

Notice of Exemption

Appendix E

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

From: (Public Agency): CA Fish and Game Commission
PO Box 944209
Sacramento, CA 94244-2090

County Clerk
County of: N/A

(Address)

Project Title: 2020 Recreational Purple Sea Urchin Emergency Rule

Project Applicant: N/A

Project Location - Specific:
State ocean waters west of Caspar Headlands State Beach, Mendocino County (locally known as "Caspar Cove")

Project Location - City: N/A Project Location - County: Mendocino

Description of Nature, Purpose and Beneficiaries of Project:
The proposed project would amend section 29.06 to Title 14, CCR to temporarily allow unlimited recreational take of Purple Sea Urchin inside Caspar Cove, Mendocino Co. The project is designed to test the public's ability to help control urchin population in degraded Northern California kelp forests.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: CA 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: Class 7 & 8; 14 CCR 15307 & 15308
Statutory Exemptions. State code number:

Reasons why project is exempt:
Statutory exemption for emergency action applies to actions taken in response to emergencies. Class 7 and 8 categorical exemptions exempt actions for the protection of natural resources and the environment, respectively. The proposed project qualifies because it is designed to help save the last remaining stands of kelp for the benefit of species dependent on kelp & whole ecosystem in Northern California (See Attachment).

Lead Agency
Contact Person: Melissa Miller-Henson Area Code/Telephone/Extension: (916) 653-7229

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: Melissa Miller-Henson Date: 3/5/20 Title: EXECUTIVE DIRECTOR

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Governor's Office of Planning & Research
Date Received for filing at OPR:

MAR 05 2020

STATE CLEARINGHOUSE

**ATTACHMENT TO NOTICE OF EXEMPTION
2020 Recreational Purple Sea Urchin Emergency Rule**

The California Fish and Game Commission (Commission) has taken final action under the Fish and Game Code and the Administrative Procedure Act with respect to the proposed project on February 21, 2020. On February 21, 2020, the Commission noticed and adopted an emergency action to amend Section 29.06 to Title 14 of the California Code of Regulations (CCR).

**Statutory Exemption for Specific Actions Necessary to Prevent or Mitigate an
Emergency**

In compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.), the Commission adopted the regulation relying on a statutory exemption contained in Public Resources Code Section 21080 (Actions Necessary to Prevent or Mitigate an Emergency). The exemption applies to agency actions to prevent or mitigate an emergency.

A combination of environmental factors has resulted in one of the worst kelp die-offs along northern California coast in recent history. This is accompanied by an explosive growth of purple sea urchins (*Strongylocentrotus purpuratus*) in the region, and the population remains largely unchecked due to decimation of predatory sea stars from disease epidemic occurring in 2013. The lack of kelp recovery is in turn leading to the continued and imminent devastation of northern California kelp forest ecosystem and all its component species, including valuable abalone species.

Previous attempts at controlling the population has not been successful, and the region is at risk of losing its remaining kelp stands. The proposed regulatory action would temporarily allow recreational divers to take any number of purple sea urchins underwater for the purpose of controlling the population within the area commonly known as Caspar Cove, Mendocino County (seaward of Caspar Headlands State Beach). Because the regulation is intended to prevent complete loss of kelp in an important but fragile ecosystem, Commission adoption of the regulation is an activity that is the proper subject of the statutory exemption.

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 protect natural resources and the environment, respectively.

The proposed regulation would help restore kelp in Caspar Cove and preserve crucial spore banks in the North Coast. Positioning the area to quickly recover its kelp patches would benefit and help restore the whole ecosystem including fragile and valuable