the Commission adopted the regulation by also relying on the categorical exemptions contained in CEQA Guidelines, Title 14, sections 15307 (Action by Regulatory Agencies for Protection of Natural Resources) and 15308 (Action by Regulatory Agencies for Protection of the Environment). The exemptions apply to agency actions to assure the maintenance, restoration, and enhancement of natural resources and the environment, respectively.

The regulations will help conserve depleted kelp stands in Caspar Cove, Mendocino County. Restoring the kelp stands will benefit the surrounding ecosystems and the sea life that depends on them, including the vulnerable abalone species. As such, the proposal is an activity that is the proper subject of CEQA's Class 7 and 8 categorical exemptions.

No Exceptions to Categorical Exemptions Apply

Based on review of all available information, the Commission also concluded that the relevant exceptions to categorical exemptions set forth in CEQA Guidelines, subsections (b)-(f) of Section 15300.2, including the prospect of unusual circumstances and related effects, do not apply.

The project presents no risk of cumulative impacts from successive projects of the same type. There is also no reasonable possibility that the extension of the regulation sunset date will have a significant effect on the environment due to unusual circumstances, based on the California Supreme Court's 2015 decision in *Berkeley Hillside Preservation v. City of Berkeley*. Compared to the activities that fall within classes 6, 7 and 8 generally, which include natural resource enhancement activities such as the regulatory effort here, there is nothing unusual about the adopted amendments. In addition, even if there were unusual circumstances, no potentially significant effects on either a project-specific or cumulative basis are expected. The amendments to the regulations are intended to facilitate the enhancement of the kelp forest ecosystem.

There will be no impacts to scenic resources because the project proposes to enhance scenic resources. Also, the proposed project is not located on or near a hazardous waste site, nor will the proposed project cause impacts to the significance of any historic resources.

Therefore, reliance on the classes 6, 7 and 8 categorical exemptions is not precluded by the exceptions set forth in CEQA Guidelines Section 15300.2.