

# 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:

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

Project Title: Amend Sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, and 28.56, Title 14, CCR; Re: Recreational Fishing Regulations for Federal Groundfish for 2024

Project Applicant: N/A

Project Location - Specific: California State Waters

Project Location - City: N/A

Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project will maintain sufficient populations of all species of aquatic organisms to ensure their continued existence and maintain a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport. Specifically, quillback rockfish populations have been designated as overfished by the National Marine Fisheries Service and data collected by the Department revealed that fishing pressure has exceeded sustainable levels. Adoption of scientifically-based groundfish seasons, depth constraints, size limits, and bag and possession limits provides for the maintenance of sufficient populations of quillback rockfish and other groundfish species to ensure their continued existence.

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. 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: March 29, 2024 Title: Executive Director

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

## **Attachment to Notice of Exemption**

### **Recreational Fishing Regulations for Federal Groundfish for 2024**

The California Fish and Game Commission (Commission) has taken final action under the California Fish and Game Code and the Administrative Procedure Act with respect to “Recreational Fishing Regulations for Federal Groundfish for 2024” (proposed project). On December 14, 2023, the Commission authorized publication of its proposal to amend sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, and 28.56, Title 14, California Code of Regulations (CCR), and it subsequently adopted the proposed rulemaking on March 26, 2024.

#### **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 also 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). The exemptions apply to agency actions to assure the maintenance, restoration, and enhancement of natural resources and the environment, respectively.

It is the policy of this state to encourage the conservation, sustainable use, and, where feasible, restoration of California’s marine living resources for the benefit of all citizens of the state (Section 7050, Fish and Game Code). Benefits of the proposed management actions include maintaining consistency with federal law and implementing state recreational groundfish fishery regulations that conform to, or are more restrictive than, federal regulations to ensure that biological and fishery allocation goals are not exceeded and to avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act.

The proposed regulations will preserve fishing opportunity and continue the reasonable and sustainable management of groundfish resources and the protection of listed and special status species. Specifically, quillback rockfish populations have been designated as overfished by the National Marine Fisheries Service, and data collected by the California Department of Fish and Wildlife revealed that fishing pressure has exceeded sustainable levels. Adopting scientifically-based seasons, depth constraints, and recreational bag limits provides for the maintenance of sufficient populations of quillback rockfish and other groundfish to ensure their continued existence. As such, the Commission concluded that 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 Section 15300.2 (b)-(f), including the prospect of unusual circumstances and related effects, do not apply.

The proposed project presents no risk of cumulative impacts from successive projects of the same type. There is also no reasonable possibility that the adoption of the regulation 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 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.

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